

PLANNING COMMITTEE

AGENDA



Wednesday 15th December 2021

at 10.00am

in the Council Chamber,
Civic Centre, Hartlepool.

A limited number of members of the public will be able to attend the meeting with spaces being available on a first come, first served basis. Those wishing to attend the meeting should phone (01429) 523568 or (01429) 523019 by midday on Tuesday 14th December and name and address details will be taken for NHS Test and Trace purposes.

“You should not attend the meeting if you are required to self-isolate or are displaying any COVID-19 symptoms (such as a high temperature, new and persistent cough, or a loss of/change in sense of taste or smell), even if these symptoms are mild. If you, or anyone you live with, have one or more of these symptoms you should follow the NHS [guidance on testing](#)”

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Cook, Elliott, Fleming, Harrison, Little, B Loynes, D Loynes, 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 17th November 2021 – to follow

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Place Management)*

- | | | |
|----|-------------|--|
| 1. | H/2021/0372 | Land South of High Tunstall, Elwick Road (page 1) |
| 2. | H/2021/0386 | Unit 4 (Former Schooner PH), Warrior Drive (page 33) |
| 3. | H/2021/0354 | Vacant Land at the Fens, Hart Village (page 47) |
| 4. | H/2021/0468 | 63 Grange Road (page 73) |

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

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

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

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at Southbrooke Farm, Summerhill Lane - *Assistant Director (Place Management)*
- 5.3 Enforcement Notice Appeal at 213 Wynyard Road – *Assistant Director (Place Management)*
- 5.4 Appeal at 28 Chichester Close, Hartlepool - *Assistant Director (Place Management)*
- 5.5 Appeal at 65 Spalding Road, Hartlepool - *Assistant Director (Place Management)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

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 the morning of the Next Scheduled Meeting on Wednesday 19th January 2022



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17th November 2021

The meeting commenced at 10.00am in the Civic Centre, Hartlepool

Present:

Councillor: Mike Young (In the Chair)

Councillors: Moss Boddy, Paddy Brown, Jennifer Elliott, Tim Fleming,
Brenda Harrison and Sue Little

In accordance with Council Procedure Rule 4.2 Councillor V Nicholson was in attendance as substitute for Councillor Cook and Councillor D Nicholson was in attendance as substitute for Councillor Stokell.

Officers: Kieran Bostock, Assistant Director (Place Management)
Jim Ferguson, Planning and Development Manager
Dan James, Planning (DC) Team Leader
Zoe Craig, Environmental Health Manager (Environmental Protection)
Tim Wynn, Strategic Asset Manager
Amy Waller, Principal Housing Officer (Place)
Stuart Edwards, Flood Risk Officer
Ryan Cowley, Senior Planning Officer
Nick Robertson, Planning Officer
Alex Strickland, Legal Representative
Jo Stubbs, Democratic Services Officer

54. Apologies for Absence

Apologies were submitted by Councillors Rob Cook, Dennis Loynes, Brenda Loynes and Cameron Stokell.

55. Declarations of interest by members

Councillor David Nicholson confirmed that he had pre-determined his decisions on planning applications H/2021/0315 and H/2021/0343 (Land at Lynn Street, Whitby Street, Surtees Street) and would leave during consideration of these items.

Councillor Jennifer Elliot declared an interest in planning application H/2021/0366 (26 Kesteven Road) – minute 57 refers

56. Confirmation of the minutes of the meeting held on 20th October 2021

Minutes confirmed.

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

Number:	H/2021/0315
Applicant:	AMY WALLER VICTORIA ROAD HARTLEPOOL
Agent:	ID PARTNERSHIP NORTHERN CAROLE INMAN ST JUDE'S BARKER STREET SHIELDFIELD NEWCASTLE UPON TYNE
Date received:	09/08/2021
Development:	Demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping.
Location:	LAND AT LYNN STREET, WHITBY STREET, SURTEES STREET HARTLEPOOL

Councillor David Nicholson left the meeting

A member noted the objections which had been submitted by nearby businesses and asked if any reassurance had been given to them. The Senior Planning Officer confirmed that officers were satisfied there were no access issues. Highways had also looked at the parking concerns and were happy with the situation.

The Strategic Asset Manager urged members to support the application which would remove a number of incompatible uses and deliver new affordable rented homes including a number of bungalows. £3.68 million in Government grant funding had been given for the development and Historic England were fully supportive of the demolition of the former Market Hotel despite its status as a listed building. The proximity and separation distances of the housing had been carefully considered and Highways were happy with the proposed design.

Members were supportive of the proposals which would regenerate the area and bring a number of disused buildings back into use. They were disappointed at the demolition of a listed building but acknowledged the efforts which had been made by officers to bring it back into its preferred use and felt some pragmatism was needed in this situation. Members approved the application by a majority.

Decision: **Planning Permission Approved subject to securing developer contributions towards HRA ecological financial mitigation (£16,800.00) for indirect adverse impacts on SPA feature birds through recreational disturbance and subject to the following planning conditions.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;

100 Rev P1 (Site Location Plan)

101 Rev P1 (Existing Site Plan)

received 9th July 2021 by the Local Planning Authority;

402 Rev P4 (Proposed and Existing Site Sections)

401 Rev P4 (Proposed and Existing Site Sections)

104 Rev P4 (Proposed Site Plan - Ground Floor Plans)

301 Rev P4 (Streetscene Elevations)

received 13th October 2021 by the Local Planning Authority;

LSH L001 Rev D (Planting Layout Drawing 01)

LSH L002 Rev D (Planting Layout Drawing 02)

received 21st October 2021 by the Local Planning Authority;

102 Rev P5 (Proposed Site Plan)

103 Rev P5 (Proposed Site Pan - Coloured)

105 Rev P5 (Proposed Site Plan - Housetypes Identified)

107 Rev P5 (Incidental Open Space & Green Infrastructure Plan)

Housetype Booklet (October 2021) Revision P5

received 22nd October 2021 by the Local Planning Authority.

106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan)

received 25th October 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. Prior to the commencement of demolition, a Demolition Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the demolition phases, effectively control dust emissions from the demolition and site remediation, this shall address earth moving activities, control and treatment of stock piles, parking for use during demolition and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of vehicles prior to the opening of the site. There shall be no open burning permitted at any time on site. Thereafter the demolition shall be carried out in accordance with the agreed scheme.

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

4. Prior to the commencement of development (excluding any demolition works), a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions, site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways, roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. There shall be no open burning permitted at any time on site. Thereafter the development shall be carried out in accordance with the agreed scheme.

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

5. Prior to the commencement of development (excluding any demolition works), details of the existing and proposed levels of the site including the finished floor levels of the buildings to be demolished and erected, and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

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

6. Notwithstanding the provision of condition 21, no development (excluding any demolition works) shall take place until a detailed design and associated management and maintenance plan of surface water drainage for the site based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development has been submitted to and approved in writing by the Local Planning Authority. The surface water drainage design shall demonstrate that the surface water runoff generated during rainfall events up to and including the 1 in 100 years rainfall event, to include for climate change and urban creep where applicable, will be a minimum of 50% less than the demonstrable run-off from the site prior to the proposed development following the corresponding rainfall event (subject to minimum practicable flow control). The approved drainage system shall be implemented in accordance with the approved detailed design prior to completion of the development. The scheme shall demonstrate that the surface water drainage system(s) are designed in accordance with the standards detailed in Tees Valley SuDS Design Guide and Local Standards (or any subsequent update or replacement for that document).

To prevent the increased risk of flooding; to ensure the future maintenance of the sustainable drainage system, to improve and protect water quality and improve habitat and amenity.

7. Prior to the commencement of development (excluding any demolition works), a detailed scheme for the disposal of foul water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

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

1. Site Characterisation

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

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

(ii) an assessment of the potential risks to:

- a. human health,
- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- c. adjoining land,
- d. groundwaters and surface waters,
- e. ecological systems,
- f. archeological sites and ancient monuments;

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme shall be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

9. A) No development (including any demolition works) shall take place/commence until a programme of 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 part (A).

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

To record and advance understanding of the significance of the heritage asset, in accordance with paragraph 205 of the NPPF.

10. No development (including any demolition works) shall commence unless and until a scheme for offsite compensation ("the scheme") to ensure that the approved development provides a biodiversity net gain has been submitted to and agreed in writing by the Local Planning Authority. The net biodiversity impact of the development, including the offsite compensation, shall be measured in accordance with the biodiversity metric 3.0. The scheme shall include:

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

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

To provide biodiversity net gain in accordance with paragraphs 8, 174, 179 of the NPPF and policy NE1 of the Local Plan.

11. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the provision of bat boxes to be installed integral to the completed dwellings, including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied unless the bat features have been installed. The bat boxes shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter.

To compensate for the loss of low conservation status bat roosts.

12. Prior to the commencement of development above ground level on site (excluding any demolition works), final details of the proposed 2.4 metre high acoustic fence to be erected along the far eastern boundary of the site, as indicated on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour, exact location/extent and any variations in height along its full length. The development shall be implemented in accordance with the agreed details prior to commencement of the use of the development hereby approved and shall remain in place for the lifetime of the development.

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

13. Notwithstanding the submitted information and prior to commencement of development above ground level on site (excluding any demolition works), details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples (or high quality photographs) 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.

14. Prior to commencement of development above ground level on site (excluding any demolition works), a scheme for the provision, long term maintenance and management of all landscaping within the site shall be first submitted to and agreed in writing with the Local Planning Authority. The landscaping, tree, shrub and hedge planting shall be implemented in accordance with the following plans and details; LSH L001 Rev D (Planting Layout Drawing 01), LSH L002 Rev D (Planting Layout Drawing 02) received 21st October 2021 by the Local Planning

Authority. Thereafter the development hereby approved shall be carried out and maintained in accordance with the agreed scheme, for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the dwelling(s) or completion of the development, whichever is the sooner. Any trees, plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity and to compensate for those trees lost to the development.

15. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme setting out final details of energy efficiency measures and renewable energy provision (including the siting, size and design of solar PV equipment, where provided), shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be in general conformity with the submitted Energy Statement (section 7, page 38 of the submitted Planning Statement) received 9th July 2021 by the Local Planning Authority, unless a suitable alternative scheme is otherwise agreed in writing with the Local Planning Authority. The agreed energy efficiency measures and renewable energy provision shall thereafter be implemented in accordance with the approved scheme.

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

16. Prior to the commencement of development above ground level on site (excluding any demolition works), a scheme for the obscure glazing and restricted opening of the following proposed windows (plot numbers as identified on plan 102 Rev P5 (Proposed Site Plan) received 22nd October 2021 by the Local Planning Authority) shall be first submitted to and approved in writing by the Local Planning Authority;

Plot 02 - 1no. first floor north facing front elevation master bedroom window.

Plot 04 - 1no. ground floor south facing side elevation kitchen / dining window and 1no. first floor south facing side elevation landing window.

Plot 05 - 1no. ground floor north facing side elevation kitchen / dining window and 1no. first floor north facing side elevation landing window.

Plot 07 - 1no. ground floor west facing side elevation kitchen / dining window and 1no. first floor west facing side elevation landing window.

Plot 09 - 1no. ground floor east facing side elevation kitchen / dining window and 1no. first floor east facing side elevation landing window.

Plot 30 - 1no. ground floor south facing side elevation bathroom window.

Plot 31 - 1no. ground floor north facing side elevation bathroom window.

Plot 36 - 1no. ground floor west facing side elevation kitchen / dining window and 1no. first floor west facing side elevation landing window.

Plot 43 - 1no. ground floor north facing side elevation kitchen / dining window and 1no. first floor north facing side elevation landing window.

Plot 44 - 1no. second floor west facing rear elevation bedroom window

Plot 48 - 1no. ground floor north facing front elevation W/C window, 1no. first floor north facing front elevation bedroom window, 2no. second floor north facing front elevation bedroom windows.

The windows shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. The windows shall typically be fixed (to prevent opening) or restricted to 30-degree opening, unless otherwise agreed. 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 the occupants of neighbouring properties and future occupiers.

17. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

In the interests of visual amenity and to accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management, to prevent the increased risk of flooding, and to ensure future maintenance of the surface water drainage system.

18. Prior to the first occupation of the dwellings hereby approved, final details for the incorporation of the existing iron work decorative sign of

the former Market Hotel into the north facing elevation of plot 48, as shown in the Housetype Booklet (October 2021) Revision P5 (plan 708 Rev P3 - Housetype 5a) received 22nd October 2021 by the Local Planning Authority, or such other suitable location as may be agreed, shall be submitted to and approved in writing by the Local Planning Authority. The sign shall thereafter be installed in accordance with the approved details and retained for the lifetime of the development.

In the interests of visual amenity and as a means of making the significance of the heritage asset publicly available

19. Prior to the first occupation of the dwellings hereby approved, final details of the proposed interpretation panel(s) to the north-east of the Market Hotel Site, as shown on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, or such other suitable location as may be agreed, shall be submitted to and approved in writing by the Local Planning Authority. The interpretation panel(s) shall thereafter be installed in accordance with the approved details and retained for the lifetime of the development.

In the interests of visual amenity and as a means of making the significance of the heritage asset publicly available

20. The boundary enclosures hereby approved shall be installed in accordance with the following plans and details; 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, prior to the first occupation of the dwellings hereby approved.

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

21. The development hereby approved shall be carried out in accordance with the submitted Flood Risk Assessment (dated March 2021) received 9th July 2021 by the Local Planning Authority.

For the avoidance of doubt and to prevent the increased risk of flooding.

22. The development hereby approved shall be carried out in accordance with the sound insulation treatments laid out in table 1 and figure 1 of the submitted Noise Impact Assessment (8987.1 Revision A dated 21st May 2021) received 9th July 2021 by the Local Planning Authority.

For the avoidance of doubt and in the interests of the amenity of future occupiers.

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

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

24. The demolition of the Lynn Street Council Depot (Site B) shall take place outside of the bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check within 48 hours prior to the relevant works taking place and provided written confirmation that no birds will be harmed. Any such written confirmation should be submitted to the local planning authority, prior to the work being carried out.

In the interests of breeding birds.

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

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

26. 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), other than the approved boundary enclosures shown on plan 106 Rev P6 (Proposed External Finishes and Boundary Treatments Plan) received 25th October 2021 by the Local Planning Authority, no fences, gates, walls or other means of enclosure shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of neighbouring properties and future occupiers and to safeguard the visual amenity of the development and the character of the surrounding area.

27. The dwellings hereby approved shall be used as C3 dwellinghouses and not for any other use, including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

For the avoidance of doubt and to allow the Local Planning Authority to retain control of the development.

The Committee considered representations in relation to this matter.

Number: H/2021/0343

Applicant: AMY WALLER VICTORIA ROAD HARTLEPOOL

Agent: ID PARTNERSHIP NORTHERN CAROLE INMAN
ST JUDE'S BAKER STREET SHILDFIELD
NEWCASTLE UPON TYNE

Date received: 09/08/2021

Development: Listed Building Consent for demolition of existing buildings (incl. former Market Hotel, Lynn Street Council depot and former Drug Rehabilitation Centre) and erection of 48no. dwellings with associated access, infrastructure, and hard and soft landscaping.

Location: LAND AT LYNN STREET, WHITBY STREET,
SURTEES STREET HARTLEPOOL

Members approved the application unanimously.

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 approved shall be carried out in accordance with the following approved plan(s) and details;

100 Rev P1 (Site Location Plan)
101 Rev P1 (Existing Site Plan)

received 9th July 2021 by the Local Planning Authority;

For the avoidance of doubt.
3. A) No development (including any demolition works) shall take place/commence until a programme of 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 part (A).
- C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under part (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To record and advance understanding of the significance of the heritage asset, in accordance with paragraph 205 of the NPPF.

Councillor David Nicholson returned to the meeting

Number:	H/2021/0346
Applicant:	MR JONOTHAN HALFPENNY LUPTON TOWER LUPTON
Agent:	MISS KATHARINE MORGAN CUSHMAN & WAKEFIELD ST PAULS HOUSE 23 PARK SQUARE LEEDS
Date received:	26/07/2021
Development:	Change of use from residential (use class C3) to a care home (use class C2) for up to 5 young people and the erection of a single storey education building, with associated parking provision, amendments to access and hard and soft landscaping.
Location:	THE GROVE DALTON PIERCY ROAD DALTON PIERCY HARTLEPOOL

The Applicants addressed the Committee and answered questions. The representative advised that the proposals had been arrived at following discussions with the Council's planning department using appropriate materials in a peaceful rural location. All consultations had been positive. The Regional Manager for NE Care detailed the organisation's experience in operating this kind of establishment which would provide accommodation and on-site education for 5 SEN children. The premises would be staffed 24/7 and provide a relaxed family atmosphere designed to be therapeutic. They urged members to support the application.

Members were supportive of the application. They expressed the hope that children from Hartlepool would be given priority. A member requested assurances that the rear garden of the property would be maintained. The Senior Planning Officer confirmed that provision for on-site ecology was included within the planning conditions and the Council's Arboricultural Officer was happy with the proposals. The application was approved by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details;
21.012(9-)007 Revision A (Site Location Plan)
21.012(9-)009 (Existing Site Layout Plan),
21.012(2-)004 (Proposed Elevations),
21.012(2-)05 Revision B (Proposed Plans and Elevations of New Teaching Building),
21.012(2-)002 Revision B (Existing and Proposed Plans of Main House),
21.012(2-)003 (Existing Elevations),
received 26th July 2021 by the Local Planning Authority;
21.012(9-)012 Revision A (Site Layout Plan)
received 4th October 2021 by the Local Planning Authority.
For the avoidance of doubt.

3. The external finishing materials used for the external alterations to the existing building hereby approved shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

4. Prior to the commencement of development on the new teaching building hereby approved, details of all external finishing materials (including finished colours) shall be submitted to and approved by the Local Planning Authority, samples (or high quality photographs) 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.

5. Prior to the commencement of development, a detailed scheme for the disposal of surface water from the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

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

6. Prior to the commencement of development, full details of the existing and proposed levels across the site, including the finished floor levels of the building(s) to be erected, the levels in the vicinity of the site boundaries and the height of any proposed mounding or earth retention measures, shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with policy QP4 of the Hartlepool Local Plan 2018.

7. No development shall take place (including any demolition, ground works, site clearance) until a method statement for the protection of water voles from construction related activities has been submitted to and approved in writing by the local planning authority. Where it is feasible to maintain a 5 m exclusion zone from all parts of the watercourse the method statement shall describe protective fencing and warning signs sufficient to visually identify the exclusion zone. Where a 5 m exclusion zone cannot be maintained the method statement shall include the results of a survey for water voles, together with any avoidance, mitigation or compensation measures, as appropriate. The method statement shall identify whether a protected species license is necessary to regularise works within 5 m of the watercourse. The content of the method statement shall include the:

- a) purpose and objectives for the proposed measures;

- b) detailed design(s) and/or working method(s) necessary to achieve stated objectives (including, where relevant, type and source of materials to be used);
- c) extent and location of proposed measures shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed construction program;
- e) persons responsible for implementing the works;
- f) initial aftercare and long-term maintenance (where relevant).

The works shall be carried out strictly in accordance with the approved details and any protective measures maintained throughout the construction program.

In the interests of preventing disturbance or damage to water voles or water vole burrows.

8. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved, a detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall include compensation for the loss of 10no. trees on site, including but not limited to native species. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the completion of the development. Any trees, plants or shrubs which 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, for the lifetime of the development hereby approved.

In the interests of visual amenity and to provide ecological compensation.

9. Notwithstanding the submitted details and prior to the first occupation of the development hereby approved, full details of all new walls, fences and other means of boundary enclosure, including size, siting and finishing materials, shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details prior to the occupation of the buildings.

In the interests of visual amenity and highway safety.

10. The development hereby approved shall not be occupied until the 2.4 x 45 metre sight lines / visibility splays in both directions, as shown on drawing 21.012(9)-012 Revision A (Site Layout Plan) received 4th October 2021 by the Local Planning Authority, have been implemented and vehicular access to the highway has been made, in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. Thereafter the agreed scheme shall be retained for the lifetime of the development. Any landscaping or vegetation within the approved sight lines / visibility splays shall be no higher than 1.05 metres to facilitate the sight lines, which shall be maintained for the lifetime of the development.

In the interest of highway safety.

11. Notwithstanding the submitted details and prior to the laying of any hard surfaces, final details of proposed hard landscaping and surface finishes shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details, confirming materials, colours, finishes and fixings. Permeable surfacing shall be employed for hardstanding areas where possible, to provide additional attenuation storage. The agreed scheme shall be implemented prior to the first occupation of the development hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

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.

12. No external lighting shall be installed until details of all external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of ensuring lighting is minimised to avoid harm to foraging bats

13. The development hereby approved shall be carried out in accordance with the approved details and particulars as set out in the supporting Arboricultural Assessment Rev A, dated July 2021, (incl. associated plans and details) received 26th July 2021 by the Local Planning Authority, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels

within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting trees and other planting that is worthy of protection in the interests of visual amenity and conserving the natural environment.

14. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season (March to August inclusive), unless a competent ecologist has undertaken a careful, detailed check within 48 hours prior to the relevant works taking place and provided written confirmation that no birds will be harmed. Any such written confirmation should be submitted to the local planning authority, prior to the work being carried out.

In the interests of breeding birds.

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

To ensure that any site contamination is addressed.

16. Construction works for the education building hereby approved shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

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

17. 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 new teaching building hereby approved shall not be extended or

externally altered 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 visual amenity, the amenities of the occupants of the adjacent residential properties and highway safety.

18. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting those Orders with or without modification), the site to which this application relates (within the red line as shown on plan 21.012(9-)007 Revision A (Site Location Plan) received 26th July 2021 by the Local Planning Authority) shall be used as a care home (use class C2) for up to 5 young people only, and for no other use(s) within The Town and Country Planning (Use Classes) Order 1987 (as amended), without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and highway safety.

19. The proposed new teaching building, as shown on plan 21.012(9-)012 Revision A (Site Layout Plan) received 4th October 2021 by the Local Planning Authority, shall be and shall remain ancillary to the use of the main building as a care home (use class C2), shall serve the occupants of the care home only, and shall not be subdivided in any way or otherwise used as a separate teaching space or school for use by the general public.

For the avoidance of doubt and to enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and highway safety.

The Committee considered representations in relation to this matter.

Number:	H/2021/0281
Applicant:	MRS HAYLEY MARTIN PARKLANDS WAY HARTLEPOOL
Agent:	MRS HAYLEY MARTIN 13 PARKLANDS WAY HARTLEPOOL
Date received:	17/08/2021
Development:	

Erection of a single storey and two storey extension to the side and alterations to existing single storey front extension.

Location: 13 PARKLANDS WAY HARTLEPOOL

Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

To clarify the period for which the permission is valid.

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

13PW - 0621 - 001 (Location Plan),

13PW -0621-004 (Existing Plans & Elevations)

received 14th June 2021 by the Local Planning Authority;

13PW-0621-002 (Existing Site Plan),

13PW - 0621 - 007 (Existing & Proposed North West Gable Elevation)

received 4thh August 2021 by the Local Planning Authority;

13PW - 0621 - 003A (Proposed Site Plan AS AMENDED),

13PW - 0621 - 005C (Proposed Plans & Elevations AS AMENDED),

13PW - 0621 - 006A (Existing & Proposed South East Gable Elevations AS AMENDED)

received 21st October 2021 by the Local Planning Authority.

For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing dwellinghouse, unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

4. Prior to the commencement of development above ground level on the proposed extension hereby approved, full details (including the exact location, specification and design) of a minimum of 1no. integral bat

box to be installed within the new extension shall be submitted to and approved in writing by the Local Planning Authority. The extension shall not be brought into use unless the bat box has been installed. The bat box shall be installed strictly in accordance with the details so approved and shall be maintained as such thereafter for the lifetime of the development.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and Section 15 of the National planning Policy Framework.

Number:	H/2020/0233
Applicant:	MR G CRACKNELL THE PADDOCK ELWICK HARTLEPOOL
Agent:	VICKERS & BARRASS CHARTERED SURVEYORS MRS CHARLOTTE NEWTON 3 SOUTH STREET CROOK
Date received:	21/09/2020
Development:	Change of use of agricultural building and land to equestrian use as part of a DIY livery (retrospective application)
Location:	MARTINDALE FARM THE PADDOCK ELWICK HARTLEPOOL

This was a retrospective application. The Agent advised that this was a modest development of an appropriate scale to the existing buildings with no change to the external view. Discussions were ongoing with the Council regards provision of an access road. The proposal would support the diversification of the holding. The development had begun in 1998 and was completed in 2015. A member commented that the lack of complaints since that time suggested that the development had not caused a great deal of nuisance. The application was approved by a majority.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 291/01 Rev- (Existing block plan), 291/03 Rev- (Existing Ground floor plan), 291/04 Rev- (Existing elevations), 291/05 Rev A (Proposed Ground floor plan), 291/06 Rev- (Proposed

elevations) and details received by the Local Planning Authority on 18/08/2020 and Site Location Plan (Plotted Scale 1:6000) received by the Local Planning Authority on 21/09/2020 and cross section of proposed outdoor riding arena (not to scale) received by the Local Planning Authority on 08/07/2020.

For the avoidance of doubt.

2. 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 stable block hereby approved shall not be converted, extended, sub-divided or altered in any way.

To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the surrounding area.

3. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the general public to the site shall be held at any time at the site.

To ensure that the site operates in a way which will not be detrimental to the amenities of the area and highway safety.

4. No fixed jumps shall be erected at the site.

In the interest of visual amenity of the area.

5. No floodlight(s) of any type shall be used or erected at the site unless in accordance with details first agreed in writing by the Local Planning Authority.

In the interests of the amenities of the area.

6. No Tannoy of any type shall be used or erected at the site.

In the interests of the amenities of the area.

7. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the visual amenities of the area.

8. Within 4 months of the date of this decision, a scheme for two surface mounted bat boxes to be installed at eaves level on the southern elevation of the stable block shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the approved details within 4 months from the written agreement of the Local Planning Authority.

To ensure the development provides an ecological enhancement in accordance with policy NE1 and NPPF.

The Committee considered representations in relation to this matter.

Number: H/2021/0366

Applicant: MR ALBERT BARWICK KESTEVEN ROAD
HARTLEPOOL

Agent: MR ALBERT BARWICK 26 KESTEVEN ROAD
HARTLEPOOL

Date received: 02/09/2021

Development: Relocated boundary fence (approx height 1.8m)
along boundary (retrospective application)

Location: 26 KESTEVEN ROAD HARTLEPOOL

Councillor Jennifer Elliot declared an interest as the application was located within her ward.

This was a retrospective application. Members were supportive of the recommendation to refuse permission as they felt the fence was inappropriate given the open-plan nature of the area. They refused the application by a majority.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, would constitute an unsympathetic and visual intrusive form of development, resulting in a detrimental visual impact on the character and appearance of the area, contrary to Policies NE2 and QP4 of the Hartlepool Local Plan (2018) and paragraph 132 of the NPPF (2021).
 2. In the opinion of the Local Planning Authority, the proposed development by virtue of its design, scale and siting, has a detrimental impact on highway safety, in particular in respect to vehicles egressing the driveway of the neighbouring property (24 Kesteven Road) contrary to Policy QP5 of the Hartlepool Local Plan (2018).
-

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

Members were given information regards 11 ongoing investigations and 9 which had been completed.

Decision

That the report be noted.

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

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

Minute 60 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

60. Enforcement Action (*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 (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under which or by virtue of which requirements are imposed upon a person or (b) to make an order or direction under any enactment.

Members were asked whether they wished to authorise enforcement action. Further details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes

The meeting concluded at 11:20am.

CHAIR

No: 1.
Number: H/2021/0372
Applicant: C/O LICHFIELDS SAINT NICHOLAS STREET
 NEWCASTLE UPON TYNE NE1 1RF
Agent: LICHFIELDS JOSH WOOLLARD THE ST NICHOLAS
 BUILDING ST NICHOLAS STREET NEWCASTLE
 UPON TYNE NE1 1RF
Date valid: 09/09/2021
Development: Section 73 application to vary condition 1 (approved
 plans) of planning permission H/2020/0048 (for approval
 of reserved matters relating to the erection of 162 no.
 residential dwellings pursuant to outline planning
 permission H/2014/0428) to allow for house type
 substitutions and associated amendments.
Location: LAND SOUTH OF HIGH TUNSTALL ELWICK ROAD
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

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

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

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

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

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

H/2020/0048 – Planning permission was granted on 6th November 2020 for the approval of reserved matters relating to access, appearance, landscaping, layout and scale for the erection of 162 no. residential dwellings and associated engineering works pursuant to outline planning permission H/2014/0428 (phase 1a).

H/2020/0459 - A Section 96A ('non-material amendment') application to reserved matters planning permission H/2020/0048 to allow for plot swaps, shifting of detached garages, changes to plot boundary lines, shifting of dwellings/plots, omission of substation and associated minor alterations to hard and soft landscaping and boundary treatments was granted approval on 3rd March 2021.

1.5 The current application under consideration (H/2021/0372) is for further amendments to the above reserved matters approval (H/2020/0048) in respect of the phase 1a. This first phase of the development therefore remains bound by any conditions and obligations applied to the outline planning permission, in so far as they relate to this phase.

OTHER PLANNING APPLICATIONS WITHIN THE LOCAL PLAN 'HIGH TUNSTALL STRATEGIC HOUSING SITE' AREA (POLICY HSG5)

H/2015/0551 – A hybrid planning application was made valid on 22nd January 2016 for the erection of up to 153 dwellings (in detail) and up to 55 self-build dwellings (in outline, all matters reserved), a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works on land South of Elwick Road, High Tunstall. This application was located in the same area as the current reserved matters application under consideration. The application was reported to

Planning Committee on 9th May 2018 when Members were ‘minded to approve the application subject to the completion of a s106 legal agreement. However the application was subsequently withdrawn on 23rd November 2018.

OTHER RELEVANT PLANNING APPLICATIONS WITHIN THE VICINITY OF THE APPLICATION SITE

Quarry Farm Phase 1

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

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

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

Quarry Farm Phase 2

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

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

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

H/2020/0378 – A Section 73 application to vary approval H/2020/0104 including house type substitutions and amendments to site layout and landscaping was granted on 5th May 2020.

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

H/2020/0387 - Outline application with all matters reserved, except for access, for residential development comprising up to 475 dwellings, and including a local centre comprising retail (400sqm) and business incubator units (1150sqm), and associated infrastructure, application pending consideration. The application is known as Quarry Farm phase 3.

PROPOSAL

1.8 This Section 73 application seeks consent for amendments to reserved matters planning permission H/2020/0048 (detailed above), to allow for house type substitutions and associated amendments.

1.9 The applicant for the previously approved reserved matters applications was Story Homes, with the previously approved layout of the site comprising Story Homes house types exclusively. This application however seeks to replace all of the approved house types with those of the current applicant, Duchy Homes, to reflect a change in housebuilder. The amended house types will remain two storey in scale however, and are of a similar form and appearance. The house type mix is proposed to change from 30no. 3-bed, 105no. 4-bed and 27no. 5-bed dwellings to 36no. 3-bed and 136no. 4-bed dwellings.

1.10 In addition to house type substitutions, there are minor amendments proposed to plot layouts, including slightly larger or smaller areas of hard and soft landscaping in places, to accommodate the changes in house types, and bin stores in some areas have been relocated. Notwithstanding this, the overall layout of the site (i.e. arrangement of roads, footpaths, public spaces) will remain largely as approved.

1.11 The proposals also include the provision of an additional SUDS attenuation pond and short section of footpath within the centre of the site. The proposed plans were amended by the applicant during the course of the application to include the additional SUDS pond. Final details of drainage however are secured by planning condition on the outline planning permission for the site.

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

SITE CONTEXT

1.13 The application site relates to an approx. 11 hectare parcel of land to the south of Elwick Road. The site is primarily agricultural land serving the existing High Tunstall farm (east of the site boundary) with some ancillary outbuildings. Beyond the farm buildings to the east are existing residential properties and a primary school. A site is currently under construction for the erection of 39 dwellings on land off Coniscliffe Road to the south east.

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

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

PUBLICITY

1.16 The application has been advertised by way of neighbour letters (276). To date, there have been 5 objections.

1.17 The concerns raised can be summarised as follows:

- Impact on highway and pedestrian safety / increased traffic
- Existing infrastructure not sufficient
- Elwick bypass must be complete before development
- Loss of privacy for neighbours (incl. through overlooking)
- Loss of amenity for neighbours (incl. through increased noise and disturbance)
- Loss of green space
- Impact on wildlife
- Lack of need for large scale housing development
- Loss of views
- Loss of walking routes
- Development is too large
- Antisocial behaviour from shops
- Link road to Catcote Road is inappropriate
- Loss of agricultural land
- Loss of Green Belt
- Lack of education provision
- Construction disruption and traffic
- Connection to Coniscliffe Road is unclear

1.18 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=148184>

1.19 The period for publicity has expired.

CONSULTATIONS

1.20 The following consultation replies have been received:

HBC Public Protection – There are no Public Protection concerns with the proposed house type substitutions and associated amendments.

I have no objection.

UPDATE 23/11/21: I would have no objections to the amended application.

HBC Traffic & Transport – There are no highway or traffic concerns with the proposed amendments and house type changes.

UPDATE 26/11/21: There are no highway concerns with the proposed amendments

National Highways (formerly Highways England) – Regarding the above consultation H/2021/0372, I understand that it is a variation to a condition on the Reserved Matters Application H/2020/0048. National Highways generally comment at Outline stage and so our only comment here would be to ensure that our conditions on the outline application H/2014/0428 are implemented including those transferred from the now-withdrawn application H/2015/0551.

HBC Engineering Consultancy – In response to your consultation on the above application we have no comments to make in respect of proposals to vary approved plans of the reserved matters application H/2020/0048.

UPDATE 30/11/21: We have no objection to the above application (proposals to vary condition 1 of decision H/2020/0048 to discharge reserved matters of decision H/2014/0428). Further information will be required to demonstrate a surface water management scheme will work however this will be addressed for the discharge of condition 18 of decision H/2014/0428.

Environment Agency – No representation received.

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

It should also be noted that, following the transfer of private drains and sewers in 2011, there may be assets that are the responsibility of Northumbrian Water that are not yet included on our records. Care should therefore be taken prior and during any construction work with consideration to the presence of sewers on site. Should you require further information, please visit <https://www.nwl.co.uk/services/developers/>

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

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted documents entitled "Engineering Layout Sheet 1," "Engineering Layout Sheet 2," "Engineering Layout Sheet 3," "Engineering Layout Sheet 4" and "Engineering Layout Sheet 5". In these documents it states the foul flows shall ultimately

discharge to the existing foul sewer at manhole 2402. The offsite sewer shall first discharge into an existing sewer which is currently undergoing the adoption process, but at the present time is under private ownership, before discharging to the public sewerage network. The surface water flows shall discharge to the existing watercourse.

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

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted documents entitled “Engineering Layout Sheet 1,” “Engineering Layout Sheet 2,” “Engineering Layout Sheet 3,” “Engineering Layout Sheet 4” and “Engineering Layout Sheet 5” dated “July 2021”. The drainage scheme shall ensure that foul flows discharge to the foul sewer at manhole 2402 and ensure that surface water discharges to the existing watercourse.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option. They are not part of any approval process for determining whether the proposed drainage layouts / design put forward at the planning stage satisfies the adoption criteria as set out in the Code for Sewer Adoption (sewer sector guidance). It is important for developers to understand that discussions need to take place with Northumbrian Water prior to seeking planning permission where it is their intention to offer SuDS features for adoption.

Hartlepool Water – No representation received.

Independent Water Networks Limited - No representation received.

HBC Heritage and Countryside Manager – No representation received.

Tees Archaeology – Thank you for the consultation on this Section 73 application. We have no objection to the proposed amendment.

HBC Countryside Access Officer – Public Footpath No.7, High Tunstall, Hartlepool, runs in an east-west direction from High Tunstall Farm westwards towards and connecting with the Dalton Piercy Back Road.

It runs through the development and the developers have taken into account its legal route on the ground and have designed the housing, appropriately, to accommodate the footpath without the need for it to be diverted.

There will be a need to place a gate at the point where the path enters the development site at the eastern end, near the farm, and again where it exits the

housing site, at the western end of this section of the footpath. This will help to safeguard the path and the users

I would be grateful if the developers can contact me to discuss what appropriate countryside furniture should be used at these and any other locations, along the public footpath.

Ramblers Association – No representation received.

HBC Landscape Architect – There are no landscape and visual issues with the proposed variation.

UPDATE 25/11/21: As above.

HBC Arboricultural Officer – No representation received.

HBC Ecology – I have reviewed the information submitted with the application with a view to ensuring the proposals in this reserved matters application align with current policy requirements, and that the LPA is able to discharge its various legal duties in respect of protected sites and protected species.

Note on Existing Survey and Assessment Information

No additional survey or ecological assessment has been submitted with the application and with regards to ecology the information submitted focuses on discharging the requirements of various conditions.

It should not be assumed that ecological surveys and assessments undertaken between 2014 and 2016 in support of the outline application are sufficient to inform reserved matters applications several years later. This is because baseline ecological conditions are subject to change over time resulting in a risk of significant ecological impacts not being detected and therefore mitigated. It should also be noted that industry standards for survey and assessment are regularly updated, therefore surveys undertaken in 2014 may not meet current good practice survey standards. Furthermore, the Local Planning Authority has duties in relation to European protected species under reg. 9 of the Conservation of Habitats and Species Regulations 2017, and biodiversity in general under Section 40 of the Natural Environment and Rural Communities Act 2006 (the Environment Act 2021 makes provision to strengthen this duty in future.

The risk of undetected ecological impacts, and consequential effects, increases over time and is likely to be of greater relevance to subsequent reserved matters applications. For example, the agreed phasing information indicates that later phases of development are unlikely to come forward before 2030, more than 15 years after initial ecological surveys were conducted; good practice guidance from CIEEM and in BS42020 indicate that survey data should not normally be more than two or three years old, and should be reviewed for validity after 18 months. The risk will also depend on the nature of the habitats affected within each phase.

Major development in Hartlepool is expected to demonstrate a biodiversity net gain. However, as this was not a consideration at the time that the outline application was approved, it is not considered appropriate in this instance to insist on a measurable

biodiversity net gain. However, it should be borne in mind that a mandatory requirement to demonstrate a measurable biodiversity net gain will be required for future phases through provisions within the Environment Act 2021. This will require up-to-date survey information.

In relation to this phase, however, I am satisfied that no updated survey is required to understand the potential for significant harm or discharge the LPA's legal duties. Pre-app advice should be sought prior to subsequent reserved matters phases to clarify any survey requirements.

Outline Conditions

For completeness I have summarised the ecology related conditions from the outline permission (H/2014/0428) below.

Condition 4 on the outline permission requires a phasing plan to be agreed for the wider outline permission area, which is to include development areas, infrastructure, strategic and other landscaping, means of access, SANGS, play facilities and sports pitches. Landscaping and SANGS are of particular relevance to ecology. SANGS is discussed further in relation to the Habitats Regulations Assessment below.

In addition to condition 4, the following conditions on the outline permission relate directly to ecology and require phase specific details.

- Condition 5 – No development of any phase until proposals for the treatment of the green wedge falling within that phase have been agreed.
- Condition 19 (prior to commencement of each phase) – a landscaping scheme incorporating ecological enhancements for the area within that phase. Enhancements are specified in the ecology chapter addendum.
- Condition 21 (prior to commencement of any phase) – arboricultural impact assessment and method statement for removal or protection of trees and hedgerows within that phase.
- Condition 24 (prior to commencement of each phase) – scheme for provision and management of buffer zones around specified ecological features within that phase.
- Condition 25 (prior to commencement of any phase) – scheme for the provision of bat roost features in 10 % of buildings in that phase.
- Condition 26 (prior to commencement of any phase) – scheme for the provision of bird nest features in 10 % of buildings in that phase.

Due to the nature of the habitats present within this phase of development and affected by the reserved matters proposals, I am satisfied that the requirements of the above conditions are sufficient to ensure compliance with policy NE1 in terms of preventing significant ecological harm and providing an ecological enhancement.

Supporting Information

In line with the above I have reviewed the supporting information in view of the requirements of the planning conditions of the outline permission. These are discussed in turn below.

Condition 4

This condition has been discharged under application D/2019/0068. No additional information is required in this respect.

Condition 5

The proposed treatment of the Green Wedge, the location of which is shown on the Local Plan policies map, is shown on the Landscape Masterplan (Drawing No.: R/2502/1-1A). The treatment of this area is to be in accordance with the ecological enhancements agreed at outline stage, i.e. those indicated in the Addendum to the ES Ecology Chapter. In this respect, in addition to the details already shown on the Landscape Masterplan, proposed landscaping will also need to include planting of native trees and hedgerow species at the margins of the eastern margin of the gas main easement. In addition, there is no timetable for provision included within the submission, which is a requirement of condition 5.

Condition 19

The Landscape Masterplan is also relevant to condition 19. The additional detail required in respect of condition 5 is also required in respect of condition 19, i.e. additional tree/hedgerow planting and a timetable for implementation.

Condition 21

The submission includes a combined Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan. I am satisfied that this document addresses this condition.

Condition 24

This condition requires a 10 m wide buffer zone alongside:

- the existing watercourses,
 - ponds,
 - woodland belt,
 - wildlife corridors, and
 - SuDS,
- and a 5 m wide buffer from:
- the existing hawthorn stand, and
 - existing hedgerows (where retained).

Of relevance to this condition are the submitted Hedge Retention Layout (Drawing No.: ELWICK-HEDG-001) and Easements & Buffers Layout (Drawing No.: ELWICK-EASE-001). In relation to this phase of development I am satisfied that these drawings address the requirements of condition 24.

Condition 25

The Ecological Enhancement Plan (Drawing No.: ELWICK-EEP-001) is submitted in respect of this condition. The condition require that 10 % of units include bat boxes. This requires 17 bat boxes in total, however only 7 bat boxes are indicated on this drawing.

In addition more specific details of the boxes to be included is required, rather than just an example.

I note the inclusion of hedgehog access in the boundary treatments and support this.

Condition 26

Again, the Ecological Enhancement Plan (Drawing No.: ELWICK-EEP-001) is submitted in respect of this condition. I am satisfied that the number of boxes is sufficient, however more specific detail on the model of box to be installed is required.

Habitats Regulations Assessment

A project level Habitat Regulations Assessment (HRA), incorporating a stage 1 screening assessment and stage 2 Appropriate Assessment (AA), has been undertaken for the outline proposals and agreed with Natural England. The AA concluded no adverse effect on integrity of the Teesmouth and Cleveland Coast SPA subject to the following mitigation measures being adequately secured.

The mitigation measures are:

- 15 Ha of on-site SANGS.
- A financial contribution to the Hartlepool HRA Mitigation Strategy and Delivery Plan of £250/dwelling = £300,000.
- Provision to each household of an information pack highlighting on-site recreational opportunities and the importance of safeguarding European Sites.
- Access route to Summerhill Country Park.

The area of SANGS and an access route to Summerhill Country Park are shown on the phasing plan agreed through outline condition 4, with the remaining measures secured through the section 106 agreement. As the detail on sub-phasing within this first phase does not conflict with the previously agreed wider phasing plan the HRA undertaken at outline stage remains relevant and the application can be lawfully approved.

Overall Conclusion

I am not currently able to support the proposals. However, the amendments needed in order for me to be able to support the proposals are relatively modest and comprise:

- Additional detail of native trees and hedgerow planting along the eastern boundary of the gas main easement, and
- Additional detail on bat and bird boxes.

UPDATE 01/12/2021

Following confirmation by the case officer that the above matters (native planting to the eastern boundary and additional bat/bird boxes) will need to be agreed through conditions on the outline permission (H/2014/0428) but that the requirements can be reiterated by way of planning conditions on this S73 permission, the Ecologist confirmed that he was satisfied and had no further concerns.

Natural England – Natural England currently has no comment to make on the variation of condition 1.

Should the proposal be amended in a way which significantly affects its impact on the natural environment then, in accordance with Section 4 of the Natural

Environment and Rural Communities Act 2006, Natural England should be consulted again. Before sending us any further consultations regarding this development, please assess whether the changes proposed will materially affect any of the advice we have previously offered. If they are unlikely to do so, please do not re-consult us.

HBC Public Health – No representation received.

HBC Building Control – I can confirm that a Building Regulation is required for erection of 162 dwellings.

HBC Waste Management – No representation received.

HBC Housing Services – No representation received.

HBC Property Services – No representation received.

HBC Economic Development – We have reviewed the application and have no comments from an Economic Growth perspective.

HBC Community Safety and Engagement – No representation received.

Cleveland Police – Police have no objections.

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

However Access and Water Supplies should meet the requirements as set out in:

Approved Document B, Volume 1:2019, Section B5 for Dwellings.

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

It should be confirmed that 'shared driveways' and 'emergency turning head' areas meet the minimum carrying capacity requirements as per ADB Vol 1, Section B5: Table 13.1, and in line with the advice provided regarding the CARP, above. Further comments may be made through the building regulation consultation process as required.

Cleveland Emergency Planning Officer – No representation received.

Health & Safety Executive (HSE) – HSE's Advice: Do Not Advise Against, consequently, HSE does not advise, on safety grounds, against the granting of planning permission in this case.

Pipelines
7820_2077 Northern Gas Networks

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

The operator may have a legal interest (easement, wayleave etc.) in the vicinity of the pipeline. This may restrict certain developments within a certain proximity of the pipeline. The standards to which the pipeline is designed and operated may restrict occupied buildings or major traffic routes within a certain proximity of the pipeline. Consequently there may be a need for the operator to modify the pipeline, or its operation, if the development proceeds.

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

Northern Gas Networks – We enclose a plan showing our plant in the area of LAND SOUTH OF HIGH TUNSTALL ELWICK ROAD HARTLEPOOL TS26 0LQ. We object to the planning application on the grounds that the protection given to our plant may be diminished by the works you intend to carry out.

UPDATE 16/11/21: Following our objection to the proposed stopping up of the highway at LAND SOUTH OF HIGH TUNSTALL ELWICK ROAD HARTLEPOOL TS26 0LQ on 28th September 2021 we are now willing to rely on our statutory powers and so withdraw our objection. If you have any questions, our Before You Dig Team will be able to help.

Northern Powergrid – Thank you for your enquiry dated 29/09/2021 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

Please note that while all efforts are made to ensure the accuracy of the data, no guarantee can be given. We would refer you to the Health & Safety Executive's publication HS(G)47 "Avoiding Danger From Underground Services" which emphasises that:

*Plans must only be used as a guide in the location of underground cables. The use of a suitable cable-tracing device is essential and careful hand digging of trial holes must be carried out to positively identify and mark the exact route of the cable. You should also bear in mind that a cable is unmistakably located only when it has been safely exposed.

*Cable depths are not generally indicated on our records and can vary considerably even when shown.

*Great caution must be exercised at all times when using mechanical plant. Careful trail digging should always be carried out on the whole route of the planned excavation to ascertain no cables exist.

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

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

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

Under the provisions of the above act Northern Powergrid have no objection to make, providing that our rights are not affected and will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

National Grid – No representation received.

Hartlepool Rural Neighbourhood Plan Group – Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The application site lies outside the Rural Neighbourhood Plan area and the Group have no comments to make regarding the variations.

We do however emphasise the need for progress on the Elwick by-pass for this development to proceed.

Elwick Parish Council – Elwick residents were promised a By-Pass would be open before any further developments were allowed at this end of the town - we are still waiting four years on and the land has yet to be purchased. We wish to state our objections to any further development being commenced BEFORE the grade-separated junction and by-pass for Elwick, promised in the Local Plan, are completed.

The road from the town through Elwick village is a narrow, bendy road, prone to flooding and is already used as a short cut for traffic from the town entering or exiting the south-bound carriageway of the A19, causing problems for Elwick village residents who need to cross it on foot to access village facilities, and endangering children walking to/from school.

The Local Plan policy HSG5a states:

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

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

If we assume that perhaps half the residents of this proposed development need to travel northwards for work, they will have to access the A19 via Dunstan Road, Hart Lane and the A179. These roads are already at capacity at peak times as residents of Dalton Piercy and Elwick have to use them to access the A19 since the closure of the gaps.

The Local Plan was meant to be a definitive plan of action for the 15 years it covers. Already the Borough Council has fallen behind in delivering the road improvements at Elwick and has overturned its commitment to housing limits, having approved many hundreds of dwellings in excess of those it said were needed.

We have strongly opposed any building at this site before, and will continue to do so until the Borough Council meets its obligation to rural residents and builds the Elwick By-Pass.

Hart Parish Council – No representation received.

Dalton Piercy Parish Council - No representation received.

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.

Local Policy

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

CC1: Minimising and adapting to climate change
HSG1: New Housing Provision
HSG5: High Tunstall Strategic Housing Site
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 Planning Policy Framework (NPPF)(2021)

1.23 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA001: Role of NPPF

PARA002: Determination of applications in accordance with development plan

PARA003: Utilisation of NPPF

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA055: Planning conditions and obligations

PARA056: Planning conditions and obligations

PARA058: Enforcement

PARA060: Delivering a sufficient supply of homes

PARA092: Promoting healthy and safe communities

PARA093: Promoting healthy and safe communities

PARA110: Considering development proposals

PARA126: Achieving well-designed places

PARA130: Achieving well-designed places

HBC Planning Policy comments –

1.24 There are no Planning Policy concerns with regards to the proposed amendments.

PLANNING CONSIDERATIONS

1.25 The principle of residential development (and the proposed access) has already been established through the extant outline planning permission (H/2014/0428). Furthermore, the layout, scale, appearance and landscaping has been approved through extant reserved matters approval H/2020/0048, to which this proposal seeks

to make amendments. The application site is an allocated housing site within the Hartlepool Local Plan (2018) as identified by Policy HGS5a.

1.26 In view of the above, the principle of development remains acceptable and therefore the main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on the visual amenity of the application site and the character and appearance of the surrounding area, amenity and privacy of existing and future occupiers of the application site and neighbouring properties, highway and pedestrian safety, landscaping and tree protection, ecology and nature conservation, and flood risk and drainage. These and all other planning and residual matters are set out and considered in detail below.

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

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

1.28 NPPF paragraph 130 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.

1.29 The proposed amendments to the approved development do not fundamentally alter the overall scale, layout or appearance of the development, with the arrangement of roads, footpaths and public open spaces remaining intact, and in accordance with the adopted High Tunstall Masterplan and policy HSG5 (High Tunstall Strategic Housing Site) of the Local Plan.

1.30 The amended house types will remain two storey in scale and are of a similar form and appearance to those approved. The house type mix is proposed to change however to remove the 5-bed house types and include a greater proportion of 3 and 4 bed house types. The main area where the proposed amendments diverge from the layout of approved scheme is through the provision of an additional SUDS attenuation pond and short section of footpath within the centre of the site.

1.31 It is considered that, due to the minor nature of the proposed amendments in the context of the scale of the overall development, these would not have a significant detrimental impact on the visual amenity of the site or the character and appearance of the area.

1.32 In view of the above, the application is considered to be acceptable with respect to the impact on the visual amenity of the site and the character and appearance of the area, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021).

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS AND FUTURE OCCUPIERS

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

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

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

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

1.36 Paragraph 130 of the NPPF stipulates that planning decisions should ensure developments create places that have a high standard of amenity for existing and future users.

1.37 Objections have been received from neighbours raising concerns that the proposals will result in a loss of privacy for neighbours through overlooking, loss of amenity for neighbours through increased noise and disturbance, as well as disturbance from construction works and traffic.

1.38 As above however, the proposed amendments do not fundamentally alter the approved layout of the development, and therefore the relationships between the proposed dwellings and neighbouring dwellings remain largely as approved and satisfactory separation distances are maintained in line with the above Local Plan minimum requirements. It is therefore considered that the proposed amendments would have no significantly impact on the amenity or privacy of neighbouring land users, in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

1.39 In terms of construction disruption and traffic, these matters were considered through the outline planning application and are controlled by relevant planning

conditions of the outline planning permission, which this phase of the development remains subject to, if approved. Furthermore, it is noted that condition 14 requires a Construction Traffic Management Plan to be agreed prior to commencement. The Council's Public Protection section has been consulted on the proposed amendments and has confirmed that they have no objections.

1.40 With respect to the amenity and privacy of future occupiers, the layout of the scheme continues to consist of a number of cul-de-sacs branching out from the main internal access road leading from Elwick Road at the north of the site, through to the southern end of the site, where it meets the proposed SUDS pond.

1.41 Whilst a handful of instances of inadequate separation distances/relationships (around 14m/15m) were initially identified by the case officer (resulting from the change in house types and associated changes to dwelling positions and window arrangements within plots), the applicant has since tweaked the layout of the site to address these and achieve the requisite 20m. There remain a few examples where separation distances are 1 or 2 metres short of the requisite 20m, however in such instances these relationships are oblique/offset with a main access road in between (thereby negating any adverse impact), or the distances between habitable room windows in principal elevations are offset and do not overlook private amenity space (for example they overlook turning heads/shared driveways). In any event, these relationships are typically comparable to those previously approved. It is therefore considered that this would not have a significant unacceptable impact on the privacy or amenity of future occupiers as to warrant a refusal of the application, and separation distances are acceptable throughout the site and in general conformity with the minimum separation distances set out in policy QP4 of the Local Plan.

1.42 The application is therefore considered to be acceptable with respect to the impact on the amenity and privacy of neighbouring land users and future occupiers, subject to the identified condition, in accordance with the relevant policies of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021).

HIGHWAY AND PEDESTRIAN SAFETY

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

1.44 Similar objections have also been received from neighbours, citing concerns including the impact on highway and pedestrian safety locally due to increased traffic (in particular, lack of capacity for Elwick Road to handle additional traffic and absence of an Elwick bypass).

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

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

- Condition 8 – requiring that a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic prior to the occupation of the 209th dwelling.
- Condition 10 – requiring that no phase commences until a scheme and phasing programme for the provision of access from Elwick Road to serve that phase is provided.
- Condition 11 – requiring that no phase is occupied until the existing speed limit on Elwick Road has been assessed and mitigation measures for that phase are identified and thereafter implemented in accordance with the agreed phasing programme.
- Condition 12 – requiring that no phase is occupied until a scheme for street lighting along Elwick Road relevant to that phase and a phasing programme for its implementation are agreed.
- Condition 14 – requiring a Construction Traffic Management Plan to be submitted and agreed prior to commencement of each phase.
- Condition 29 – requiring a Construction Management Plan to be submitted and agreed prior to commencement of each phase.

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

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

1.48 This application to amend the previously approved reserved matters application, by virtue of its association to the outline planning permission, remains bound by these conditions and obligations and, these matters cannot be revisited through this application. The application relates solely to the amendments described above to phase 1a of the development, and does not include any changes to the proposed number of dwellings, access arrangement or general layout of the site, that have previously been approved.

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

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

Phase 2 and 3 will not be able to utilise the 'link road' (and access to Elwick Road) through Phase 1 until the main distributor road and access is in place.

1.51 The Council's Highways, Traffic & Transport section has not raised any concerns with respect to the proposed amendments. In addition, National Highways (formerly Highways England) has been consulted and has provided comments to the effect that this phase of the development must comply with the original conditions to which the outline planning permission was subject. As above, this application will remain bound by the conditions and obligations of the outline planning permission and these must be complied with where relevant, as set out above, and as such there is no requirement for any of these conditions to be re-applied in the event this application is approved.

1.52 In view of the above, the proposals are considered to be acceptable with respect to matters of highway and pedestrian safety, in accordance with the relevant paragraphs of the NPPF (2021), the relevant policies of the Hartlepool Local Plan (2018).

LANDSCAPING AND TREE PROTECTION

1.53 Policy QP5 (High Tunstall Strategic Housing Site) of the Local Plan relates to the wider outline site and stipulates that approximately 12.00ha of multifunctional green infrastructure shall be provided, including the required level of Suitable Accessible Natural Green Space (SANGS). The policy also requires a landscape buffer to be created between the site and Elwick Road. Policy NE3 (Green Wedges) of the Local Plan does however allocate the area of SANGS along the eastern boundary of the site as 'green wedge', protecting this area from any further development that would harm its integrity.

1.54 As above, the proposed amendments do not fundamentally alter the approved layout of the development and therefore areas of amenity open space / green space are retained as approved. The application is however accompanied by an updated landscape masterplan and updated plans to show where existing hedgerow is to be retained and where buffer zones to existing vegetation will be maintained.

1.55 The Council's Arboricultural Officer and Landscape Architect have both been consulted. No comments or objections to the proposed amendments have been received from the Council's Arboricultural Officer. The Council's Landscape has confirmed that they have no landscape or visual issues with the proposed amendments. Notwithstanding this, details of proposed soft landscaping works will also need to be secured by virtue of partial discharge of condition 19 of outline planning permission H/2014/0428. Furthermore, the agreed tree protection measures will also be secured by virtue of condition 21 of outline planning permission H/2014/0428.

1.56 In respect of landscape maintenance, it is noted that condition 20 of the outline planning permission requires that any trees, plants or shrubs which die are removed or become seriously damaged or diseased within 5 years of completion of the phase must be replaced, as is standard. Furthermore, the signed Section 106 legal agreement requires a Phase Landscaping and Open Space Management Plan and

Phase Conservation and Habitat Management Plan to be submitted and agreed with the Local Planning Authority prior to occupation of any unit.

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

ECOLOGY AND NATURE CONSERVATION

1.58 Concerns have been raised by objectors with respect to the loss of green space/countryside and the impact of the proposals on wildlife.

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

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

1.61 This application, as per the previously approved layout, includes the provision of a large stretch of SANGS along the eastern boundary of the site. The application is also accompanied by an Arboricultural Impact Assessment, Arboricultural Method Statement, Tree Protection Plan, a plan to demonstrate ecological buffer zones around hedges and SUDS, and a plan demonstrating bat, bird and hedgehog mitigation measures, as per the previous application(s).

1.62 The Council's Ecologist has been consulted and has highlighted the conditions and obligations that the development remains bound to by virtue of the outline planning permission and Section 106 legal agreement, as set out above. In terms of this Section 73 amendment application, the Council's Ecologist is satisfied that no updated survey is required to understand the potential for significant harm or discharge the LPA's legal duties, though there may be further survey requirements for later phases (given the time that will have lapsed since the outline approval).

1.63 With respect to the ecological information submitted as part of this application, the Council's Ecologist has commented however that additional detail of native trees

and hedgerow planting along the eastern boundary of the gas main easement, and additional detail on bat and bird boxes is required. These comments are noted and, whilst the final details of landscaping and bat/bird boxes are to be secured by virtue of conditions 5/19 and 25/26 of the outline planning permission (H/2014/0428) respectively, conditions can be appended to this Section 73 application to reiterate the requirement for additional details (above those already provided) as requested by the Council's Ecologist, and these are recommended accordingly.

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

1.65 In view of the above, the proposals are considered to be acceptable with respect to matters of ecology and nature conservation and in accordance with the relevant paragraphs of the NPPF (2021) and the relevant policies of the Hartlepool Local Plan (2018).

FLOOD RISK AND DRAINAGE

1.66 The application site sits within Flood Zone 1 (low probability of flooding), with a very low risk of flooding from rivers, and a limited risk of flooding from surface water. The submission includes drainage layout plans, as per the previous application, and includes details of proposed attenuation ponds in the centre and to the south of the site, forming part of the Sustainable Drainage System (SUDS).

1.67 Final details of surface water drainage measures are required to be provided and agreed prior to commencement of development by virtue of condition 18 of the outline planning permission. The long term maintenance and management of the SUDS is secured by virtue of the Section 106 legal agreement associated with the outline planning permission. In addition to the above, final details of foul water drainage is required to be provided and agreed by virtue of condition 17 of the outline planning permission.

1.68 Notwithstanding the above, the Council's Flood Risk Officer has been consulted and has confirmed that they have no comments with respect to surface water management. No comments or objections have been received from the Environment Agency, Hartlepool Water or Independent Water Networks Limited. Northumbrian Water has also been consulted and have confirmed that they have no objections to the application provided the works are carried out in accordance with the submitted details, which shall be secured by virtue of the outline planning conditions.

1.69 In view of the above, the proposals are considered to be acceptable with respect to the impact on flood risk and drainage and in accordance with the relevant paragraphs of the NPPF (2021) and the relevant policies of the Hartlepool Local Plan (2018).

OTHER PLANNING MATTERS

Planning Obligations

1.70 The original outline planning permission (H/2014/0428) was subject to a Section 106 Agreement which secured a number of planning obligations and financial contributions as detailed in the planning 'background' section to this report. This application will continue to be subject to these requirements.

Heritage Assets and Archaeology

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

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

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

Public Rights of Way and Footpath Connections

1.74 Concerns have been received from objectors that the proposals will result in the loss of walking routes in this area.

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

1.76 The Council's Countryside Access Officer has reviewed the submitted proposals and has not raised any concerns. The Council's Countryside Access Officer has confirmed however that there will be a need to place a gate at the point where the path enters the development site at the eastern end, near the farm, and again where it exits the housing site, at the western end of this section of the footpath, to safeguard the path and its users. The Council's Countryside Access Officer has requested that the developers contact them to discuss what appropriate countryside furniture should be used at these and any other locations, along the public footpath, and an informative to make the applicant aware of this is recommended accordingly. Notwithstanding this, the final details of such enclosures/street furniture to public footpaths forms part of the requirements of condition 5 of the outline approval (H/2014/0428).

1.77 No comments or objections have been received from the Rambler's Association.

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

Crime and Fear of Crime

1.79 Objections have been received from a neighbour raising concerns that antisocial behaviour will arise from shops within the development. Phase 1a of the development does not include any shops, though there is a local centre proposed in a later phase of the wider High Tunstall development.

1.80 Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF states "Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion".

1.81 No comments or concerns have been received from the Council's Community Safety and Engagement team. Cleveland Police has also confirmed that they have no objections to the application.

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

Contaminated Land

1.83 The Council's Engineering consultancy has confirmed that they have no objections to the application. No comments or objections have been received from the Environment Agency.

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

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

Waste Management

1.86 No comments or concerns have been received from the Council's Waste Management section. A waste audit for the phase is required to be submitted and approved prior to commencement by virtue of condition 34 of the outline planning

permission. Final details of waste storage will be secured by virtue of planning condition 35 of the outline planning permission. In view of this, the proposals are considered to be acceptable in this respect.

Hazardous Installation and Pipelines

1.87 A Northern Gas Networks Gas Pipeline runs through the eastern side of the site and thereafter along the northern boundary adjacent to Elwick Road. In both instances, landscaping has been used to safeguard these areas from development and create a suitable buffer from the pipeline, as per the previous approval.

1.88 Cleveland Emergency Planning Unit (CEPU) has again been consulted and no comments or objections have been received. Similarly, the case officer has re-submitted the proposals through the Health and Safety Executive's (HSE) web app, which has concluded that HSE does not advise, on safety grounds, against the granting of planning permission.

1.89 The HSE have highlighted however that Northern Gas Networks should be consulted. Whilst Northern Gas Networks initially objected to the application, following discussions with the applicant, they have since withdrawn their objection.

1.90 Northern Powergrid has also been consulted and has provided mains records for this area, confirming that they have no objections provided that their rights are not affected and will continue to enjoy rights of access to the apparatus in this area for any maintenance, replacement or renewal works necessary. An informative to make the applicant aware of this requirement is recommended accordingly. In addition to the above, no comments or objections have been received from the National Grid.

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

RESIDUAL MATTERS

Fire Safety and Access

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

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

1.94 A suitable informative note will be appended to any decision notice to notify the applicant of this advice, however these matters would ultimately be considered through the Building Regulations approval process. The Council's Building Control section has confirmed that a Building Regulations application will be required.

Connection to Coniscliffe Road

1.95 An objection has been received from a neighbour raising concerns that the connection to Coniscliffe Road in the south-east of the site is unclear, and the specific nature of the link should be clarified and no access for vehicles should be allowed.

1.96 The submitted plans indicate that the connection between to Coniscliffe Road is for a 'Proposed Sewer Easement', with a new foul water sewer serving the new development proposed to connect to the existing underground public sewer at the top of Mayfair Gardens/Coniscliffe Road. This is clarified in the 'Flood Risk Assessment and Drainage Strategy' documents published on the Council's website. This infrastructure is underground and there are no proposals for vehicular access at the top of Coniscliffe Road and no formal pedestrian access through here shown on the proposed plans as part of this planning application.

Non-material objections

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

- Lack of need for large scale housing development
- Loss of views
- Development is too large
- Loss of agricultural land
- Loss of Green Belt
- Lack of education provision
- Link road to Catcote Road is inappropriate

CONCLUSION

1.98 The application is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and is considered to be in accordance with the relevant identified policies of the adopted Hartlepool Local Plan (2018) and relevant paragraphs of the NPPF (2021) and the Hartlepool Residential Design SPD (2019). The development is therefore recommended for approval subject to the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.99 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.100 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.

1.101 Section 17 implications are considered in the relevant section of the report as above.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following condition(s);

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

2133.02 (Location Plan)

Issue – 01 – 01.06.21 (HOUSE TYPE PORTFOLIO – Duchy Series 2.0, GARAGES- Duchy Series 2.0)

Energy Reduction document (dated 24th June 2021)
received 9th August 2021 by the Local Planning Authority;

2133.BT.01 (1800mm HIGH CLOSE BOARDED TIMBER FENCE WITH
1200mm HIGH STOCK PROOF FENCE)
received 25th August 2021 by the Local Planning Authority;

003-13.04.21 (STANDARD CONSTRUCTION DETAILS)
received 9th September 2021 by the Local Planning Authority;

112 Issue P2 (SECTION 38 & SECTION 278 AGREEMENT – PHASE 1)
206 Issue P3 (SECTION 278 AGREEMENT)
received 5th November 2021 by the Local Planning Authority;

31 Issue P4 (EXTERNAL WORKS LAYOUT SHEET 1)
received 11th November 2021 by the Local Planning Authority

2133.01 REV. F (Proposed planning layout)
2133.03 REV. G (Boundary and finishes plan)
2133.04 REV. A (Street Scenes)
2133.30 REV. D (Surface Treatment Plan)
32 Issue P6 (EXTERNAL WORKS LAYOUT SHEET 2)
33 Issue P6 (EXTERNAL WORKS LAYOUT SHEET 3)
119 Issue P3 (SECTION 38 AGREEMENT)
129 Issue P3 (SECTION 104 AGREEMENT)
ELWICK-CMP-001 REV. B (Construction Phasing Plan)
ELWICK-EASE-001 REV. C (Easements & Buffers Layout)
ELWICK-EEP-001 REV. B (Ecological Enhancement Plan)
ELWICK-HEDG-001 REV. B (Hedge Retention Layout)
ELWICK-SPP-001 REV. B (SANGS Phasing Plan)
received 30th November 2021 by the Local Planning Authority;

R/2502/1-1B (LANDSCAPE MASTERPLAN)
 R/2502/1-10B (POS MASTERPLAN)
 R/2502/11A (POS DETAILS)
 R/2502/2A (LANDSCAPE DETAILS Shrub Beds S1-S16)
 R/2502/3A (LANDSCAPE DETAILS Shrub Beds S17-S38)
 R/2502/4B (LANDSCAPE DETAILS Shrub Beds S39-S56)
 R/2502/5A (LANDSCAPE DETAILS Shrub Beds S57-S74)
 R/2502/6A (LANDSCAPE DETAILS Shrub Beds S75-S100)
 R/2502/7A (LANDSCAPE DETAILS Shrub Beds S101-S123)
 R/2502/8A (LANDSCAPE DETAILS Shrub Beds S124-S145)
 R/2502/9A (LANDSCAPE DETAILS Shrub Beds S146-S161)
 received 1st December 2021 by the Local Planning Authority

For the avoidance of doubt.

2. Notwithstanding the submitted details, the final details of the treatment of the Green Wedge and areas of soft landscaping shall be agreed by virtue of conditions 5 and 19 of outline planning permission H/2014/0428, respectively, and shall include details of additional planting of native trees and hedgerow species along the eastern margins of the gas main easement and a timetable for implementation. The development shall thereafter be carried out in accordance with the approved details.

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

3. Notwithstanding the submitted details, the final details of bat and bird mitigation features shall be agreed by virtue of conditions 25 and 26 of outline planning permission H/2014/0428, respectively, and shall include a minimum of 17no. bat boxes and more specific details on the model of bat and bird boxes to be installed. The development shall thereafter be carried out in accordance with the approved details.

For the avoidance of doubt and in the interests of ecology.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148184>

1.104 Copies of the applications are available on-line:

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

CONTACT OFFICER

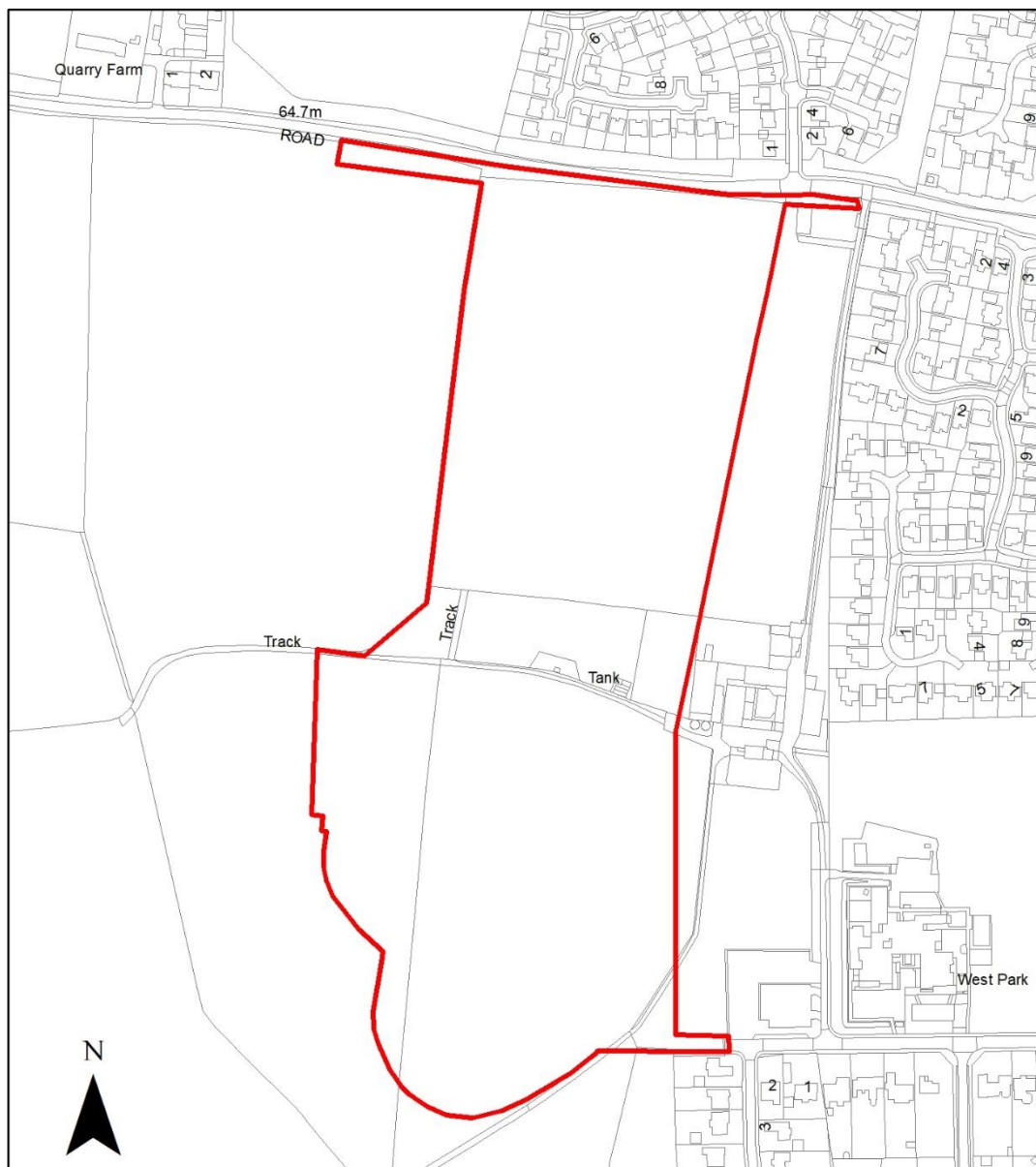
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Land South of High Tunstall, Elwick Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.12.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0372	REV

No: 2.
Number: H/2021/0386
Applicant: MR MIKE O'BEIRNE COURAGEOUS CLOSE
 HARTLEPOOL TS25 1EU
Agent: IAN CUSHLOW 31 HARVESTER CLOSE
 HARTLEPOOL TS25 1GD
Date valid: 06/09/2021
Development: Change of use from Class E (formerly A1 use class) shop
 (currently vacant) to drinking establishment with food
 provision (Sui Generis use class)
Location: UNIT 4 (FORMER SCHOONER PH) WARRIOR DRIVE
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2017/0045 - Revised application for external alterations to former public house building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Application also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 4no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development). Approved 16/03/2017.

H/2017/0659 - Section 73 application for the variation of condition 2, 6 and 11 (approved plans) of planning approval H/2017/0045 to allow for amendments to car parking layout and turning area for large vehicles. Approved 23/02/2018.

H/2017/0114 - Display of illuminated and non-illuminated advertisement signs for One Stop unit. Approved 10/08/2017.

H/2017/0276 - Amendment to planning application H/2017/0045 to allow amendments to the approved shop front windows in both elevations of Unit 1. Approved 10/05/2017.

H/2017/0486 - Outline application for the erection of an apartment block (upto 6 No. apartments) with proposed boundary treatment and provision of detached single storey building for residents' cycle and bin storage. Approved 11/04/2019.

H/2018/0349 - Variation of condition No. 2, 6 and 11 of planning application H/2017/0045 in order to vary turning area for large vehicles and amendment to car park layout. Approved 28/11/2018.

PROPOSAL

2.3 This application seeks planning permission for the change of use of a currently vacant retail unit (Use Class E(a)) to a drinking establishment with food provision (Sui Generis use class).

2.4 The proposal would not feature any external alterations to the main building save for the installation of a flue to the rear elevation (although no elevations have been received), whilst internally the proposal would incorporate a bar servery and fixed and loose seating arrangements in the front/south east with a kitchen, office and W.C. facilities sited toward the rear (north west).

2.5 The application has been referred to the Planning Committee due to the number of objections received, in line with the Council's Scheme of Delegation.

SITE CONTEXT

2.6 The application site relates to Unit 4 of the former Schooner public house located along Warrior Drive, Seaton Carew, Hartlepool. Following the granting of planning permission H/2017/0276 (approved in May 2017), the former public house was subdivided into a number of individual units comprising a retail unit ('One Shop' - Units 1-3) and a micro pub/public house in Unit 5.

2.7 The site is accessed to the west along Forester Close (which is served by Warrior Drive). Forester Close primarily serves residential properties. The main (former public house) building fronts onto Warrior Drive (south) with a large car parking area to the east and to the north of the main building. Residential properties within Forester Close are present along the boundary to the north with timber fencing making up the boundary. Residential properties within Endeavour Close (east) and Courageous Close (south) are present beyond the highway of Warrior Drive (south).

2.8 A brick wall and brick piers with wrought iron access gates form the site entrance/exit along the western boundary from Forester Close. The main building features a first floor element which is understood to be occupied by a residential flat(s).

2.9 The existing boundary treatment adjacent to the car park along Warrior Drive consists of a closed boarded fence to the east which then adjoins a brick wall with brick pillars and wrought iron railings along the southern boundary (fronting Warrior Drive) and along part of the western boundary fronting Forester Close.

PUBLICITY

2.10 The application has been advertised by way of neighbour letters (26) and site notice (a 10 day re-consultation was issued on 18/10/2021 to neighbours and

technical consultees to provide clarification on the application site address (reference to the former Schooner PH (public house) was added).

2.11 To date, there have been three objections. The concerns raised can be summarised as follows:

- Noise nuisance from existing adjacent neighbouring unit/pub;
- Anti-social behaviour in neighbouring unit;
- Traffic issues including alleged drink driving in neighbouring unit, parking and access/egress;
- Hours of operation should be defined with enforceable curfew;
- Lack of consultation by owner.

2.12 In addition, eight representations (including two from the same household) offering support to the proposal have been received. The reasons for support can be summarised as follows;

- it would be a positive addition to providing local community facilities and bringing a vacant unit back into use;
- no concerns regarding noise from existing adjacent pub;
- local businesses should be supported during current climate;
- building was previously used as a pub serving food;

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148228>

2.14 The period for publicity has expired.

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Public Protection: (summarised) This proposal would be located in close proximity to residential property. We have already received noise complaints regarding live music from establishments in the area.

I would have no objection but would ask for the following conditions.

UPDATED COMMENTS 18/11/2021

Following further consideration of the original requested planning conditions and after seeking advice from the Council's Principal Property, Planning and Commercial Solicitor, the Council's Public Protection section confirmed on 18/11/2021 that they would support the inclusion of the following (updated) planning conditions in lieu of the above to ensure that they met the required 'tests' of a planning condition:

- Prior to the development hereby approved being brought into use a scheme demonstrating appropriate noise insulation between the application site and adjoining residential properties shall be submitted to and approved in writing

by the local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.

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

- Notwithstanding the submitted information and prior to the first use of the development hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the development, the approved scheme shall be implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food requiring ventilation, filtration and fume extraction is being cooked on the premises.

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

- The premises shall only be open to the public between the hours of 11.00 and 23.30 Mondays to Sundays inclusive.

In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC1 of the Local Plan.

- No deliveries shall be taken or despatched for the premises outside of the following hours 0800 to 2100 Monday to Sunday (including Public/Bank Holidays).

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

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

Tees Archaeology: Thank you for the consultation on this application. We have no objections.

HBC Economic Regeneration: No issues from an Economic Growth perspective as it would be replacing one employment use with another.

Update 19/10:

We have reviewed the application and have no comments from an Economic Growth perspective.

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

Update 19/10:

In response to your consultation on the above amended application we have no further comments.

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

HBC Ecology: I have no objection.

HBC Community Safety: There are no community safety concerns in relation to this application.

Cleveland Police: Police have had no reports of any incidents for the past 12 months from nearby similar premises however I am aware of the close proximity of residential premises to reduce any adverse impact with noise if outside drinking is proposed I would advise that a time restriction be in place for use of such facility. I am not aware of the proposed opening times this will need approval from Licencing.

I would also advise installation of CCTV to cover entrances, serving area and any outside drinking areas this will need to comply with Data Protection and images provided of a quality to be used in a court of law.

Update 18/11/21:

No further comments.

HBC Estates: No comments received.

Northumbrian Water: No comments received.

HBC Public Health: No comments received.

HBC Waste Management: No comments received.

PLANNING POLICY

2.16 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

2.17 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

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

RC1: Retail and Commercial Centre Hierarchy

SUS1: The Presumption in Favour of Sustainable Development

National Planning Policy Framework (NPPF)(2021)

2.18 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA002: Determination of applications in accordance with development plan

PARA007: Achieving sustainable development

PARA008: Achieving sustainable development

PARA009: Achieving sustainable development

PARA010: Achieving sustainable development

PARA011: The presumption in favour of sustainable development

PARA012: The presumption in favour of sustainable development

PARA038: Decision making

PARA047: Determining applications

PARA130: Achieving well-designed places

PARA134: Achieving well-designed places

PARA 185: Impacts on the natural environment

PARA 192: Promoting healthy and safe communities

PARA218: Implementation

HBC Planning Policy comments:

2.19 With regards to the proposed change of use, planning policy have no objections. It is noted that the applicant has submitted a sequential test, as the unit is technically outside any allocated retail centres and this therefore is a requirement of RC1. We are satisfied with the submitted test and, that in this instance, the proposed unit is an acceptable location for such a change of use as it is within close proximity to other retail/commercial units and therefore we have no objections with regards to the appropriateness of the location.

2.20 It is noted that the property is not within the late night uses area and therefore is not permitted to operate between the hours of 11.30pm-7am. If necessary, the Council's Public Protection team will highlight any necessary measures that will be required of the establishment prior to being able to operate.

PLANNING CONSIDERATIONS

2.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, neighbour amenity, visual amenity, highway, pedestrian safety and traffic, crime and anti-social behaviour, and health and wellbeing. These and all other matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

2.22 The proposal involves the change of use from a retail unit (Use Class E(a), formerly Class A1) to a mixed use “drinking establishment with food provision” (defined as Use Class ‘Sui Generis’). The application site is located within the former Schooner Public House, which has been converted to a number of units (predominately commercial). Policy RC1 of the Hartlepool Local Plan (2018) sets out the hierarchy for acceptable uses. A mixed use drinking establishment with expanded food provision (as is proposed) is a main town centre use and as the unit is technically outside any allocated retail centres, Policy RC1 requires a Sequential Assessment, which was duly submitted as part of the application. The Council’s Planning Policy section has considered the information contained within the application (including the requisite Sequential Assessment) and are satisfied with the submitted test and, that in this instance, the proposed unit is an acceptable location for such a change of use as it is within close proximity to other retail/commercial units. As such, HBC Planning Policy have no objections with regards to the appropriateness of the location.

2.23 Furthermore, it is acknowledged that vacant units can also have an adverse impact on the vitality and viability of an area, and that there are economic benefits as a result of the unit being brought back into an appropriate use. Subject to the proposal satisfying the requirements of other material planning considerations (set out in the sections below), the principle of development is considered to be acceptable in this instance.

NEIGHBOUR AMENITY

2.24 Objections and concerns have been received in relation to the application and the impact of proposed change of use from a retail unit to a drinking establishment with food provision.

2.25 Consideration is given to the remaining separation distances to the closest neighbouring properties that abound the site to the north including a distance of approximately 27m to the rear/side elevations of 50 Forester Close (north west), approximately 29m to the rear elevations of No’s 47 and 48 Forester Close, approximately 33m to the rear of No. 46, and approximately 40m to the rear of No. 45. A separation distance of approximately 54m would remain between the host unit and the closest neighbouring properties at 46-52 Endeavour Close (east) with the main highway between, and a separation distance of approximately 42m would remain between the host unit and Nos. 1 and 19 Forester Close to the west (with the host unit between). To the south west, a separation distance of approximately 44m would remain between the host unit and No. 5 Courageous Close.

2.26 Consideration is also given to the host unit being an established commercial unit within the main building whilst no external alterations are proposed with the exception of a proposed flue. The details of the flue have not been provided at this stage (including proposed siting on the elevation), however it is considered that this could be accommodated subject to a planning condition requiring the precise and final details of such works. The Council's Public Protection support this view.

2.27 In view of the above, it is considered that the proposals would not result in any adverse impacts on the amenity or privacy of neighbouring properties (including neighbouring properties on Forrester Close, Warrior Drive, Endeavour Close, Courageous Close, Queen Street and Gala Close) in terms of loss of light, loss of outlook, overbearing impression or overlooking.

2.28 As noted above, there are no external alterations, save for the erection of a flue. Given the anticipated relationship and orientation to windows in the approved upper floor flats, it is considered that the proposal would not adversely affect the amenity of existing and future occupiers of these units.

2.29 It is acknowledged that objections have been received in relation to the application and the impact of proposal in regards to increased noise disturbance from the proposed use of the unit as a drinking establishment with food provision.

2.30 Paragraph 185a of the NPPF (2021) states that *"Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life"*.

2.31 It is acknowledged that the nature and layout of the proposed use has the potential to introduce an intensification of activity, particularly in the evenings to areas of the property than the current approved use as a shop. The application form indicates the intention to open between 11am and 11.30pm, which is in accordance with the provisions of Policy RC1 of the Hartlepool Local Plan (2018) for local proposed establishments outside the Late Night area, which precludes permitted uses operating between 11.30pm and 7am. The Council's Public Protection section have made no comments or raised any objections to the opening hours proposed and therefore it is considered that the proposed hours are acceptable, and a planning condition is necessary to secure this. As noted within the comments by Cleveland Police, the hours of operation would also be subject to consideration through the appropriate licensing regime.

2.32 Furthermore, the Council's Public Protection section have been consulted and have requested that a suitable sound insulation scheme to limit noise breakout from the unit to the adjoining residential neighbouring premises (in this instance, the existing/approved upper floor flats) to ensure adequate protection is afforded against the transmission of noise between the premises and the adjoining residential

properties (as detailed above). A planning condition is necessary and can be secured in respect of this. The Council's Public Protection section have also requested that deliveries to the premises shall be restricted to between 8am and 9pm Mondays to Sundays inclusive; and that construction and fitting out work be restricted to between 8am and 6pm Monday to Friday, 9am and 1pm Saturday and at no time during Sundays and Bank Holidays, and a planning condition can secure these requirements. Subject to the above recommended planning conditions and taking into account the established siting and remaining separation distances to surrounding properties, on balance, it is considered that the proposal would not result in an adverse loss of amenity in terms of noise disturbance, and the proposal is considered to accord with policy RC1 of the Hartlepool Local Plan (2018) and the provisions of the NPPF (2021).

2.33 The Council's Public Protection section have confirmed that a condition in relation to final details of the flue and extraction details can ensure it is fit for purpose, in the interests of the amenity of neighbouring occupiers, and is considered necessary in this instance. It is therefore considered that subject to the necessary planning condition that the proposal would not result in a significant impact on the amenity of neighbouring residential land users in terms of odour nuisance. The proposal is therefore considered, on balance, to be acceptable in this respect.

2.34 Overall, in view of the above and given the established footprint of the building (which does not include any new openings) and remaining separation distances and relationships to residential properties to the rear (Forrester Close to the north and west) front/east (Endeavour Close), south (Courageous Close, Warrior Drive and Queen Street), and existing/approved upper floor flats, it is considered that the proposal would not result in an adverse loss of amenity and privacy for existing and future neighbouring land users, subject to the above identified planning conditions.

2.35 In view of the above and subject to the above conditions, the application is considered, on balance, to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with policies LS1 and QP4 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

VISUAL AMENITY

2.36 It is noted that there are no external alterations proposed with the exception of a flue proposed at ground floor level at the rear (north-west). Although full details of the siting of the proposed flue have not been received at this stage, it is anticipated that by virtue of the orientation of the building, the flue would be partially visible from the main street scene (on approach along Warrior Drive from the north to south) as well as from the car park serving the main former Schooner public house building and its units, and with limited views from parts of Forrester Close to the west and north. However, it is noted that main two storey building is set back from the main public highway and that the proposed flue would be situated towards the rear of the unit and would be read in the context of the above described relationship and from certain vantage points against the backdrop of the established building.

2.37 As noted above, HBC Public Protection have indicated that the proposed flue would be acceptable subject to the a planning condition to secure final details of the

flue being agreed by the Local Planning Authority, and subject to this condition, it is considered that the proposed flue would not result in any adverse visual impact for the host building or street scene.

2.38 Given the existing appearance of the unit and the context in terms of surrounding units, the proposal would not have a detrimental impact upon the existing street scene or the character of the area.

2.39 In view of the above, it is considered that the proposal is in accordance with the requirements of policy QP4 of the Hartlepool Local Plan (2018) and the relevant paragraphs of the NPPF (2021) and therefore acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area.

HIGHWAY & PEDESTRIAN SAFETY, TRAFFIC & PARKING

2.40 It is acknowledged that a number of objections have been received raising issues of highway safety concerns including speeding, careless driving, parking and access/egress from the main car park from Forrester Close. It is noted that the unit within the former Schooner public house (now comprising a number of commercial units) is served by a large car park which would remain unaltered by the proposed change of use of one unit from Class E(a) (formerly A1 Use Class) to the proposed use as a drinking establishment with food provision (Sui Generis Use Class). The Council's Highways, Traffic and Transport section have been consulted on the application and have not raised any objection to the application. The proposal is therefore considered to be acceptable in this regard.

CRIME AND ANTI-SOCIAL BEHAVIOUR

2.41 It is acknowledged that a number of neighbour representations have made reference to the prevalence of anti-social behaviour in the vicinity. Section 17 of the Crime and Disorder Act 1998 requires the Local Planning Authority to exercise their functions with due regard to their likely effect on crime and disorder and to do all they reasonably can to prevent crime and disorder. This is further supported by Paragraph 92 of the NPPF (2021) states "*Planning policies and decisions should aim to achieve healthy, inclusive and safe places which... are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion*".

2.42 Cleveland Police have confirmed that they would have no objections to the proposal subject to a number of safety and security measures, to include an hours restriction (detailed above) and the installation of appropriate CCTV to cover entrances, serving area and any outside drinking areas. This advice can be relayed to the applicant via a suitable informative. HBC Community Safety have not offered any objections or comments in respect of the proposal. It is therefore considered acceptable in respect of crime and anti-social behaviour matters.

HEALTH AND WELLBEING

2.43 The proposed use would result in an additional drinking establishment with expanded food provision in the area. The Council's Public Health section were consulted and have offered no comments or objections to the proposal.

2.44 In relation to planning and health, paragraph 92 of the NPPF (2021) underlines that planning decision should aim to achieve healthy, inclusive and safe places and take into account and support the delivery of local strategies to improve health, social and cultural well-being. It is recognised that planning is closely linked with health and has an important role to play in encouraging health habits and active lifestyles.

2.45 It is acknowledged that there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating and drinking habits, albeit the end user has a choice. Given the number of existing bars/drinking establishments in the locality, and consideration of the other matters above (including the principle of development, neighbour amenity, visual amenity, highway safety and crime, fear of crime and anti-social behaviour) to which the proposed uses are deemed acceptable in planning terms, it is not considered that the addition of a 'drinking establishment with food provision' would result in a significant or disproportionate reduction in the health and well-being for residents in this area of Hartlepool. The proposal is therefore, on balance, considered to be acceptable in this respect.

OTHER PLANNING MATTERS

2.46 It is noted that existing provision is made for refuse storage at the rear of the unit, with access to this directly from the rear of the unit. No objections have been received from HBC Waste Management or HBC Public Protection in respect of waste facilities, and therefore the proposal is considered acceptable.

2.47 No objections have been received from technical consultees in respect of drainage, contamination, or ecology matters. The proposal is therefore considered to be acceptable in respect of these matters.

OTHER MATTERS

2.48 With reference to the objection that the applicant has not consulted neighbouring properties, this is not a formal requirement of the applicant for this type of planning application. As stated above, the application has been advertised by the LPA in line with (if not exceeding) the minimum requirements of planning legislation including neighbour letters and by way of a site notice.

PLANNING BALANCE AND OVERALL CONCLUSION

2.49 Overall, it is considered that the principle of development in this location is acceptable in relation to Policy RC1 of the Hartlepool Local Plan (2018). It is further considered that the that the proposal would not result in significant adverse impacts on the amenity or privacy of neighbouring land users or adverse visual impacts, and

the proposal is considered to be acceptable in respect of all other material considerations. The proposal is therefore considered to accord with policies QP4, QP5 and QP6 of the Hartlepool Local Plan (2018) and relevant provisions of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

2.50 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.52 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE, subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details Location Plan (scale 1:1250), Drwg. No. 01 Existing Floor Plan, Drwg. No. 02 Proposed Floor Plan received by the Local Planning Authority on 13th August 2021.
For the avoidance of doubt.
3. Prior to the development hereby approved being brought into use a scheme demonstrating appropriate noise insulation between the application site and adjoining residential properties shall be submitted to and approved in writing by the local Planning Authority. The agreed scheme shall be implemented prior to the occupancy of the development hereby approved and retained for the life of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the submitted information and prior to the first use of the development hereby approved, details of ventilation, filtration and fume extraction equipment to reduce cooking smells, and/or provide air circulation within the kitchen as may be required, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter and prior to the first use of the development, the approved scheme shall be implemented and thereafter retained and used in accordance with the manufacturers' instructions at all times whenever food

requiring ventilation, filtration and fume extraction is being cooked on the premises.

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

5. The premises shall only be open to the public between the hours of 11.00 and 23.30 Mondays to Sundays inclusive.

In the interests of the amenities of the occupants of neighbouring properties and in accordance with Policy RC1 of the Local Plan.

6. No deliveries shall be taken or despatched for the premises outside of the following hours 0800 to 2100 Monday to Sunday (including Public/Bank Holidays).
In the interests of the amenities of the occupants of neighbouring properties.

7. Notwithstanding the provisions of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification, the premises shall be used as a drinking establishment with food provision (Use Class 'Sui Generis' as defined in The Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2020) and for no other purpose or use.

To enable the Local Planning Authority to exercise control in the interests of a satisfactory form of development in accordance with Policy RC1 of the Hartlepool Local Plan (2018).

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=148228>

2.55 Copies of the applications are available on-line:

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

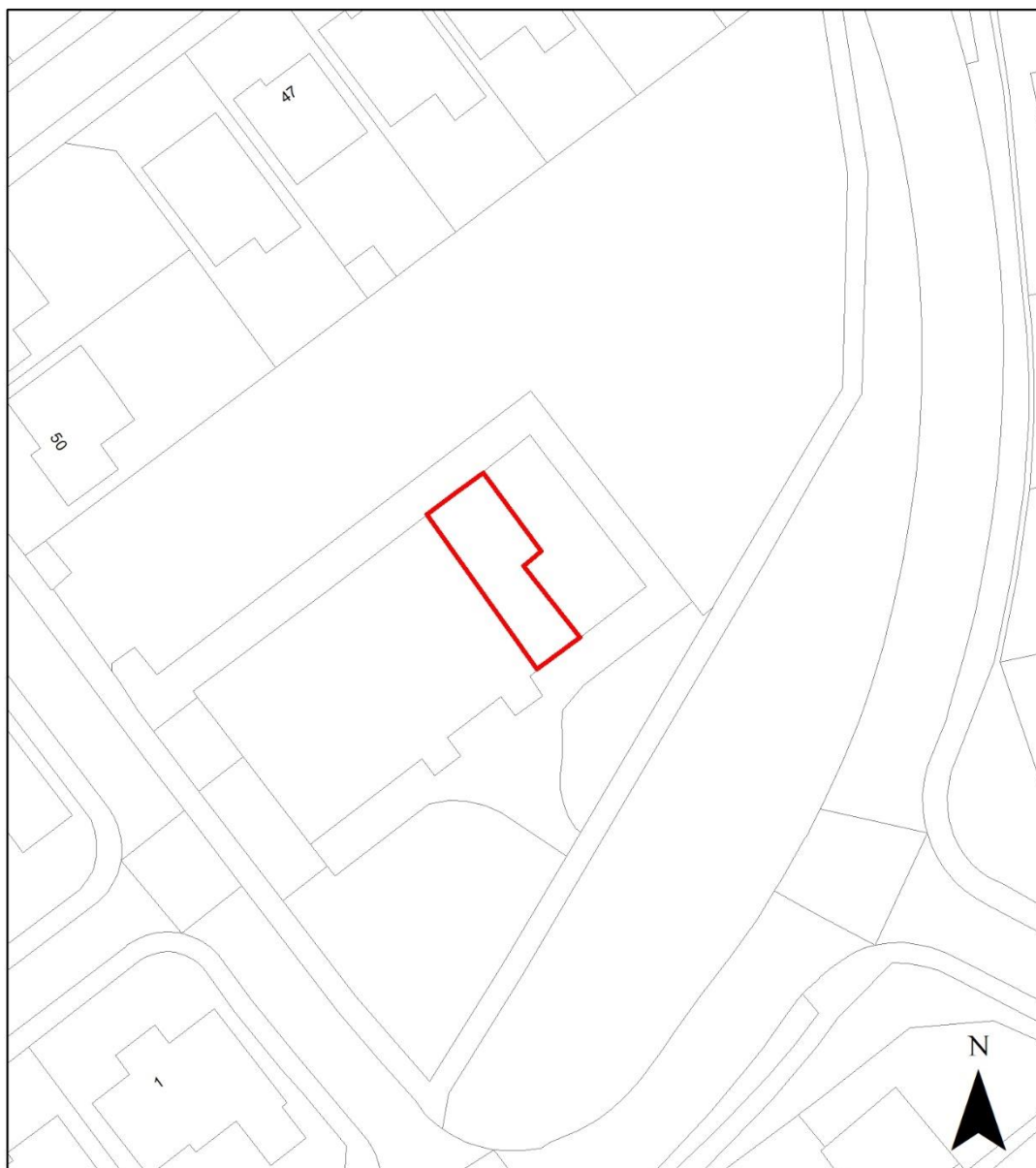
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 02.11.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0386	REV

No: 3.
Number: H/2021/0354
Applicant: MR R GRIEG 2 SURTEES STREET HARTLEPOOL
TS24 7HG
Agent: KINGFIELD DEVELOPMENTS LTD MR M DICKINSON
ST OSWAL 6 SERPENTINE ROAD HARTLEPOOL
Date valid: 23/09/2021
Development: Construction of single dwelling house and associated
drive
Location: VACANT LAND AT THE FENS HART HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following applications are considered to be relevant to the current application site;

H/2020/0033 - erection of a detached dwelling, landscaping and boundary treatment on land 'at The Fens' (the parcel of land immediately adjacent to/adjoining the east of the current application site). Application withdrawn, 22nd March 2021.

3.3 The following applications, which are close to the application site, are considered to be relevant to the current application.

3.4 These include a number of applications on the adjoining parcel of land (known as 'Kirkefields stables site') to the west of the current application site;

H/2007/0046 – Erection of 2 stables and storage room – Approved 23rd March 2007.

H/2016/0140 – Outline application with some matters reserved for the erection of two dormer bungalows - Application Withdrawn, 11th May 2016.

H/2017/0174 - Outline application with some matters reserved for the erection of one dormer bungalow - Approved 7th September 2017.

H/2020/0384 – Erection of a dormer bungalow, garage and associated external works, including removal of existing stable block – Approved 26th June 2021.

H/2021/0200 – Reserved matters application relating to appearance, landscaping, layout and scale pursuant to outline planning permission H/2017/0174 (for the erection of a dormer bungalow) – Application Withdrawn, 25th June 2021.

3.5 The following applications relate to land to the north/north west of the current application site on land to the rear of Millbank Close and are currently under construction with a number of dwellings completed/occupied.

H/2015/0209 – Outline application for 15 dwellings on land at The Fens – Approved 30 March 2017.

+

H/2019/0047 - Reserved matters application (appearance, layout, scale and landscaping) in respect of outline planning application H/2015/0209 for the erection of 15 dwellings with associated infrastructure – Approved 13 November 2019.

PROPOSAL

3.6 The application seeks full planning permission for the erection of 1no. detached dwelling with an integral garage and associated external works. The proposed dwelling would be set on an east front facing axis, with the main frontage facing onto the eastern part of the site and proposed access. The proposal's design features two overlapping, asymmetrical mono pitch roof slopes, with the northern roof slope incorporating solar panels. The proposal would measure approximately 16.75m in width x 12.43m in length/depth x 7.20m to the highest point on the northern roof slope and approximately 4.29m to eaves, with the southern roof slope at its highest point approximately 6.37m and 2.42m to eaves. The proposal includes an integral garage and 'loggia' (understood to be an open fronted storage area to rear of garage), shower room, study, lounge, kitchen, utility room and dining room on the ground floor. On the first floor bedroom 1 has a dressing room and ensuite, bedroom 2 has an ensuite and bedroom 3 and 4 sharing an ensuite 'Jack and Jill' style.

3.7 The application site would be served by a new access opening within the boundary on the north east corner, which is taken from the Fens Road. The proposed driveway would sweep up to the frontage of the dwelling, including a turning point within the driveway and be constructed from permeable materials. The submitted details indicate that the proposed building would be finished in a coloured render, although no details of roof covering has been submitted or detailed in supporting documentation. The proposed scheme indicates that existing foliage within the site would be retained (save for the creation of the proposed access), with additional compensatory trees being planted. The application is also accompanied by details of non-mains drainage in the form of a cesspool tank to be sited underground and to the front of the main dwelling (east).

3.8 The application has been referred to Planning Committee at the request of a councillor and in agreement with the Chair of Planning Committee in line with the Council's scheme of delegation.

SITE CONTEXT

3.9 The application site currently is a vacant piece of land which forms part of a larger area of land which acts as a buffer between the A179 and Fens Road. The site sits beyond the development limits to Hart Village and within the Strategic Gap (Policy LS1) as defined by the Hartlepool Local Plan. The site area is approximately

1000sqm and is undeveloped land with overgrown vegetation, hawthorn trees, hedges and bushes. It adjoins a paddock used by horses, which has the benefit of a recent but as yet unimplemented planning permission for a single dwelling as detailed in the background section of this report (H/2020/0384).

3.10 The site sits close to the entrance to the village of Hart with residential properties to the northwest at Milbank Close and to the north/north east are properties currently under construction with some completed/occupied (for up to 15) as part of approvals H/2015/0209 and H/2019/0047 (and other subsequent minor material amendment approvals). To the south west there is a relatively new development which comprises of 23 dwellings to the rear of the Raby Arms. To the northeast of the site is a small residential hamlet known as The Fens some 190m distance east of the village (access taken from Fens Road).

PUBLICITY

3.11 The application has been advertised by way of press notice, site notice and neighbour letters (17). To date, there has been 1 letter of objection.

3.12 The concerns raised are:

- Too many houses being built in area and drains cannot cope
- Ruining biodiversity within the area
- Loosing Hart Village identity.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147824>

3.14 The period for publicity is outstanding at the time of writing (expires 22/12/2021) in respect of consultations to local ward councillors and the awaited comments from the Environment Agency and Northumbrian Water. The officer report and recommendation below reflects this. Should any comments be received before the committee meeting date, these will be duly considered and Members will be updated at the meeting.

CONSULTATIONS

3.15 The following consultation replies have been received:

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

HBC Arboricultural Officer - An arboricultural Impact assessment and tree protection plan (AMSTPP 15/1/20) by "All About Trees", Chartered Arboriculturalists has previously been submitted to us and gives an accurate overview with recommendations for this site. Those trees that have been identified to be removed are still relatively young and consist of self - sown Ash ranging in size from 7 to 10m high and having a stem diameter of between 170mm to 330mm making them quite

tall in proportion to trunk thickness mainly caused by overcrowding. Ash dieback has not been mentioned but it is in the area and these trees are likely to become infected at some stage in future. The other trees consist mainly of hawthorn and consist of high scrub and hedgerow trees. As the perimeter trees will be retained other than to provide access into the site there will still be a high proportion of tree cover on this site and this is shown to be included within the proposed layout. There is also indication within the report that additional trees will be planted to offset those that are to be lost and new planting in appropriate locations on site will give a longer term benefit and contribute to any loss of wildlife habitat. Providing this is carried out in accordance with the arboricultural report mentioned, this will ensure continued tree cover in the longer term.

No objections from an arboricultural aspect but all works need to adhere to the tree protection plan above and a condition imposed as follows:

J161 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.

J162 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.

J165 All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with a programme agreed in writing with the Local Planning Authority.

J169 The 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', that has been submitted within the tree protection plan (AMSTPP 15/1/20) by "All About Trees", Chartered Arboriculturalists shall 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.

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

HBC Ecology – I note that the footprint and layout of the proposals is similar to that proposed in a previous application for the same site (application number H/2020/0033). I have reviewed the submitted information in relation to my comments for the previous application – copied below for ease.

HBC Ecology comments on application H/2020/0033:

The proposals are not supported by ecological information. However, in this case I have been able to visit the site and it is clear that the trees to be removed do not have the potential to support roosting bats. The proposals are therefore unlikely to require protected species licencing.

The AIA shows that proposals require the loss of six young ash trees and an area of hawthorn scrub. These trees and scrub are likely to support nesting birds and contribute towards the local habitat network. As a whole the trees and scrubs to be lost are considered to be an important ecological feature. Their loss will require compensation, as set out in the pre-application advice. Also set out in the pre-app advice is the requirement for ecological enhancement, which can be achieved through the installation of bat and/or bird boxes.

The planning statement (section 14) indicates that the above comments will be actioned, and the submitted layout indicates the inclusion of compensatory tree planting. However, it is not currently clear whether the indicative tree planting shown is feasible when considering the potential future shading by planted trees. No detail is provided in relation to bat/bird boxes.

I would be satisfied with a condition that requires details of an ecological compensation and enhancement scheme to be submitted and agreed prior to commencement. However, prior to this it will be necessary to establish in broad terms the means by which compensation can be achieved, i.e. is it feasible to plant replacement trees within the restricted site, or is an alternative feature of value more practical (e.g. pond, as suggested in pre-app advice).

Further information is required before I am able to support the proposals.

Information submitted in support of the present application has not addressed the concerns cited above. In particular there is no commentary on the feasibility of the proposed compensatory tree planting by an appropriately qualified person. For the avoidance of doubt, I have concerns that the proposed tree planting will lead to excessive shading of the proposed dwelling in future, which is likely to ultimately lead to the removal of trees planted as compensation. In addition, the means of providing an ecological enactment will need to be specified, which will need to be over and above measures used to compensate for ecological impacts.

Further information is needed before I am able to support this application.

UPDATED COMMENTS 15.11.2021 (in respect of amended Planning Statement)

I have reviewed the revised planning statement (dated 09/11/2021) in relation to my previous comments. In summary, and in relation to ecology, the revised statement commits to installing bat and bird boxes and to the creation of a pond.

I am satisfied with the model of bat and bird boxes proposed and content that installation of such features will provide the necessary ecological enhancement. I am also satisfied that the proposal to create a pond within the garden area is an ecologically appropriate and feasible means of compensating for the ecological harm resulting from loss of trees at the site. Details of these measures will need to be secured by condition (see suggested wording below), which will require the advice of a consultant ecologist.

There is potential for removal of trees to result in significant ecological harm in respect of destruction of birds' nests, if clearance work is undertaken during the bird breeding season. This impact can be avoided through appropriate timing of works, and a condition to secure this has been suggested below.

Provided the following conditions, or suitable alternatives, are attached to a permission I have no objection to the proposals.

No development shall take place until a scheme for ecological compensation and enhancement, comprising a specification for creation of a pond as compensation for ecological harm and installation of one integral self-contained bat box and one integral self-contained swift box has been submitted to and approved in writing by the local planning authority. The content of the scheme shall include:

- Identification of the make and model of proposed bat roost and/or bird nest features;
- The proposed location of bat roost and/or bird nest features, including height and aspect (taking account of the ecological requirements of the target species);
- Method for incorporating the proposed features into the fabric of walls at the locations identified (can be diagrammatic);
- Drawings showing the proposed location and design of the pond;
- Specification for planting of the pond utilising locally native species;
- Timetable for implementation demonstrating that works are aligned with the construction program;
- Details of initial aftercare and long-term maintenance.
- The works shall be carried out strictly in accordance with the approved details and features created or installed shall be retained in that manner thereafter.
Reason: to ensure the development provides an ecological compensation and enhancement in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.
- No removal of hedgerows, trees or shrubs shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation shall be submitted to the local planning authority.
Reason: to ensure the development avoids harm to nesting birds in accordance with policy NE1 and Section 15 of the National Planning Policy Framework.

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

1. Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.
2. Effectively control dust emissions from the site remediation and construction works.
3. No open burning at any time

I would also expect consideration to be given to the noise assessment and pre application advice that has been submitted and would urge the applicant to follow the advice and guidance within the report in relation to an acoustic barrier, glazing and trickle ventilation. Risk analysis indicates a 'medium risk' at the worst affected portion of the site backing onto the A179.

UPDATE

Following further clarification, a verbal update from HBC Public Protection has confirmed that an acoustic fence along the southern boundary (A179) would be required by a planning condition and other measures that are recommended within the noise assessment can be applied as an informative given the scale and nature of the development.

HBC Engineering Consultancy - In response to your consultation on the above application we have no objection to proposals in respect of surface water management or contaminated land. Please include our standard unexpected contamination and basic surface water conditions on any permission for proposals.

The applicant appears to propose the management of surface water by means of infiltration, the attention of the applicant is drawn to the low permeability of soils in the region which will likely render surface water management by means of infiltration impractical necessitating surface water disposal to watercourse or sewer.

HBC Heritage and Countryside Manager - The application site is not in a conservation area and there are no list or locally listed buildings within close proximity. No objections to this proposal.

HBC Landscape architect - The proposed development does not relate well to the existing settlement of Hart, and would result in ribbon development when considered cumulatively with adjacent consented development.

An Arboricultural impact Assessment has been provided. There would be loss of trees that could possibly be retained (defer to Arb Officer) and this loss would negatively impact on the local landscape amenity.

Northern Power Grid – (summarised) No objection.

Northern Gas Networks – (summarised) No objection.

Hart Parish Council - Whilst the Parish Council acknowledges the site is only just outside the village envelope, it is never-the-less, outside the permitted development area. Neither is the proposed dwelling design appropriate for a village setting.

Rural Plan Working Group - Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The group OBJECT to the application.

HRNP Policy GEN1 – DEVELOPMENT LIMITS

Within the Development Limits as defined on the Proposals Map, development will be permitted where it accords with site allocations, designations and other policies of the development plan.

Development within the Green Gaps shown on the Proposals Map will be permitted only in exceptional circumstances where it does not compromise the openness of the countryside between the villages, Hartlepool and Billingham. In the countryside outside the Development Limits and outside the Green Gaps, development will be supported where it is essential for the purposes of agriculture, forestry, public infrastructure or to meet the housing and social needs of the local rural community. Other development that is appropriate to a rural area and supports the rural economy, agricultural diversification, rural tourism and leisure developments will be supported where it respects the character of the local countryside and does not have a significant impact on visual amenity and the local road network.

The site is outside the limits to development and is within the Green Gap as defined on the proposals map. There are no exceptional circumstances evident for this application. The proposed property is not essential for the purposes as described in the Rural Neighbourhood Plan. This development is not acceptable as it would erode the aim of maintaining the separate identity and definition of the village of Hart – this can all too easily be done one house at a time. Local Plan Policy LS1 states protection will be given to the rural character of the Borough avoiding coalescence between the urban areas of Hartlepool and surrounding villages. To maintain the separate character of directly neighbouring rural settlements, the generally open and undeveloped nature of the strategic gap between Hart and Hartlepool will be expressly protected. There is already a growing cumulatively effect with existing development to the east of Hart. As the applicants planning statement states the site and its current shrub and trees “offers a “buffer” for the A179 trunk road and the countryside to the North”. Its replacement with a house is therefore an unacceptable loss within the green gap and strategic gap.

HRNP Policy H4 HOUSING IN THE COUNTRYSIDE Outside village envelopes, new housing will be supported only in exceptional circumstances:

1. where it is essential for a person employed in agriculture, forestry, or other use requiring a countryside location and where it is essential for the worker to live permanently at or near the place of work; or
2. where it would re-use existing rural buildings and where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; or

3. for the replacement of an existing dwelling by a new dwelling not materially larger than the dwelling it replaces; or

4. for new housing of an exceptional quality or innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area. Proposals for new housing development and the reuse of existing buildings should pay particular attention to design and landscape character so as to preserve and enhance the character and distinctiveness of the countryside. With respect to foul sewage, the first presumption must be to provide a system of foul drainage discharge into public sewer. Only, where having taken into account the cost and/or practicability, it can be shown to the satisfaction of the local authority that connection to a public sewer is not feasible, should non-main foul sewage disposal solutions be considered. The application does not meet the exceptional circumstances as outlined in policy H4.

The design presented, we would suggest, is hardly of the highest standard of architecture. The “Active House” description provided is in itself is not evidence of a design of “exceptional quality and innovative design that reflects the highest standards”. “Active House” is a vision of what a sustainable home can be. While these ideas for popularising sustainable housing are laudable they are not a measure of quality or innovation but a guide to a way to build so that this will become a norm for all houses. The application suggests the site is close to the village yet seeks the use of a cesspool. This is concerning and connection to the public sewer serving the village would be expected. The following Local Plan Policies support those of the Rural Neighbourhood Plan.

Local Plan Policy RUR1. The Borough Council will seek to ensure the rural area is protected and enhanced to ensure that its natural habitat, cultural and built heritage and rural landscape character are not lost. Development outside the development limits will be strictly controlled.

Local Plan Policy RUR2. This policy states the Borough Council will seek to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification which can be demonstrated. No such sound justifications have been provided by the applicant.

Tees Archaeology – Thank you for the consultation on this application. There has been limited archaeological evaluation of the western part of the site and this revealed human remains which we believe are of Anglo-Saxon date. However in order to provide sufficient information to determine the application there should be further archaeological evaluation of the rest of the site in order to determine the presence or absence of other archaeological remains.

We would be happy to discuss a programme of evaluation with the developer, this should take the form of limited trial trenching.

UPDATED COMMENTS 17.11.2021 (in respect of amended Planning Statement)

Thank you for sending through this amended planning statement. Unfortunately, our concerns have still not been addressed. As such, we are objecting to this planning application and advising refusal of permission to develop.

The original archaeological evaluation clearly identified the presence of graves and human remains on the proposed development site, which, as noted in the archaeological evaluation report, almost certainly relate to the possible chapel site to the immediate west. I repeat the reasoning for our objection, originally set out in our comments made in December 2020 on application H/2020/0033, below.

Dating of the human remains

1. The human remains encountered on the development site have not been dated, however those to the immediate west were associated with an Anglo-Saxon namestone and possible chapel.
2. The site is in close proximity to the well dated major Anglo-Saxon cemetery at Manor Park. Christian Anglo-Saxon cemeteries that relate to major religious sites are often located close to each other, probably clustered around different religious foci such as church buildings, shrines etc. For instance there are three major cemeteries on Hartlepool Headland associated with the Anglo-Saxon monastery there.
3. The medieval cemetery for Hart would have been based around the present church which is at least 11th century AD in date and this cemetery is therefore unlikely to be medieval in date.
4. On balance there is little doubt that these burials are part of an Anglo-Saxon cemetery and their east-west orientation indicates that they are Christian and might be expected to date from the period 650 – 1000 AD.

Quantity of human remains

1. The very limited evaluation demonstrated the presence of at least six graves and while they appear to cease to the eastern end of the trench in the absence of more information this cannot be presumed.
2. It can however be presumed that the burials extend to the north and south of the evaluation trench and possibly to the west. The probability is that there will be at least 60 -100 burials if not significantly more in the development area.

Significance of the Remains

1. There are very few known Anglo-Saxon cemetery sites and they contain valuable information about the way in which burial was carried out in the past and the religious beliefs of those burying them. This can be reflected in the orientation of graves, clustering of the graves around key parts of the cemetery, the material placed in the graves and the positions of bodies in the graves.
2. With the advent of DNA and other scientific research methods a great deal of information can be discovered about people in the past.
3. The importance of this type of site is referred to in the North East Regional Research Framework, Research Agenda EMvii Death and Burial, <https://www.durham.gov.uk/media/1551/Shared-Visions-North-East-Regional-Research-Framework-for-the-Historic-Environment/pdf/SharedVisionsNERRegionalResearchFrameworkHistoricEnvironment.pdf>
4. The date, rarity and potential of the cemetery mean that it is of local, regional and national significance. Indeed, ongoing analysis of the Manor Park cemetery has indicated that that is of international significance and the same may be the case for this site.

Impact of the Development

1. I have looked at the proposed development and have juxtaposed the block plan over the information provided by the archaeological report. As far as I can tell the proposed house will completely cover the area of known burials and the scale of the development would mean the destruction of virtually the whole of the cemetery in the development area.

NPPF

1. The National Planning Policy Framework, July 2021 Section 194 states that:-
‘In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets’ importance and no more than is sufficient to understand the potential impact of the proposal on their significance.’

2. The developer has not fully assessed the significance of the heritage asset (the cemetery) by not identifying its full extent nor confirming its date, nor has the developer assessed the impact of the development on the heritage asset.

3. The National Planning Policy Framework, July 2021 Section 195 states that:-
‘Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict between the heritage asset’s conservation and any aspect of the proposal’

4. The proposed development will have a major impact on the heritage asset (the cemetery) and result in its destruction.

5. The National Planning Policy Framework, July 2021 Footnote 68 states that:-
‘Non-designated heritage assets of archaeological interest, which are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.’

6. It is my opinion that the heritage asset (the cemetery) is of national importance and of equivalent significance to a scheduled monument, the policies relating to designated heritage assets are set out in paras 199 – 202 of the NPPF. Of these the most relevant is para 201:-

‘Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss’

Conclusion

On the grounds above I object to the proposal and advise that planning permission is refused.

Northumbrian Water – Consultation period outstanding and any comments awaited.

Environment Agency – Consultation period outstanding and any comments awaited.

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
HE2: Archaeology
LS1: Locational Strategy
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
QP7: Energy Efficiency
RUR1: Development in the Rural Area
RUR2: New Dwellings Outside of Development Limits
SUS1: The Presumption in Favour of Sustainable Development

Hartlepool Rural Neighbourhood Plan

3.18 The proposal is within the Hartlepool Rural Neighbourhood Plan (2018) area and the following policies apply to this proposal:

GEN1: Development Limits
GEN2: Design Principles
H4: Housing in the Countryside

National Planning Policy Framework (NPPF)(2021)

3.19 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA002: Determination of applications in accordance with development plan
 PARA007: Achieving sustainable development
 PARA008: Achieving sustainable development
 PARA009: Achieving sustainable development
 PARA010: Achieving sustainable development
 PARA011: The presumption in favour of sustainable development
 PARA012: The presumption in favour of sustainable development
 PARA038: Decision making
 PARA047: Determining applications
 PARA080: Rural housing
 PARA 126: Achieving well-designed places
 PARA130: Achieving well-designed places
 PARA134: Achieving well-designed places
 PARA154: Meeting the challenge of climate change, flooding and coastal change
 PARA199: Conserving and enhancing the historic environment -Considering potential impacts
 PARA200: Conserving and enhancing the historic environment - Considering potential impacts
 PARA201: Conserving and enhancing the historic environment - Considering potential impacts
 PARA202: Conserving and enhancing the historic environment
 PARA218: Implementation

HBC Planning Policy comments (updated)

3.20 From our perspective at planning policy, the applicant has not sufficiently addressed our concerns nor demonstrated that the application will be policy compliant in terms of our rural policies. Also, I would like to reinforce that the application site is within the strategic gap, and the planning statement continues to argue that the dwelling is not isolated, deeming this sufficient enough to allow for approval. We are not arguing that it will be an isolated dwelling, however it is outside the village envelope and is within the strategic gap, which are separate concerns to considering the application as an isolated dwelling. These concerns and the demonstration of policy compliance have not been alleviated as a result of this update. Our previous comments therefore still stand.

3.21 With regards to the proposed development, there are certain criteria and policies which the proposal must adhere to before it can be deemed acceptable. Primarily, it is worth noting that the location is outside of the village envelope and is therefore outside the limits to development. The development limits have been used to provide clear and defensible boundaries around settlements within which development must be confined.

3.22 The Local Plan allocates sufficient land within development limits to accommodate the anticipated housing need over the plan period and therefore there will be very limited need for additional dwellings outside development limits. Policy RUR2 will apply in this instance, and it clearly demonstrates that there are limited criteria under which a new dwelling outside the limits to development will be permitted which are:

- There is a clearly established functional need and it is considered essential for a full time rural worker to live permanently at or near to their place of agricultural, forestry or other rural based enterprise considered acceptable by the Council;
- The agricultural, forestry or other rural based enterprises considered acceptable by the Borough Council has been established for at least 3 years, has been profitable for at least one of them, is currently financially sound and has a clear prospect of remaining so;
- The need could not be met by another existing dwelling nearby;
- The dwelling proposed is of a size commensurate with the size/value of the business it is supporting.

3.23 Alongside this, the Council has a specific SPD which relates to a new dwelling outside the development limits. The SPD sets out further guidance on how to comply with policy RUR2. The SPD also sets out when a justification test will be required and details what information the applicant will be required to submit as part of the justification test. In its current form, we do not deem the proposal to be compliant with policy RUR2 as there is no information within the application to provide an explanation for the need of the dwelling. We recommend the applicant utilise table 1 on page 11 of the New Dwellings Outside Development Limits SPD and submit supplementary evidence to justify the need for this dwelling.

3.24 This approach is supported by national policy, specifically the NPPF, which seeks to avoid new isolated homes in the countryside unless justification can be sought. Paragraph 80 highlights the special circumstances under which development in the countryside may be permitted. These include:

- The essential need for a rural worker to live permanently at, or near, their place of work in the countryside; or
- Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future or heritage assets; or
- Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- The exceptional quality or innovative nature of the design of the dwelling.

3.25 The applicant has made reference to some environmental considerations that will make the house more eco-friendly than perhaps a typical build, however there is little to demonstrate that the house will be of an exceptional quality or innovative in nature.

3.26 I would like to note that the applicant has made reference to several recent decisions to approve houses in the vicinity of the site. Planning policy would like to reiterate that in our comments, we raised our objections to these however they were permitted at planning committee. Our viewpoint still stands, and consideration of these decisions does not mean this will be supported. The cumulative impact of these dwellings will result in harm to the strategic gap, through loss of natural elements such as trees/hedges and replacement with urban features (dwellings).

3.27 It is also worth noting that there are a few errors/incorrect information that we have found amongst the supplementary documentation relating to this application:

- They refer to the 2013 NPPF not the most up to date one, this should be amended to the 2021 version.
- The site for 15 which they refer to is inside the limits to development, this was a proposal that was taken into account in the Local Plan prior to its adoption and therefore cannot be used to justify this dwelling.
- One of their conclusions is inaccurate as it is a departure from Local Plan policy, yet the applicant claims it is in line.

3.28 Although this is technically a separate application than was previously submitted, it is disappointing to see the lack of justification in policy terms for this dwelling. As the application in its current form does not provide any evidence to justify the need for the dwelling, the proposal is not compliant with either local or national policy. If the applicant wishes to progress the application, they need to ensure the policy tests are met and that sufficient evidence was submitted to meet the justification tests of the SPD, otherwise our current stance of an objection will remain.

PLANNING CONSIDERATIONS

3.29 The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety, drainage, ecology and archaeology. These and any other planning matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

3.30 Both the Hartlepool Local Plan (2018) and the Hartlepool Rural Neighbourhood Plan (2018) set development limits, beyond which there is a presumption against development. Development limits tend to be tightly drawn around the Borough's villages. The current application site sits just outside the development limits and village envelope of Hart village as defined by Local Plan Policy LS1 (development limits). The application site is designated within the Hartlepool Local Plan Policy Map as a 'Strategic Gap' (Policy LS1) and is also located within the allocated 'Green Gaps' as shown on the Hartlepool Rural Neighbourhood Plan Proposals Map (as designated by Policy GEN1 (Development Limits) of the Hartlepool Rural Neighbourhood Plan).

3.31 Furthermore, the proposal constitutes a new dwelling outside of development limits, in which case policies RUR1 (Development in the Rural Area) and RUR2 (New Dwellings Outside of Development Limits) of the Hartlepool Local Plan, the Council's adopted New Dwellings Outside of Development Limits SPD (2015), Policy H4 (Housing in the Countryside) of the Rural Neighbourhood Plan, and paragraph 80 of the NPPF, are relevant.

3.32 Local Plan policy RUR1 (Development in the Rural Area) stipulates that development outside the development limits will be strictly controlled. Development beyond development limits must meet a number of criteria, including re-using existing buildings/materials where possible, not having a significant detrimental

impact on neighbouring land users and being of a design that is in keeping with other buildings and enhances the quality, character and distinctiveness of the immediate area and not have a detrimental impact upon a heritage asset. For new dwellings in the rural area, the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with Policy RUR2.

3.33 Policy RUR2 (New Dwellings Outside of Development Limits) ensures new dwellings outside of development limits are only permitted if there is clear justification and is subject to a number of strict criteria. Criterion 1-6, sets out that new dwellings in the countryside will only be permitted if there is clear justified need and that there is an established functional need, linked to a rural based enterprise that has been established for at least three years and is financially healthy, the need for the dwelling could not be met elsewhere, the size of the dwelling is commensurate to the size/value of the business and where relevant the development would represent the best viable use or secure the use of a heritage assets. Criterion 7-10 further sets out that in exceptional circumstances, new dwellings outside development limits may be permitted if the design is truly outstanding, ground breaking and innovative, it reflects the highest standard of architecture, it significantly enhances the immediate setting and is sensitive to the defining characteristic of the local area.

3.34 An objection has been received from the Hartlepool Rural Neighbourhood Plan Group with respect to the proposed dwelling being located beyond the development limits of both the Hartlepool Local Plan (in the Strategic Gap) and that of the Hartlepool Rural Neighbourhood Plan (in the Green Gaps) and the Group consider that there are no exceptional circumstances to justify the dwelling.

3.35 The Borough Council seeks to protect the countryside from unnecessary development, in general, only permitting development that is to serve the rural area (i.e. by providing for agriculture and rural tourism) through the above identified policies of the Local Plan (and referenced SPD), those of the Neighbourhood Rural Plan and the NPPF (2021).

3.36 It must be stressed that the site lies outside the defined limits for development (and within the identified strategic gap/green gaps) and does not meet the identified exceptions tests of the policies of the relevant Hartlepool Local Plan (and aforementioned SPD) and Rural Neighbourhood Plan policies. The application is supported by a Planning Statement which states that *“the dwelling will be of exceptional quality and innovative design that reflects the highest standard of architecture, significantly enhances its setting and is sensitive to the landscape character and heritage assets of the area. Its design is based on the Active House Principals”*. As detailed further in the report, officers consider that the design is neither reflective of its rural-fringe and village setting and is not of an exceptional or innovative design.

3.37 Furthermore, the submitted planning statement continues to argue that the proposed dwelling is not ‘isolated’. It is acknowledged that the application site lies adjacent to a parcel of land that benefits from a recent and extant planning permission for a single dwelling and to the north west of a development under construction for up to 15 dwellings (that site is within the development limits). In this

context and the relatively close proximity of Hart village, officers acknowledge that the site is not 'isolated'. However, and fundamentally, the site lies outside of the village envelope of Hart village and within both the Strategic Gap (Local Plan Policy RUR2, LS1) and the Green Gaps (Rural Plan Policy GEN1), and is therefore in conflict with these policies. This is a clear and separate concern to the application site being 'isolated'. The principle of development is therefore not acceptable in this instance and this would warrant a refusal of the application.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

3.38 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.

3.39 Policy RUR1 (Development in the Rural Area) of the Local Plan stipulates that development in the rural area should reuse existing buildings or materials where possible, and enhance the quality, character and distinctiveness of the immediate area, villages and landscapes. Policy NE1 (Natural Environment) of the Local Plan requires all development ensures that the character, distinctiveness and quality of the Borough's landscape is protected and, where appropriate, enhanced.

3.40 Policy GEN2 (Design Principles) of the Hartlepool Rural Neighbourhood Plan stipulates that, amongst other requirements, the design of new development should demonstrate, where appropriate, how the design helps to create a sense of place and reinforces the character of the village or rural area and how the design preserves and enhances significant views and vistas.

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

3.42 As above, the application site is located within the Green Gap east of Hart Village allocated in the Rural Plan and within the Strategic Gaps of the Local Plan.

3.43 The proposed site differs in character from the adjoining fields and open countryside, being that it is a relatively small contained parcel of land which does not possess the same open characteristics as the immediate adjoining countryside. It is further considered that the site acts as a 'green buffer' to existing development within Hart village and the A179.

3.44 Supporting documents state that the dwelling has been designed to incorporate environmental considerations that will make the house more eco-friendly than perhaps a typical build, however officers consider that there is little to demonstrate that the house will be of an exceptional quality or especially innovative in nature. Furthermore, it is considered that the unusual mono pitched roof(s) design and use

of fenestration (including port hole windows) would result in a design and scale of dwelling that would be out of keeping with the immediate rural area.

3.45 It is recognised that the dwelling would be located in close proximity to the village envelope of Hart and would sit within an area of undeveloped land which forms a buffer between the A179 and the properties which takes its access from the Hart Road. It has been referenced that the site adjoining the application site to the west benefits from planning permission for a single dwelling and garage (which is detailed above) which replaced a stable building and also lies beyond the development limits. However and fundamentally, in that instance, the site benefitted from an extant outline planning permission (ref H/2017/0174, approved by planning committee, contrary to officer recommendation) and therefore the approval of the application in full (H/2020/0384) was primarily justified by the 'fall back' position that the outline planning permission could have been implemented (subject to reserved matters approval). Notwithstanding the above, officers' consideration of the above references adjacent sites' decisions does not mean this current application will be supported. It is considered that the cumulative impact of these dwellings will result in harm to the Strategic Gap and Green Gaps, through loss of natural elements such as trees/hedges and replacement with urban features (dwellings and associated paraphernalia). This concern is echoed by the Council's Landscape Architect and Planning Policy team.

3.46 It is considered that the visual amenity of the site and the character of the area will inevitably be altered from that of a small holding to that of a small enclosed residential development of a large dwelling on the edge of Hart Village. Furthermore, the Council's Landscape Architect has been consulted and has advised that the development does not relate well to the existing settlement of Hart, and would result in ribbon development when considered cumulatively with adjacent consented development. Officers consider that the proposal is of a poor design and does not reflect any features of properties within the village of Hart, and would not be in keeping with the immediate surrounding area.

3.47 Whilst supporting documentation states that the property will not be visible from outside of the site due to the existing hedge/trees and shrubbery, officers consider that the roofline will be visible over the hedge/trees and shrubbery and would appear out of keeping with the rural area, especially given what officers consider to be a poor design. As stated above it is not considered that the development relates well to the existing village and rural nature of the site, the development will be within an area that forms a buffer between existing development and the A179 which is one of the two main arterial routes into Hartlepool from the A19. Ultimately, the proposal would increase the built form in the rural area (Green Gaps and Strategic Gap), impacting on the rural character and openness, and would be detrimental to the rural area and its associated landscape.

3.48 In view of the above, it is considered that the proposals are not acceptable with respect to the impact on the visual amenity of the application site and the character and appearance of the surrounding area (the designated 'Strategic Gap' and the Green Gaps' of the Local Plan and Rural Neighbourhood Plan respectively), and would not be in accordance with the relevant identified policies of the Hartlepool

Local Plan, Rural Neighbourhood Plan and the relevant paragraphs of the NPPF. This would therefore warrant a second reason for the refusal of the application.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

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

3.50 Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) stipulates that development should not negatively impact upon the relationship with existing and proposed neighbouring land users 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. 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 adopted Residential Design SPD (2019).

3.51 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.

3.52 The proposed dwelling sits within the site, with a blank gable facing onto the northern boundary, beyond which are open fields, and at an oblique angle (northwest) is the new development site which is currently under construction (land to the rear of Millbank Close). There are five properties which face onto Fens Road, with the closest plot 15 (at an oblique angle) being in excess of approximately 26m and is partially screened by existing trees and bushes with the presence of an access road in between. There would be no direct views from the windows on the rear elevation (south) of the application dwelling to the principal/side elevation of plot 15. It is noted that the site is also separated by adopted highway and the site will be partially screened by tree/bushes along this boundary.

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

3.54 As noted above the land to the west adjoining the application site benefits from an extant planning permission for a single dwelling. The rear elevation of the

proposed dwelling (forming this application) would be set approximately 6.2m reducing to 2.3m (due to siting within the plot) from the adjacent rear/west boundary and approximately 70m reducing to 67m from the rear elevation of the proposed dwelling. As a result of these distances, the existing boundary treatment consisting of trees and shrubbery, it is considered that the proposal would not have a significant detrimental impact on the privacy or amenity for future occupiers of this dwelling (or current occupiers/land users) in terms of overshadowing, any overbearing effect, poor outlook or overlooking.

3.55 It is acknowledged that the proposal is likely to result in an intensification and increase in activity with the creation of an additional access coming off the Fens Road, however given the scale of the development and remaining separation distances, it is not considered that the proposals would result in an adverse loss of amenity in terms of noise disturbance for surrounding properties.

3.56 Furthermore, no objections have been received by HBC Public Protection, however had the application been acceptable there would be a requirement for adequate sound insulation measures consisting of acoustic fence along the southern boundary adjacent to the A179 to be incorporated and secured by an appropriate condition to ensure that future occupiers of the proposed dwelling are not adversely affected in terms of noise disturbance. A further planning condition could have been secured with respect to controlling hours of construction and deliveries.

HIGHWAY AND PEDESTRIAN SAFETY

3.57 The proposal would require the creation of a new access into the site. The submitted plans indicate that visibility splays would be provided, the implementation of which would have needed to have been secured by way of a planning condition had the application been considered acceptable in all respects. The application site would feature a driveway to accommodate car parking. The Council's Traffic and Transport section have confirmed that they have no objection to the proposal and are satisfied with the proposed layout and parking arrangements. As such, the application is considered to be acceptable in this respect.

FLOOD RISK AND DRAINAGE

3.58 Concerns have been raised from a neighbouring property with regard to potential flooding issues due to the number of houses being built and the impact on the drainage system.

3.59 The application site is located within Flood Zone 1 (low probability of flooding), with respect to rivers and the sea, and is at very low risk of surface water flooding, as shown on the Government's flood maps.

3.60 The Council's Flood Risk Officer has been consulted and has advised that he has no objection to the proposals in respect of surface water management however has requested that the final surface water drainage proposals are secured by virtue of a planning condition had the application been recommended for approval. It would also be expected that permeable surfacing be employed for hardstanding areas where possible. Final details of hard surfaces would have been secured by planning

condition, with the submitted details to be agreed in consultation with the Council's Flood Risk Officer had the application been recommended for approval.

3.61 Initial details of the proposed sewerage treatment plant (cesspool tank) and a Foul Drainage Assessment Form have been submitted as part of the application. The Council's Building Control section has confirmed a Building Regulations application will be required, through which foul drainage details will also need to be agreed.

3.62 Notwithstanding the outstanding consultations with the Environment Agency (primarily in respect of the non mains foul drainage) and Northumbrian Water, and subject to no objections or additional requirements being received as a result of the consultations (which may result in a further reason(s) for refusal of the application), matters of surface water drainage could have been secured by a planning condition (as per the Council's Flood Risk Officer recommendations) and it is likely that that foul drainage would need to be agreed through the requisite Building Regulations legislation as well as being considered/controlled by separate environmental permitting (issued by the Environment Agency).

HERITAGE AND ARCHAEOLOGY

3.63 The application site is identified as having significant archaeological interest. It is noted that a significant area of archaeological interest has been identified on nearby development sites in the form of an Anglo-Saxon burial ground (primarily land to the north west of the current site that is under construction for up to 15 dwellings, reference H/2015/0209).

3.64 The original withdrawn application for the current application site (H/2020/0033) was accompanied by an archaeological evaluation (document dated December 2018) which was considered to be limited (primarily looking at a small part of the site) but is understood to have identified human remains which Tees Archaeology believe are of Anglo-Saxon date. In this context and without the further requisite assessments, Tees Archaeology objected to the application, which was later withdrawn by the applicant.

3.65 The same archaeological assessment has been submitted as part of the current application. Tees Archaeology remain of the view that evaluation is limited and in order to provide sufficient information to determine the application there should be further archaeological evaluation of the rest of the site in order to determine the presence or absence of other archaeological remains.

3.66 The applicant has since submitted an updated Planning Statement with additional information which has been considered by Tees Archaeology who consider that their concerns have not been addressed and therefore object to the application. It is considered that the applicant has not fully assessed the significance of the heritage asset (the cemetery) by not identifying its full extent nor confirming its date, nor has the applicant assessed the impact of the development on the heritage asset. Tees Archaeology consider that the proposed dwelling would completely cover the area of known burials and the scale of the development would mean the destruction of virtually the whole of the cemetery in the development area.

3.67 Tees Archaeology therefore object to the proposal as it is in conflict with the requirements of the NPPF and Policy HE2 and the proposed development will have a major impact on the heritage asset (the cemetery) and result in its destruction. Furthermore, no public benefits have been identified that would outweigh this and this would therefore warrant a third reason for the refusal of the application.

3.68 The Council's Heritage and Countryside Manager has raised no objections to the proposal, confirming that the proposal will not result in an adverse impact on designated heritage assets in respect of listed buildings within Hart Village or the surrounding areas.

ECOLOGY, LANDSCAPING AND NATURE CONSERVATION

3.69 An Arboricultural Impact Assessment (AIA) including a tree survey to support the application has been submitted, which highlights that the site boundary is overgrown in a natural manner, contributing to overcrowding. The AIA confirms that there will be tree removal and works to existing trees within the site, with a scheme for the protection of identified existing trees during construction. The AIA has been assessed by the Council's Arboricultural Officer who has commented that the perimeter trees will be retained (other than to provide access into the site) and there will still be a high proportion of tree cover on this site and this is shown to be included within the proposed layout. There is also indication within the report that additional trees will be planted to offset those that are to be lost and new planting in appropriate locations on site will give a longer term benefit and contribute to any loss of wildlife habitat. Providing works are carried out in accordance with the AIA, including tree protection during construction and a submission of a landscaping scheme (which could have been secured by planning conditions had the application been considered acceptable in all respects), the Council's Arboricultural Officer has raised no objections to the application.

3.70 Initial concerns were raised by the Council's Ecologist in terms of the lack of information being provided to address the potential impacts on ecology. An objection from a local resident also raised this issue. An updated Planning Statement was submitted which addressed the concerns raised by the Council's Ecologist as it now details the necessary ecological enhancement measures to be provided. These measures include the provision of a pond within the site as well as bat and bird boxes. These measures could have been secured by appropriate planning conditions had the application been considered acceptable in all respects.

OTHER PLANNING MATTERS

Energy Efficiency

3.71 Policy QP7 of the Hartlepool Local Plan requires all development in the borough to be energy efficient. Supporting documentation indicates that the building has been designed to be energy efficient to achieve 10% above what is required by Building Control. Notwithstanding this these measures could be secured by appropriate condition had the application been acceptable and recommended for approval.

Land Contamination

3.72 The Council's Flood Risk Officer has been consulted and has not raised any concerns with respect to land contamination subject to an unexpected contaminated land condition and this is recommended accordingly.

Utilities

3.73 Northern Powergrid has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Powergrid apparatus. An informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects.

3.74 Northern Gas Works has been consulted and has not raised any concerns or objections in respect of the proposals, however has provided a Mains Record for the applicant's information and has provided advice in respect of any works in proximity to Northern Gas apparatus. An informative note to make the applicant aware of this advice would have been recommended accordingly had the application been considered acceptable in all other respects.

CONCLUSION

3.75 In conclusion, it is considered that the principle of the development in this instance is unacceptable, and the proposals would have a detrimental impact on the visual amenity of the site and the character and appearance of the surrounding areas. Furthermore, the proposals would result in a substantial harm and loss of archaeology. The application is therefore contrary to policies QP4, HE2, RUR1, and RUR2 of the Hartlepool Local Plan (2018), policies GEN1, GEN2, and H4 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 80, 126, 130, 200 and 201 of the NPPF (2021).

EQUALITY AND DIVERSITY CONSIDERATIONS

3.76 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.77 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.

3.78 There are no Section 17 implications.

REASON FOR DECISION

3.79 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 – Subject to the consideration of any comments received from local ward councillors, the Environment Agency and Northumbrian Water in respect of consultations outstanding at the time of writing, the recommendation is **REFUSE** for the following reasons, and any other reason(s) which might arise from responses to the outstanding consultations;

1. In the opinion of the Local Planning Authority, the development would result in a new dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018), for which no satisfactory justification has been provided. The proposal does not meet any of the relevant tests for a new dwelling beyond development limits. The proposal is therefore contrary to policies LS1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), the Council's New Dwellings Outside Development Limits SPD (2015), policies GEN1 and H4 of the Rural Neighbourhood Plan (2018) and paragraphs 79 and 80 of the NPPF (2021).
2. In the opinion of the Local Planning Authority, it is considered that by virtue of the design, scale and siting of the dwelling outside of the development limits defined in the Hartlepool Local Plan (2018) and Hartlepool Rural Neighbourhood Plan (2018) and would be located within the Strategic Gap of the Hartlepool Local Plan and the Green Gaps identified by the Hartlepool Rural Neighbourhood Plan (2018), the proposed dwelling would compromise the integrity of both the Strategic Gap and Green Gaps by failing to preserve or enhance the open character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character and appearance of the surrounding rural area, contrary to policies QP4, NE1, RUR1 and RUR2 of the Hartlepool Local Plan (2018), policy GEN2 of the Hartlepool Rural Neighbourhood Plan (2018) and paragraphs 126, 134 and 80 of the NPPF.
3. In the opinion of the Local Planning Authority, it is considered that the applicant has failed to fully assess the significance of the heritage asset (the cemetery) or the impact of the development on the heritage asset. As a result, it is considered that the proposed development would result in a substantial harm and total loss of the heritage asset (the cemetery). Furthermore, there are no public benefits that would outweigh this harm. The proposal is therefore contrary to paragraphs 194, 195, 199, 200, 201 and 202 of the NPPF (2021) and Policy HE2 of the Hartlepool Local Plan 2018.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=147824>

3.81 Copies of the applications are available on-line:

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

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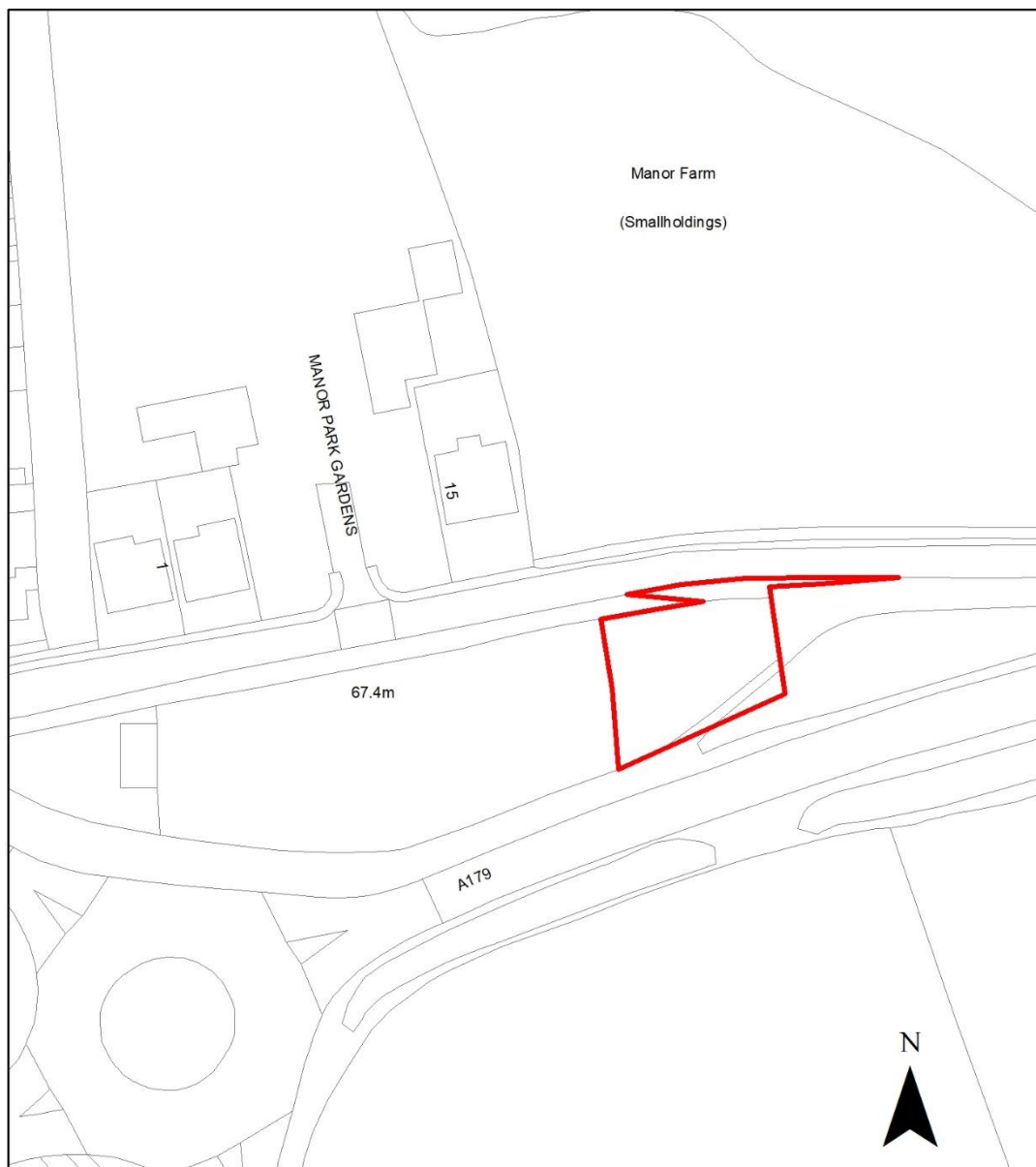
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Vacant Land at The Fens, Hart Village, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.12.2021
	SCALE 1:1,000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0354	REV

No: 4.
Number: H/2021/0468
Applicant: MS HELEN HOWSON GRANGE ROAD HARTLEPOOL
TS26 8JG
Agent: ASP ASSOCIATES JONATHAN LOUGHREY 8
GRANGE ROAD HARTLEPOOL TS26 8JA
Date valid: 08/10/2021
Development: Replacement of the existing timber frame single glazed
casement windows for uPVC frame double glazed sliding
sash windows
Location: 63 GRANGE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following planning application is relevant to the site:

H/2020/0335 – Installation of replacement windows to the principal elevation, refused 22/02/21.

PROPOSAL

4.3 Planning permission is sought for the installation of replacement windows to the principal elevation of 63 Grange Road, Hartlepool. The proposal would be to replace the existing timber frame, single glazed casement windows on the principal elevation of No. 63 (consisting of 3 no. first floor windows and the ground floor bay window) with uPVC double-glazed sliding sash windows, and the middle bay window being replaced with uPVC fixed pane window. No changes have been made to the proposed development to that considered and refused under application reference number H/2020/0335 noted above.

4.4 The application has been referred to the Planning Committee as the applicant is an Elected Member, in line with the requirements of the Council's Constitution.

SITE CONTEXT

4.5 The application site relates to a terraced property within a predominately residential area. The property is located within the Grange Conservation Area (a designated heritage asset) and is subject to an Article 4 Direction controlling permitted development rights to the front of the building, hence the requirement for planning permission.

PUBLICITY

4.6 The application was advertised by way of 8 neighbour letters, press notice and site notice. To date, no representations have been received.

4.7 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=149205>

4.8 The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

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

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 190 & 197, NPPF).

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

The Grange Conservation Area is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

Timber windows contribute the character of the conservation area. In particular the Grange Conservation Area Character Appraisal states; 'windows are key features in

the architecture of the area used to enliven elevations.’ It goes on to note that, ‘Bay windows are a prominent feature within the area, enlivening elevations and highlighting windows as features.’ Further to this it states, ‘Traditional Victorian, windows are double-hung vertical sliding timber sashes, and this type of window dominates the area. Glazing bar subdivisions are not common...Indeed, the high number of ground floor bay windows that have fixed central windows comprising one large pane of glass may stem from developers wishing to impress potential buyers with the latest fashion.’

In relation to replacement windows it states that, ‘Many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area’s detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architecture style or simply as a display of the attention to detail and quality which typifies the architectural history of the area’

The proposal is the removal of timber casement windows and install UPVC sash windows to the front elevation of the property.

There are details on UPVC windows which differ to timber sliding sashes. For example a timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

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

Whilst it is noted that the windows have been altered to modern casements it is considered that the further introduction of UPVC sashes would cause less than significant harm to the designated heritage asset. This is due to timber windows playing a significant part in contributing to the character of the Grange Conservation Area.

No information has been provided to indicate that this harm would be outweighed by the public benefits of the proposal.

PLANNING POLICY

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

Local Policy

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

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

National Planning Policy Framework (NPPF)(2021)

4.12 In July 2021 the Government issued a revised National Planning Policy Framework (NPPF) replacing the 2012, 2018 and 2019 NPPF versions. The NPPF sets out the Government's Planning policies for England and how these are expected to be applied. It sets out the Government's 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 significantly and demonstrably outweigh the benefits. The following paragraphs are relevant to this application:

PARA 002: Permission determined in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA038: Decision-Making

PARA047: Determining Applications

PARA091: Promoting healthy and safe communities

PARA124: Achieving well-designed places

PARA127: Achieving well-designed places

PARA 130: Achieving well-designed places

PARA190: Proposals affecting heritage assets

PARA193: Considering potential impacts

PARA212: Implementation

PLANNING CONSIDERATIONS

4.13 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 conservation area and any other relevant planning matters as identified below.

IMPACT ON THE CHARACTER & APPEARANCE OF EXISTING DWELLING & THE GRANGE CONSERVATION AREA

4.14 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 206). It also looks for Local Planning Authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 185 & 192).

4.15 Further to this, at a local level, Policy HE3 states that the Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

4.16 As identified in the comments received from the Council's Heritage and Countryside Manager above, Grange Conservation Area derives its significance from Victorian dwellings with common characteristics, notably windows and in particular, bay windows. The Grange Conservation Area Character Appraisal states; 'Historic timber windows are vital to the area's detailed character and appearance', and it is considered that the area has been negatively affected by the loss of such details and their replacement with inappropriate modern alternatives.

4.17 The NPPF requires works that would result in less than substantial harm be supported by justification in terms of the public benefit that would outweigh that harm. The Council's Heritage and Countryside Manager has identified these works as causing less than substantial harm. No public benefits have been identified by the applicant as justification for the harm caused.

4.18 The presence of other uPVC windows within the conservation area is not disputed, rather it is unsympathetic alterations such as this that have resulted in harm to the character of the area and therefore a more pressing need to ensure future developments are appropriate. Notwithstanding the fact all applications should be determined on their own particular merits, the presence of poor quality developments elsewhere is not considered sufficient reason to warrant causing further harm to the character and appearance of the conservation area. While the existing windows to the property are of non-traditional means of opening (i.e. casements rather than sashes) they are of traditional materials and this is considered to have less of a negative impact on the appearance of the property and character of the wider area than the introduction of modern uPVC would do, even though the proposals include a sash design.

4.19 The applicant has not sought to address the concerns raised in relation to the previously refused planning application and no changes have been made to the proposals, it is therefore still considered the proposals would cause less than

substantial harm to the character and appearance of Grange Conservation Area and therefore are unacceptable in this respect.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.20 It is not considered that the works proposed would have a negative impact on the privacy of neighbouring occupiers as the proposals would replace windows in existing openings and would not increase the number of windows or their proximity to neighbouring properties. There are no extensions proposed that would have any impact on light or outlook for neighbouring occupiers. Notwithstanding this, it is considered the proposals would detract from the visual amenities of the area to the detriment of the quality of place in the vicinity.

CONCLUSION

4.21 It is considered that the introduction of windows of non-traditional material causes less than substantial harm to the significance of the conservation area by virtue of the design, detailing and use of materials. Furthermore, insufficient information has been provided to demonstrate that this harm is outweighed by any public benefits. It is therefore considered the development detracts from the character and appearance of the Grange Conservation Area, contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2021.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.22 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.24 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

1. In the opinion of the Local Planning Authority, it is considered that the replacement windows to front cause less than substantial harm to the designated heritage asset (Grange Conservation Area) by virtue of the design, detailing and use of materials. It is considered that the works would detract from the character and appearance of the designated heritage asset. It is further considered that there is insufficient information to indicate that this

harm would be outweighed by any public benefits of the development. The proposal is therefore contrary to policies HE1 and HE3 of the Hartlepool Local Plan (2018) and paragraphs 124, 130, 189, 190, 192, 193 and 196 of the National Planning Policy Framework 2021.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=149205>

4.27 Copies of the applications are available on-line:

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

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63 Grange Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.12.2021
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0468	REV

POLICY NOTE

The following details a precis of the overarching policy documents 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) 2021

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1005759/NPPF_July_2021.pdf

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

15 December 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. Alterations to shop front signage and installation of external lighting at a commercial premises at The Front.
2. Use of part of premises as a tattoo studio and the display of advertisements on the railings at the front of a gym on Northgate.
3. The erection of timber 'pods' and non-compliance with a condition relating to the playing of amplified music at a licensed premises on Slake Terrace.
4. The display of advertisements at a licensed social club on Kendal Road.
5. Non-compliance with a drainage condition at a residential development site at Mayfair Gardens.
6. The installation of uPVC windows at a listed residential care home at The Green, Seaton Carew.
7. The installation of uPVC windows at a listed residential property at The Green, Seaton Carew.
8. The use of part of a service station on Warren Road as a hot food takeaway.
9. The conversion of existing outbuildings into three dwellings with associated landscaping, car parking and stable block for residents' use at former agricultural land on Hartlepool Road, Wynyard.
10. The re-rendering of the front elevation of a commercial premises on Church Street.

11. Non-compliance with the approved plans and conditions, and the removal of trees, at a residential development site at The Green, Elwick Village.
12. Non-compliance with a condition relating to external materials at a householder development on Stockton Road.
13. Non-compliance with a condition relating to hours of operation at a livery business at The Paddock, Elwick Village.
14. The provision of external seating at a licensed premises on Warrior Drive.

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

1. Non-compliance with the approved plans and conditions at a residential property in Burns Close. A retrospective planning application seeking to regularise the development has since been approved.
2. The siting of a shipping container at a residential property in Rosebery Road. The shipping container has since been removed.
3. The erection of a timber outbuilding in the rear garden of a residential property in Kirkstone Grove. A retrospective planning application seeking to regularise the development has since been approved.
4. The running of a livery business at a farm at The Paddock, Elwick Village. A retrospective planning application seeking to regularise the development has since been approved.
5. The removal of trees and shrubs at a golf course in Seaton Carew. There is no breach of planning control in this case.
6. Parking of construction vehicles on the footway to the front of a residential property in Owton Manor Lane. There is no breach of planning control in this case.
7. The installation of a flue at the rear of a residential property in Ark Royal Close. Permitted development rights apply in this case.
8. The erection of a timber outbuilding in the rear garden of a residential property in Goldsmith Avenue. The height of the outbuilding has since been reduced in accordance with permitted development.
9. The installation of lights to the shop front of a commercial premises at The Front, Seaton Carew. The lights are no longer in use, and are not evident on the building exterior. It is therefore not considered expedient to take any further action at this time.
10. Alterations to the boundary fencing involving the erection of a timber framework and inclusion of plastic mesh above the existing fence at a

residential property at The Darlings, Hart Village. The timber framework and plastic mesh has since been removed.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

15 December 2021



Report of: Assistant Director – Place Management

Subject: APPEAL AT SOUTHBROOKE FARM, SUMMERHILL LANE, HARTLEPOOL TS25 4LL
APPEAL REF: APP/H0724/W/21/3286101
Residential development comprising 14 detached properties including demolition of existing buildings and farmhouse (H/2021/0247).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the Council's decision in respect of an application for residential development comprising 14 detached properties including demolition of existing buildings and farmhouse. The appeal is against the decision of the Council to refuse the application. The application was refused by Members at the committee meeting date of 25/08/2021.
- 1.2 The application was refused for a number of reasons. It was considered that the principle of the development in this instance was unacceptable as the development would represent an unsustainable form of development without securing the requisite planning obligations; the proposals would have a detrimental impact upon the amenity of future occupiers of the proposed dwellings in terms poor outlook, visual impact in terms of dominance. It is was also considered that 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 202 and 206 of the NPPF (2021).

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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PLANNING COMMITTEE

15th December 2021



Report of: Assistant Director (Place Management)

Subject: ENFORCEMENT NOTICE APPEAL AT 213
WYNYARD ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/C/21/3285358
ERECTION OF OUTBUILDING GARDEN ROOM IN
FRONT GARDEN AND BOUNDARY AROUND
FRONT AND SIDE GARDEN (H/2021/0210)

1. PURPOSE OF REPORT

- 1.1 To advise members of an appeal that has been submitted against an enforcement notice served by the Local Planning Authority in respect of the retrospective erection of an outbuilding (garden room) in the front garden and the installation of a boundary wall, fence and pillars around front and side garden (with a height above 1m).
- 1.2 In August 2021, planning permission was refused by Members for the associated application H/2021/0210 for the following reasons:
 1. *In the opinion of the Local Planning Authority, the erected detached outbuilding in the front garden of the host property and the erected boundary treatment (comprising the brick wall with pillars and fence panels) results in incongruous features, to the detriment of the host dwelling and the wider street scene, by virtue of the design, detailing and use of materials. It is considered that the development detracts from the visual amenity of the application site and surrounding street scene, contrary to Policy QP4 of the Hartlepool Local Plan (2018) and paragraphs 126, 129 and 132 of the NPPF (2021).*
- 1.3 Members subsequently authorised officers to issue an enforcement notice as deemed necessary in respect to these matters, to which the appeal has been submitted against.
- 1.4 The submitted enforcement appeal is on ground (a) that the Appellant considers that planning permission ought to be granted for the above works, and ground (d) that it is too late for the Local Planning Authority to serve an enforcement notice, i.e. for building and other operations and for the use of a property or part of one as a single dwelling the breach of planning control occurred more than 4 years ago or for other breaches more than 10 years ago.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

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PLANNING COMMITTEE

15th December 2021



Report of: Assistant Director (Place Management)

Subject: APPEAL AT 28 CHICHESTER CLOSE,
HARTLEPOOL TS25 2QT
APPEAL REF: APP/H0724/D/21/3282089
Erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden.
(H/2021/0247)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for the erection of a single storey side garage and store extension including new driveway (including carriage crossing) and fence to enclose rear/side garden.
- 1.2 The appeal was allowed and planning permission granted. A copy of the Inspector's decision is attached. (**Appendix 1**)

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appendix 1.



The Planning Inspectorate

Appeal Decision

Site Visit made on 16 November 2021

by Katherine Robbie BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 November 2021

Appeal Ref: APP/H0724/D/21/3282089

28 Chichester Close, Hartlepool TS25 2QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr D Hayes against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0247, dated 22 May 2021, was refused by notice dated 29 July 2021.
 - The development proposed is a single storey side extension as garage with store, new driveway and a new fence to enclose rear garden on highway side.
-

Decision

1. The appeal is allowed, and planning permission is granted for a single storey side extension as garage with store, new driveway and a new fence to enclose rear garden on the highway side at 28 Chichester Close, Hartlepool in accordance with the terms of the application, Ref H/2021/0247, dated 22 May 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250; Proposed Site Plan 1:500; Existing scale 1:100 July 9th 2021; Proposed scale 1:100 July 9th 2021.
 - 3) The external materials to be used in the construction of the extension hereby permitted shall match those used in the existing dwelling.

Main Issue

2. The main issue is the effect of the development on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal site is a two-storey detached house on a corner plot at the head of Chichester Close. The front of the property faces into the turning head of the cul-de-sac. The Close consists of a mixture of two storey detached houses and bungalows with open frontages, set back from the carriageway with relatively generous spacing around them creating a feeling of openness within the street scene.
 4. The extension would extend approximately 3.5 metres from the side of the house towards the highway. Whilst it would be visible from within the Close, it
-

Appeal Decision APP/H0724/D/21/3282089

would appear subservient to the host property. It would not appear as an incongruous feature or out of character with the residential nature of the surrounding area.

5. The proposed development is well-designed with a hipped roof similar in style to other extensions and attached garages on the estate. The proposal would therefore not be out of keeping with its surroundings in this respect.
6. The proposal involves extending the enclosed area of garden by just over a metre with a close boarded fence which would tie into the side elevation of the garage. Whilst this would reduce the open space at the side of the house, there would be sufficient space retained to ensure that the openness of the area is not unacceptably diminished. On my site visit I observed a variety of boundary types on the estate and its sinuous layout means there is no strong building line to follow. The proposal would therefore not look incongruous or have any adverse impact on the sense of openness within the estate or affect the way it functions.
7. I conclude that the proposed development would not be unsympathetic with respect to its design, scale or siting and would therefore not have a harmful effect on the character and appearance of the host dwelling or the surrounding area. Accordingly, I find no conflict with Policies HSG11 and QP4 of the Hartlepool Local Plan which seek to resist poorly designed development or Paragraph 134 of the National Planning Policy Framework which seeks to achieve good design sympathetic to the local area.

Conditions

8. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. I agree that time limit and plans conditions are necessary and reasonable in the interests of good planning and to provide certainty. I have also attached a matching materials condition which is necessary and reasonable in the interests of character and appearance.

Conclusion

9. For the reasons given above, and having considered the development plan as a whole and all relevant material considerations, I conclude that the appeal should be allowed.

Katherine Robbie

INSPECTOR

PLANNING COMMITTEE

15th December 2021



Report of: Assistant Director (Place Management)

Subject: APPEAL AT 65 SPALDING ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/D/21/3276751
RAISING OF ROOFLINE WITH STEEPER PITCH
AND ROOF LIGHTS TO CREATE LOFT ROOM
(H/2021/0146)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of refusal of planning permission for raising of roofline with steeper pitch and roof lights to create loft room at 65 Spalding Road, Hartlepool.
- 1.2 The appeal was dismissed. A copy of the Inspector's decision is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

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Appeal Decision

Site visit made on 14 September 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/H0724/D/21/3276751

65 Spalding Road, Hartlepool TS25 2JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Robert Raine against the decision of Hartlepool Borough Council.
 - The application Ref H/2021/0146, dated 25 March 2021, was refused by notice dated 18 May 2021.
 - The development proposed is raising of roofline with steeper pitch and roof lights to create loft room¹.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The effect of the proposal upon the character and appearance of the host property and the surrounding street scene.

Reasons for the Recommendation

4. No. 65 is a detached two-storey dwelling located at the junction of Spalding Road where it turns off northward towards a junction with Mowbray Road. The property incorporates a two-storey extension on the western side which features a dual pitched roof, pitched front to back and gabled to the side. This addition is lower than the main building and the different roof form provides a clear distinction between the original property and the side extension. This enables the original proportions to be viewed and ensures that the extension presents a subservient appearance when viewed from the street.
5. The surrounding area is residential, and the street scene characterised by a mix of detached and semi-detached, single and two-storey dwellings of relatively similar design and size save for a number of extensions.

¹ Taken from Council decision notice as more succinct.

Appeal Decision APP/H0724/D/21/3276751

6. The appeal property is bounded to the east by no.65a which is a modest single-storey annex, and to the west by nos.63 and 61 which are a pair of semi-detached two storey dwellings. The property already stands out on the street by virtue of its scale in comparison with other surrounding properties and its prominent position on the street. The ridge line is already slightly higher than the neighbouring semi-detached dwellings and substantially higher than the bungalow at No.65a.
7. The proposal would result in an increase in the overall height at the ridge, thus creating a single dual pitched roof, instead of the present staggered roofline. As a result, the extension would no longer appear subservient to the main building and the mass and volume of the roof would be significantly increased. I recognise that there is a variety of property types in the area. Nonetheless, the proposal would result in an incongruous dwelling that would be conspicuously larger and higher than its neighbours. By virtue of its scale and design, the steeper pitch would appear overly dominant and disproportionate to the host property and its surroundings.
8. I find that the development would significantly harm the character and appearance of the host property and the street scene. Accordingly, it would conflict with the objectives of policy HSG11 of Hartlepool's Local Plan (2018) and paragraphs 126 and 130 of the National Planning Policy Framework (2021). These seek amongst other things to ensure that proposals for new development such as extensions to existing dwellings is of a size and design that is sympathetic to the existing dwelling and does not adversely affect the character of the surrounding residential area.

Conclusion and Recommendation

9. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR.