

PLANNING COMMITTEE

AGENDA



Wednesday 16 November 2022

at 10.00am

**in the Council Chamber,
Civic Centre, Hartlepool.**

MEMBERS OF PLANNING COMMITTEE:

Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, Morley, D Nicholson, V Nicholson 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 5th October 2022

4. ITEMS REQUIRING DECISION

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

- | | | |
|---|-------------|---|
| 1 | H/2021/0572 | Seaton Meadows (page 1) |
| 2 | H/2022/0049 | Sterling Polymers, Windermere Road (page 53) |
| 3 | H/2022/0338 | 73 The Front, Seaton Carew (page 77) |
| 4 | H/2022/0381 | Plot 5, Manor Park, Fens Road, Hart (page 85) |

5. ITEMS FOR INFORMATION

- 5.1 Update on Current Complaints – *Assistant Director (Place Management)*
- 5.2 Appeal at 38 Linden Grove, Hartlepool - *Assistant Director (Place Management)*

CIVIC CENTRE EVACUATION AND ASSEMBLY PROCEDURE

In the event of a fire alarm or a bomb alarm, please leave by the nearest emergency exit as directed by Council Officers. A Fire Alarm is a continuous ringing. A Bomb Alarm is a continuous tone. The Assembly Point for everyone is Victory Square by the Cenotaph. If the meeting has to be evacuated, please proceed to the Assembly Point so that you can be safely accounted for.

- 5.3 Appeal at 21 North Lane, Elwick, Hartlepool - *Assistant Director (Place Management)*
- 5.4 Enforcement Notice Appeal – 36 Rosthwaite Close, 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 14 December 2022



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5th October 2022

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

Present:

Councillor Paddy Brown (In the Chair)

Councillors: Moss Boddy, Tom Feeney, Brenda Harrison, Sue Little, Dennis Loynes, Andrew Martin-Wells, Veronica Nicholson and Mike Young.

In accordance with Council Procedure Rule 4.2 Councillor David Nicholson was in attendance as substitute for Councillor Shane Moore

Officers: Kieran Bostock, Assistant Director (Place Management)
Zoe Craig, Environmental Health Manager (Environmental Protection)
Jim Ferguson, Planning and Development Manager
Daniel James, Planning (DC) Team Leader
Sarah Scarr, Coast, Countryside and Heritage Manager
Kieran Campbell, Senior Planning Officer
Stephanie Bell, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

49. Apologies for Absence

Apologies were submitted by Councillors Shane Moore and Melanie Morley.

50. Declarations of interest by members

None

51. Confirmation of the minutes of the meeting held on 24th August 2022

Minutes confirmed

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

Number:	H/2022/0234
Applicant:	PAULINE DEES THE GREEN ELWICK HARTLEPOOL TS27 3EF
Agent:	PAULINE DEES 28 THE GREEN ELWICK
Date received:	28/06/2022
Development:	Replacement of existing timber casement windows and doors with uPVC double glazed windows and composite doors, replacement of existing chimney pots, removal and replacement of render and installation of 2no. roof lights to rear elevation
Location:	28 THE GREEN ELWICK HARTLEPOOL
Decision:	Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.

The Planning Team Leader confirmed there had been no objections to this application from the neighbouring properties. The Coast, Countryside and Heritage Manager explained the general character of the village in terms of the form of property and type of windows used. Dating primarily from the Georgian era although there had been some alterations. The Planning and Development Manager explained that officers were seeking to enhance the character and appearance of the conservation area by encouraging a traditional approach.. While the report referred to less than significant harm this was an official phrase used in the guidance on these matters. Officers believed that the proposal would be harmful to the conservation area and had therefore recommended refusal.

The applicant was present and addressed the Committee. He urged members to go against the officer recommendation and support his application. The property had been in a state of disrepair when it had been purchased 5 years ago and the family had worked hard to make improvements. The amendments under consideration would be aesthetically the same as those currently in place and difficult to spot

unless looked at closely. They were in keeping with the Georgian character or the property and village and would enhance both. The installation of UPVC windows and composite doors would help retain heat, improve ventilation and thermal efficiency. There would also be cost benefits in terms of maintenance when compared to alternate materials.

The applicant had also supplied an example of the window frame he intended to use – members examined this.

A member noted the applicant's comments regards energy efficiency, commenting that his property had timber windows and wooden doors and the draughts were substantial. They supported the application on this basis. Another member commented that the example window frame provided by the applicant had been indistinguishable from wood. They felt that provided the materials used were as similar as possible to those used originally then the area would be enhanced and preserved while also benefitting the applicant

Councillor Boddy moved that the application be approved, against the officer recommendation. Councillor Harrison seconded this. A recorded vote was taken:

Those in favour of the officer recommendation to refuse: None

Those in favour of approval: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, D Nicholson, V Nicholson and Young

Those abstaining: None

The following reasons, summarised by the Planning & Development Manager, were given by members for departing from the officer recommendation, that members felt on balance the application would have an acceptable impact on the character and appearance of the conservation area and would contribute to energy efficiency. A recorded vote was taken:

Those in favour of approval of the application: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, D Nicholson, V Nicholson and Young

Those in favour of refusal: None

Those abstaining: None

The Committee considered representations in relation to this matter.

Number:	H/2022/0231
Applicant:	MRS D HAMMOND CLIFTON AVENUE HARTLEPOOL TS26 9QN
Agent:	8 DESIGN STUDIO 8 THE OLD VILLAGE BRANCEPETH DURHAM DH7 8DG
Date received:	08/06/2022
Development:	Erection of single storey side extension
Location:	36 CLIFTON AVENUE HARTLEPOOL
Decision:	Planning Permission Approved with conditions delegated to the Planning and Development Manager in consultation with the Chair of Planning Committee.

The Planning Team Leader confirmed there had been no objections to this application. He advised that as a locally listed building the property did not have the same protections as a Grade 2 listed building however the building was felt to be of local significance which members should still take into consideration. A member noted that officers felt this application would cause substantial harm to the conservation area and queried the meaning behind this. The Planning Team Leader advised that officers felt that the development would cause harm to the conservation area. Any benefits would be to the applicant rather than wider public benefits, and would outweigh the harm, therefore officers had to recommend refusal. The member acknowledged these comments but felt that the vast majority of planning applications were about private aspirations with no public benefit in most cases.

The Agent was present and addressed the Committee. This was a quiet design that would fit the architectural language of the area, enhancing the property and the street. The changes would not disrupt the street scene. A member referred to a previous planning permission which had been granted for this property and not actioned. The Agent explained that the house had been under dual occupancy at that time but this was intended to return it to its original single

occupation. Damage previously done to the property would also be reversed.

A recorded vote was taken on the officer recommendation to refuse:

Those in favour of refusal: None

Those in favour of approval: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, D Nicholson, V Nicholson and Young

Those abstaining: None

The following reasons, summarised by the Planning & Development Manager, were given by members for departing from the officer recommendation, members felt on balance the application would have an acceptable impact on the character and appearance of the conservation area.

Councillor Boddy moved that the application be approved. Councillor Harrison seconded this. A recorded vote was taken:

Those in favour of approval of the application: Councillors Boddy, Brown, Feeney, Harrison, Little, Loynes, Martin-Wells, D Nicholson, V Nicholson and Young

Those in favour of refusal: None

Those abstaining: None

The Committee considered representations in relation to this matter.

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

Members were given information on 10 ongoing investigations and 14 which had been completed.

Decision

That the report be noted

Councillor Moss Boddy left the meeting

54. Appeal at land near Hart Moor Farm (*Assistant Director – (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the construction of underground electricity cables, substation and associated infrastructure to connect to Hart Moor substation. This appeal is one of 5 linked appeals relating to refused planning applications from Hartlepool Borough Council and Durham County Council linked to a refused solar farm at Sheraton Hall Farm and an approved solar farm at Hulam Farm. These appeals will be dealt with by a Public Inquiry due to begin on 15th November.

Decision

That the report be noted

55. Appeal at land near Sheraton Hall Farm, Sheraton (*Assistant Director – (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the construction of underground electricity cables and associated infrastructure to connect Sheraton Hall Solar Farm to the primary proposed substation. This appeal is one of 5 linked appeals relating to refused planning applications from Hartlepool Borough Council and Durham County Council linked to a refused solar farm at Sheraton Hall Farm and an approved solar farm at Hulam Farm. These appeals will be dealt with by a Public Inquiry due to begin on 15th November.

Decision

That the report be noted

56. Appeal at land near Hulam Farm, Castle Eden, Durham (*Assistant Director – (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision in respect of an application for the construction of underground electricity cables and associated infrastructure to connect Hulam Solar Farm to the existing substation near Hart in Hartlepool. This appeal is one of 5 linked appeals relating to refused planning applications from Hartlepool Borough Council and Durham County Council linked to a refused solar farm at Sheraton Hall Farm and an approved solar farm at Hulam Farm. These appeals will be dealt with by a Public Inquiry due to begin on 15th November.

Decision

That the report be noted

57. Enforcement Notice Appeal – Seaton Hall Residential Home, 10 The Green, Seaton Carew (*Assistant Director – (Place Management)*)

Members were advised that an appeal had been submitted against the Council's decision to issue an Enforcement Notice for the unauthorised development comprising the installation of UPVC windows at the front of Seaton Hall Residential Home without Listed Building Consent. Details of the enforcement notice were given within the report.

Decision

That the report be noted

58. Appeals at 17 Butterstone Avenue (*Assistant Director – (Place Management)*)

Members were advised that appeals had been submitted against the Council's decision in respect of a retrospective application refused by Planning Committee in July 2022 and the subsequent Enforcement Notice. Details were given within the report.

Decision

That the report be noted

59. Appeal at 2 Mill Court, High Street, Greatham (*Assistant Director – (Place Management)*)

Members were advised that an appeal in respect of an application relating to 2 Mill Court had been dismissed. A copy of the decision letter was appended to the report

Decision

That the report be noted

Councillor Moss Boddy returned to the meeting

60. Appeal at Sea View Guest House, 11 The Green Seaton (*Assistant Director – (Place Management)*)

Members were advised that an appeal in respect of an application relating to Sea View Guest House had been dismissed. A copy of the decision letter was appended to the report

Decision

That the report be noted

61. Appeals at land at Metropolitan Park (*Assistant Director – Place Management*)

Members were advised that an appeal in respect of an application relating to land at Metropolitan Park had been dismissed. A copy of the decision letter was appended to the report

Decision

That the report be noted

The meeting concluded at 11:15am

CHAIR

No: 1.
Number: H/2021/0572
Applicant: PORT HOMES LIMITED
Agent: PORT HOMES LIMITED MR DANIEL PORT PORT HOMES HUB 2 INNOVATION CENTRE QUEENS MEADOW BUSINESS PARK HARTLEPOOL TS25 5TG
Date valid: 07/03/2022
Development: Erection of 76 dwellings, associated infrastructure and landscaping
Location: LAND TO THE SOUTH OF GOLDEN MEADOWS 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 There is no planning history that relates to the application site itself, however the following applications on parcels of land adjacent to the site are relevant to the current proposals:

Land immediately to the north west of the application (Chelford Close)

1.3 H/2009/0521 - Erection of 25 dwellings including associated car parking, access and works, approved 07.12.2009.

Land immediately to the north that the current application links into (Golden Meadows)

1.4 H/2019/0260 – Residential development comprising 55no. dwellings. Approved 25.02.2020.

1.5 H/2020/0315 – Section 73 application to vary conditions 2 (approved plans), 10 (soft landscaping), 13 (bat boxes), 15 (boundary treatments), 18 (glazing) and 24 (boundary enclosures) of planning permission H/2019/0260 (for residential development comprising 55no. dwellings) to seek a substitution of house types to plot numbers 5, 6, and 7. Approved 07.01.2021.

1.6 H/2022/0048- Section 73 application to vary condition 1 (approved plans) of planning application H/2020/0315 (Residential development comprising 55 No. dwellings) to seek amendments to houstypes on plots 28 – 33. Approved 12.04.2022.

The following application is relevant to the wider area to the east/north east of the application site:

1.7 H/2022/0168 – (Land to the south of Golden Flatts School House) - Hybrid planning application for the erection of a SEN school (in outline, all matters reserved except access), and installation of access road (in detail). Approved 24.08.2022.

PROPOSAL

1.8 Planning permission is sought for the erection of 76no. dwellings, consisting of a combination of 2, 3 and 4 bedroom two storey properties arranged in a combination of linked terraced dwellings, semi-detached pairs and detached dwellings. The proposed dwellings include in-curtilage car parking and private rear gardens to serve each property.

1.9 Access is to be taken through the recently approved housing development to the north (H/2009/0521 and H/2020/0315 for 55no. dwellings) and the established Golden Meadows estate which in turn is served by Seaton Lane. The proposal would necessitate the widening of the existing highway from Seaton Meadows to the north.

1.10 To the south of the proposed development is an existing sustainable drainage system (SuDS) basin and it is proposed to carry out works to increase the capacity of the SuDS basin to serve the additional houses proposed and this is therefore included within the red line boundary (along with the drainage connection).

1.11 As detailed above, amendments were approved to 4no. plots under H/2022/0048 to the original approval for 55 dwellings (H/2019/0260) immediately to the north of the current application site. The current proposal would see the development tie into the previously approved development through the removal of plots 28-31 (of approval H/2022/0048) and replaced with 2 plots as part of the current proposed layout (that would become plots 1 and 2).

1.12 The application has been referred to the Planning Committee as the proposal represents a 'departure' from the Hartlepool Local Plan (2018).

SITE CONTEXT

1.13 The application site consists of a HBC owned parcel of land measuring approximately 2.1 hectares, to the south of Seaton Lane in Hartlepool. The parcel of land is relatively level and currently comprises open space. The parcel of land is allocated as NE2j within the Hartlepool Local Plan Policies Map (2018), which identifies the land as 'Natural and Semi-Natural Green Space', although the parcel of land is not considered to be of high quality usable green space. The parcel of land is bounded by a 'Green Corridor' to the south, beyond which is an existing industrial use occupied by a steel manufacturer.

1.14 The area immediately to the north is existing housing on Golden Meadows and the recently approved housing development (H/2019/0260) currently under construction by the same developer (Port Homes) as the current application. To the north west are residential properties along Hatfield Close and Chelford Close, whilst

to the west are residential properties along Inglefield. It is noted that a strip of land would remain between the western boundary of the application site and the existing residential development (and rear garden boundaries) at Inglefield to the west.

1.15 To the east the application site is bounded by open space to the south section whilst the approved residential developments extends down to the north east corner of the application site. As noted in the background section, outline planning permission has been granted for a special educational needs school to the far east of Golden Meadows (along with an access, approved in 'full', taken from Seaton Lane).

PUBLICITY

1.16 The application was advertised by way of 48 neighbour letters, site notices and press notice. Further consultation was undertaken on receipt of amended plans.

1.17 To date, two responses raising concerns have been received from members of the public; the objections can be summarised as follows:

- The HBC plans for a community woodland at the application site would assist in reducing noise from the adjacent steel works.
- Traffic and access including road widening

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=150845>

1.19 The period for publicity has expired.

CONSULTATIONS

1.20 The following consultation replies have been received:

HBC Traffic & Transport – I have the following comments to make.

Plot 14 - The parking bays come out onto the junction Raddi, for road safety reasons, drive crossings should not be located on junctions. In this instance it would be possible to rotate the parking bays so that they come out into the cul -de - sac.

Plot 73 - The parking bays come out onto the junction Raddi, for road safety reasons, drive crossings should not be located on junctions. In this instance it would be possible to move the end bay to the rear garden.

The proposed 4.8 metre carriageway should not serve more than 50 properties, in this instance it serves 59, the 5.5 metre carriageway should be extended to reduce the number of properties served by the 4.8 metre carriageway.

Update 14/10 following receipt of amended layout:

I can confirm that the amended layout addresses all my concerns and is acceptable in highway terms.

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

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

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

No open burning at any time

I am happy and satisfied with the noise impact assessment that has been submitted subject to the recommendations within the report being met:

- An acoustic fencing is to be provided on the southern boundary of the following Plots, as shown In Figure 5 of the assessment:
Plot 47
Plots 57 – 80
- Specifications for glazing and ventilation in the report as recommended should be met.
- Alternate ventilation shall also be put in place as recommended.

I am happy and satisfied with the Air Quality Assessment.

Update 02/11 following discussions regarding the requested CMP condition:

The air quality assessment that is included with the application deals with dust and the relevant mitigation so I would be minded to add the following into your report rather than the need for the CMP:

- The issues identified in section 5 of the Air Quality report accompanying the application must be addressed adequately with the control measures that are detailed in Table 3 of the same AQ report before any work commences.

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 condition and the surface water condition as shown below on any permission issued for proposals:

Notwithstanding the submitted information, no development 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, will not exceed the run-off from the undeveloped site 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 the 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.

Tees Archaeology – We note the inclusion of an archaeological watching brief report, which details monitoring that was undertaken during the construction of the site compound associated with application H/2019/0260. The proposed development should not have a significant impact on any known heritage assets, however, we would remind the developer of the archaeological condition on application H/2019/0260.

Update 2/11/2022 for clarification:

I have no objections to the proposed development, as it shouldn't have an impact on any known heritage assets.

Since the developer had used the watching brief report for the construction of the site compound associated with application H/2019/0260 as part of their planning application, I thought it was worth reminding them that a watching brief also needs to be undertaken when the site compound for that application is removed; however, as far as I am aware that should not have any impact on this application.

Hope that explains my comments.

HBC Arboricultural Officer – I'm happy they (the plans) relate to the AIA and satisfied that the largest hedgerow is to be maintained. The RPA of the retained hedgerow will only be encroached for the fencing and landscaping operation as per the arboricultural method statement for the site.

The fencing is fairly close to the hedgerow and it should be noted that this may provide maintenance issues in the future with the hedgerow growing over the fence and that the council will not be responsible for the cutting back of these hedgerows from the gardens.

HBC Building Control – I can confirm that a Building Regulation application is required for 'Erection of 76 dwellings'.

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

HBC Ecology – Introduction

The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development, however, the requirement will not come into force until 2023. Meanwhile, Hartlepool Borough Council (HBC) Local Planning Authority (LPA) expects 'no net loss' of biodiversity based on a pre-application baseline Ecology report. Ecological enhancement (per NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

For this scheme, an Ecological Impact Assessment (EclA) and 'Biodiversity Metric 3.0 justification and evidence report' have been provided by the applicant (but not the Excel spreadsheet).

Habitats Regulations Assessment

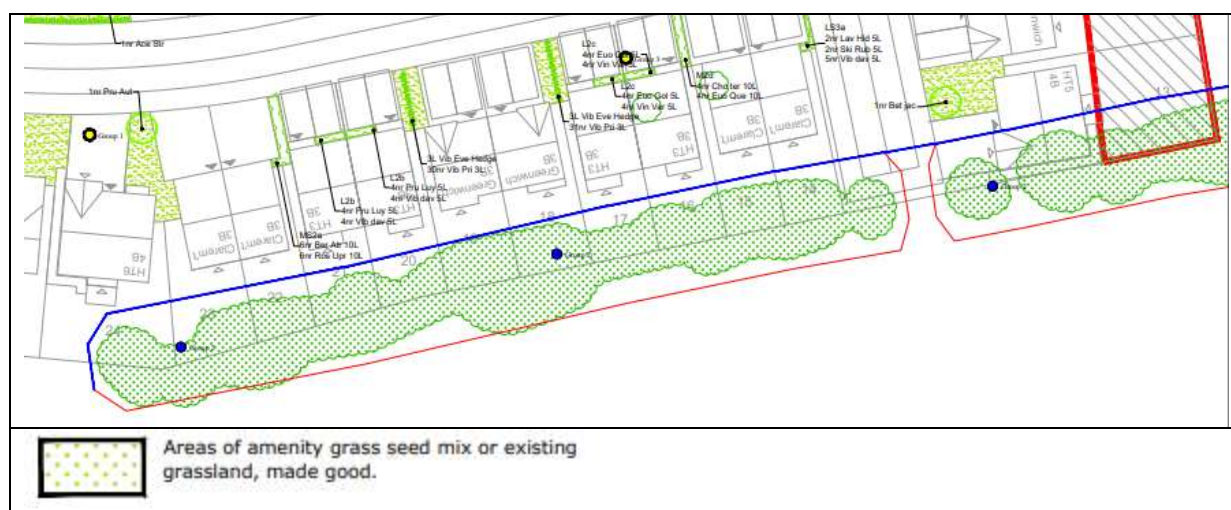
The HBC Habitats Regulations Assessment (HRA) for housing development screens for likely significant effects (LSE) on European designated sites and covers recreational disturbance to Teesmouth and Cleveland Coast Special Protection Area (T&CC SPA) and Ramsar birds. The site is 2.1km via roads from the T&CC SPA and no Suitable Alternative Natural Greenspace (SANGS) is provided. The compensatory financial contribution is therefore £250/ dwelling = £19,000.

A HRA is required to assess the LSE issue of Nutrient Neutrality.

Issues

The document on the public portal which is titled 'EIA Appendix 8.4 – HRA & Biodiversity Metric' has been mislabeled by HBC and does not include an HRA.

The Biodiversity Metric 3.0 Excel spreadsheet (used to inform the baseline 'Biodiversity Metric justification and evidence report') must be submitted. The loss of 4.84 habitat units of pre-development habitats has partly been off set by 3.35 habitat units of post-development landscaping, however, details have not been supplied other than 'urban trees' and 'a small area of grassland habitat to be enhanced'. The latter is shown on the landscape plan as follows:



The 'grassland habitat to be enhanced' overlaps with the rear gardens of several properties and it is unlikely that this would remain once householders have moved in. If the grassland is to be included as habitat units, it must be outside of the rear gardens and the landscape plan be amended accordingly.

Specific details of the proposed enhancement/ 'existing grassland made good' are required and should be detailed on an amended landscape plan. This grassland must be of high enough biodiversity quality to achieve the required habitat units (based on Biodiversity Metric guidance).

Section 5.2 of the EclA states that 'providing a native species hedgerow of 55m replaces the hedgerow that is lost, there will be no hedgerow net loss'. However, in section 4.2.1 of the EclA the existing hedgerow is stated as being 105m in length. Therefore, a replacement native species hedge of 105m is required to compensate for the loss.

The net loss of habitat units needs to be compensated. This is currently stated as being 1.48 habitat units.

A HRA is required to assess Nutrient Neutrality and should include a Teesmouth Nutrient Budget Calculator Excel spreadsheet, showing that the scheme meets Nutrient Neutrality.

Conditions

The proposed planning mitigation measures in sections 5.2 and 5.4 of the EclA should be conditioned in full. These include:

- A bird nesting condition
- Covering excavations overnight
- A method statement for dealing with any hedgehogs that are found
- A sensitive lighting scheme
- Most landscape planting plan species to be wildlife friendly

- A 'hedgerow highway' to allow passage of animals through gardens
- A new native-species hedge

The submitted landscape plan (once amended) should be conditioned to ensure delivery of its biodiversity enhancement elements. The replacement species-rich hedge is not shown on the submitted landscape plan and must be drawn and detailed (the planting of a 105m length of native-species hedge must be within a condition).

NPPF biodiversity enhancement

The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. To meet current Ecology planning requirements, each new building should include one integral bat roost brick or one integral bird nest brick.

The following should be conditioned: The dwelling should be built with one integral bird nest box brick for either sparrows or starlings, to be >3m above ground level (house or garage) or one integral bat roost box to be >3m above ground level (house or garage).

The bricks should be in sunlight for part of the day, therefore a sunny location on the east or south facing side of the building is preferred.

This will satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

Bat roost bricks and boxes are available from several suppliers such as:

<http://www.schwegler-natur.de/fledermaus/?lang=en>

<http://www.wildlifeservices.co.uk/batboxes.html>

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

<http://habibat.co.uk/>

Update 14/09/2022

I have reviewed the Biodiversity Metric 3.0 submitted on 12/09/2022. I have updated the Project details on the start tab and made some habitat creation adjustments in the appropriate tabs. I will submit the Biodiversity Metric 3.0 amended by myself as part of this consultation response.

The landscape architect has made the landscape plans clearer by switching off some surplus layers (mostly from the arboricultural report) and re-issuing. He has also provided measured areas for scheme planting as follows:

Front garden turf – 1805m²

Shrub planting – 180m²

Hedge planting (ornamental) – 275m

Rear gardens – 5600m² (approx.)
New trees – 18 No 'heavy standards'

I have classified these post-development habitats as follows (using UKHabitats and the Biodiversity Metric 3.0 guidance. UKHabs classification (definitions and inclusions given as appropriate)

U - Urban

U1 - Built-up areas and gardens (inclusions = 'most gardens').

U1b - Developed land; sealed surfaces (definition: soil surface sealed with impervious materials)

U1d - Suburban/ mosaic of developed/ natural surfaces (definition: small-scale mosaic of developed and natural surfaces, as in housing and gardens in suburban areas)

G4 - Modified grassland

66 - Frequently mown (definition: frequent mechanized cutting of grass cutting as in garden lawns)

h2b - Other hedgerows (definition: do not consist predominantly [min 80%] of at least one woody, UK native species)

Update 31/10/2022

The biodiversity change that will happen if this scheme is approved, is -3.11 Habitat Units (HU), which is a loss of 64% of current on-site biodiversity. To avoid this loss (a position of 'no net loss'), 3.11 HU would need to be provided.

The provision would need to be 3.59 HU for the scheme to deliver a 10% Biodiversity Net Gain (the Government's intention).

My understanding from the Policy team response, following the Viability Assessment, is that the financial contribution proposed to address the biodiversity loss is £3,935.18. This amount is not enough to address this loss.

The National Planning Policy Framework (NPPF) should be considered. As an overarching aim, Chapter 2, para 7 of the NPPF says:

7. The purpose of the planning system is to contribute to the achievement of sustainable development.

Two further NPPF paragraphs need to be considered – para. 174 and para. 180.

NPPF para. 174 says:

174. Planning policies and decisions should contribute to and enhance the natural and local environment by:

a) ...

b) ...

c) ...

d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;

e) ...

f) ...

NPPF para. 180 says:

180. When determining planning applications, local planning authorities should apply the following principles:

- a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest;
- c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and
- d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.

Consideration of NPPF para. 174

The scheme will not minimise impacts on biodiversity and will not provide net gain for biodiversity.

Consideration of NPPF para. 180

The scheme will not cause 'significant' harm to biodiversity. Significance is defined as harm to protected sites, Priority habitats (including ancient woodland) and Protected and Priority Species.

HBC Estates – Going by the description it is land owned by HBC, though the applicant most likely already knows this.

HBC Landscape Architect – An Arboricultural impact and method statement has been provided along with detailed planting plans. These provide sufficient information should the current layout be acceptable. The current layout will however generate a scheme that will be dominated by parking provision.

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 Police – I have no concerns with the proposed layout but would advise that in relation to physical security of properties that all accessible windows and doors are certified to Pas 24 2016 to ensure a good level of security to properties I would advise that security lights are fitted to all entrance door and street lighting to all roads and footpaths are well lit lighting that complies with BS5489 2013 would ensure this. I would also advise that sub dividing boundaries are increased in general to height of 1.6m with occasional 1.8m boundaries to the longer runs of properties to improve security to rear of properties which are often more vulnerable to criminal activity

Clinical Commissioning Group – Please see below for the required contribution to healthcare should the scheme be approved.

Local surgeries are part of CCG wide plans to improve GP access and would be the likely beneficiaries of any S106 funds secured. Local GP Practices are keen to maintain/improve their access, and an increase in patient numbers may require adjustments to existing premises/access methods. Please be advised that we would be unable to guarantee to provide sustainable health services in these areas in future, should contributions not be upheld by developers.

In calculating developer contributions, we use the Premises Maxima guidance which is available publicly. This assumes a population growth rate of 2.3 people per new dwelling and we link this increase to the nearest practice to the development, for ease of calculation. We use the NHS Property Service build cost rate of £3,000 per square metre to calculate the total financial requirement.

This reflects the current position based on information known at the time of responding. The NHS reserves the right however to review this if factors change before a final application is approved. Should you have any queries in relation to this information, please let me know.

Item Response

LA Planning References

H/2021/0572

GP Practices affected

McKenzie Group Practice & Seaton Surgery

Local intelligence

These practices fall within Hartlepool Health and Hartlepool Network Primary Care Networks which are at full capacity with regards to space requirements to deliver services to their patient list size. S106 funding would support creating extra capacity for them to provide appropriate services to patients

Number of Houses proposed

76

Housing impact calculation

2.3

Patient Impact (increase)

174

Maxima Multiplier

0.07

Additional m2required

(increase in list x Maxima Multiplier)

12.236 m2

Total Proposed Contribution £

(Additional m2 x £3kpm2, based on NHSPS build cost)

£36,708

Northern Powergrid – Plan attached.

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

HBC Housing Management – No comments received.

Hartlepool Water – No comments received.

HBC Public Health – No comments received.

Civic Society – No comments received.

HBC Waste Management – No comments 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.

Hartlepool Local Plan 2018

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

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

Tees Valley Joint Minerals and Waste Development Plan

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

MWP1 – Waste Audits

National Planning Policy Framework (NPPF)(2021)

1.24 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.

1.25 The following paragraphs are relevant to this application:

PARA 002: Determination of applications in accordance with development plan

PARA 007: Achieving sustainable development

PARA 008: Achieving sustainable development

PARA 009: Achieving sustainable development

PARA 010: Achieving sustainable development

PARA 011: The presumption in favour of sustainable development

PARA 012: The presumption in favour of sustainable development

PARA 038: Decision making

PARA 047: Determining applications

PARA 058: Enforcement

PARA 130: Achieving well-designed places

PARA 134: Achieving well-designed places

PARA 154: Meeting the challenge of climate change, flooding and coastal change

PARA 218: Implementation

HBC Planning Policy comments:

Principle of development

Location

1.26 The proposal is located on land allocated via Local Plan policy NE2 (Green Infrastructure) as Natural and semi-natural green space.

1.27 Policy NE2 seeks to safeguard green infrastructure within the borough from inappropriate development and seeks to work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. The policy sets out that the council will look to address identified shortfalls in the amount or quality of existing green infrastructure, and enhance green infrastructure management and maintenance so that users can safely access it. In addition Policy NE2 sets out that the loss of green infrastructure components will generally be resisted. In addition policy NE2 sets out that the council will address identified shortfalls in the amount or quality of existing green infrastructure and enhance green infrastructure so that users can safely access it.

1.28 Planning Policy are of the view that the area of land, known as Golden Flatts is a key piece of green infrastructure serving the southern area of the borough that is used by local residents albeit the area is currently used informally and not used to its full potential. The council recognised its importance and the need to improve this area by including it as a priority scheme in the 2020 Green Infrastructure SPD and action plan. The SPD reaffirms the Local Plan NE2(J) allocation as natural and semi natural green space and sets out aspirations to improve the area whilst boosting visitor numbers and its overall quality. The action plan sets out that the area should be developed with surfaced tracks, woodland planting, trim trail, play area and pond creation.

1.29 The details within the SPD and action plan aims to ensure that the area of open space will be better used and have a positive impact upon physical and mental health of users and overall improvements to the quality of life for residents by improving the borough's green infrastructure network. The delivery of the SPD aspirations requires funding to deliver its full potential. Some funds have been allocated from section 106 money but so far sufficient funding has not been achieved to deliver the desired scheme. It is also understood that the area has been identified and funding secured through other planning applications to delivery Biodiversity Net Gain on the site which will assist with an element of the delivering of green infrastructure on the site. Further information on the requirements in terms of biodiversity net gain required from this scheme will be identified by the Ecologist but the green space to the south provides an opportunity to deliver this requirement.

1.30 Planning Policy note that a masterplan is being created for the area, however at this stage the masterplan is not considered to be a material consideration. The local plan allocation and SPD action plan are deemed to be the key considerations in assessing this application.

1.31 Planning Policy set out that the types of development expected to be located on the area of open space are other open space uses and or uses associated with

open space activity, i.e. a changing facilities block, toilet block and/or café to serve visitors.

1.32 Residential units in this location are not aligned with the open space allocation as they do not add to the leisure or environmental offer on the open space. There has not been sufficient evidence presented to demonstrate the benefits of offering residential use which would result in the loss of designated green infrastructure.

1.33 The 2018 Local Plan allocates sufficient land within the limits to development for housing growth over the next 15 years, policy LS1 (Locational Strategy) sets out appropriate locations for housing. Given the allocations within the Local Plan, and that a five year housing land supply is available. Planning Policy considers that there is currently no pressing need to add additional dwellings to unallocated sites.

1.34 Notwithstanding the fact that there is sufficient land allocated within the borough for the required housing need, it is possible to approve additional housing on top of the local plan allocation. Any approvals above and beyond local plan allocations are generally classed as windfall sites. Windfall sites do assist in meeting the borough's housing requirements. Windfall sites should be in sustainable locations and in areas that are generally not used for their intended purposes i.e. new dwellings on an old garage site or new dwellings on an area Brownfield land.

1.35 It is appreciated that the proposal is adjacent to an existing residential area to the north and west and is in reasonable proximity to shops and services and public transport links and therefore deemed in a locational sense to be sustainable.

1.36 The applicant sets out that the area is prone to anti-social behaviour, but no evidence has been submitted. Planning Policy note that the Police have not stated that they are aware of anti-social behaviour on the site and Planning Policy note that the crime statistics for the area are low. Planning Policy are not aware that the site is problematic, although the area is underused that does not lead to the conclusion that it should be built upon. If the applicant wishes to use this as a justification for the residential development, Planning Policy would expect to see evidence from the Police which supports this position.

1.37 The council recognises that this area of green infrastructure is in need of improvement. This is echoed in the inclusion of the site in the 2020 GI SPD, through securing section 106 monies to assist in delivering the SPD aspirations, alongside the drafting of a masterplan which will assist in securing the aspirations for the site which are set out in the SPD.

1.38 Planning Policy note that the applicant is looking to improve access to Golden Flatts from the existing housing and that the sale of this land would support the aspirations to improve the function of the remaining open space. The applicant does not set out how the proposal will facilitate improvements to the remaining open space.

1.39 Planning Policy are of the view that if the remaining area of open space can be significantly improved then, although this is not a direct reason to justify approving a housing application on a green allocation, it is a material consideration

and is positive when balancing up the proposal and the local plan aims as a whole. However, this must be justified by the applicant and accepted by relevant officers within the Council.

1.40 Planning Policy are of the view that, by way of compensation and as part of any green infrastructure contribution, the applicant should look to delivering, as a minimum, the following:

- Surfaced tracks linking the new housing site to the A689 to the west (approx. cost *unknown at time of writing*)
- Surface tracks linking the housing site to Brenda Road to the east (approx. cost *unknown at time of writing*)
- Surfaced tracks providing circular walks around the green space, the tracks should be laid out to navigate round the area of SUDS which should be enhanced to be an area of interest and satisfy the `pond` creation element of the SPD.
- Significant areas of woodland planting
- Measures to prevent access to the area by motorbikes i.e. the installation of A frames
- A play facility
- Seating areas around key features i.e. play area and the ponds.

1.41 Planning Policy are of the view that as a minimum the key infrastructure should be installed to make the area better for access and walking. Tracks and access points should be constructed to a standard that can be used by those with reduced mobility including those in wheelchairs. As the open space area is improved and visitor numbers are increased then additional features can be added.

1.42 If the applicant can demonstrate that significant parts of the SPD action plan can be delivered through improving the remaining green infrastructure space at Golden Flatts, then Planning Policy may look upon this application more favourably. Although there is no need to develop housing on unallocated sites, there are possible benefits in doing so in this location.

Noise and disturbance considerations

1.43 Planning Policy note that the area to the south of Golden Flatts open space is an area of industrial land with an active steel works adjacent to the Golden Flatts boundary and thus in close proximity to the proposed housing site.

1.44 Planning Policy are of the view that Public Protection's view is paramount in determining this application. The application should only be approved if future occupiers of the proposed homes can be afforded good level of peace and quiet and not negatively impacted upon by the nearby industrial activity. In addition nearby employment uses should not be hampered from operating and/or expanding because residential properties have been located closer to them.

Affordable housing

1.45 Local Plan policy HSG9 (Affordable Housing) advises that the council will seek an affordable housing target of 18% on all sites above the 15 dwelling threshold. There is a significant affordable housing need within the borough therefore in a bid to have a positive impact upon meeting the council's overall affordable

housing targets, the development should provide 18% of 78 dwellings as affordable units. This would equate to 14.04 dwellings. Planning Policy advise that 14 of the 78 dwellings proposed should be affordable, with 70% being affordable/social rent and 30% for intermediate tenure and consideration should be given to providing 3 bedroom + family homes, which are in high demand in the borough. The remaining 0.04 equivalent would be sought via a financial contribution, which equates to £2,142.45, in compliance with the adopted Planning Obligations SPD.

Market house types

1.46 Local Plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock and that due regard should be given to the latest evidence of housing need. The proposal is for 78 no. 2, 3 and 4 bedroom properties that are a mix of detached, semi-detached and terraced properties. The most up-to-date Strategic Housing Market Assessment 2015 (SMHA) notes that the greatest need is for bungalows and detached 1-3 bed properties.

1.47 Planning Policy welcome the mix of 2 3 and 4 bedroom properties and note that there is a mix of terrace, semi-detached and detached properties. Planning Policy note that bungalows are not proposed, this is contrary to the SHMA which sets out that there is a need for bungalows in the borough and thus the application is contrary to policy HSG2 (overall housing mix). Planning Policy have aired their concerns many time with regards to the lack of bungalow provision on applications in the borough. The decision maker must be satisfied that this proposal is doing all it can to provide the homes that are needed in the borough and not just an application to build what will best maximise profits. Planning Policy are of the view that some bungalows should be provided, this would align the application with the evidence base and ensure accordance with policy HSG2. If such properties are not proposed then justifications should be provided with regards to why the applicant feels that in this instance it is acceptable to deviate from the endorsed evidence base.

Areas of open space

1.48 There are no areas of open space proposed within the site, no area as for children to play either informally or formally, nor are there any meaningful areas of open space generally for visual amenity and wellbeing purposes. Planning policy would expect to see areas of integrated incidental open space thoughtfully designed into the scheme.

1.49 The lack of open space is disappointing especially given that this is a family housing site yet there are no areas for children to play out and interact unsupervised. It is noted that residents will have better access to the Golden Flatts green space in the future, however children are only likely to be able to go to that space with supervision. Children should have door step provision where they can engage and play with others and with minimal supervision.

1.50 The appearance of the site is dense and unappealing given its highly urban form. A landscaping plan has been submitted. The plan depicts garden spaces for landscaping purposes and an area to the rear of plot 70, 69 and 65 along with a strip opposite plot 38 and 39.

1.51 Although it is welcomed that the properties have front gardens, it is the case that such areas can provide visual amenity providing they are not paved over, if the application is approved then Planning Policy would request that the landscaping is conditioned to retain in perpetuity, if this is not possible then the applicant cannot legitimately claim that front gardens are part of the landscaping strategy and it may be the case that the true landscaping strategy is reflected as to not confuse residents, stakeholders and the decision maker.

1.52 When considering play and the physical and mental health of children, Planning Policy are of the view that the pockets of green landscaping to the rear of 70, 69 and 65 along with a strip opposite plot 38 and 39, are welcomed for visual amenity reasons and can have some mental health benefits, however they are not sufficient to provide any level of play for children residing on the site.

1.53 Planning Policy would stress that some meaningful open space should be provided on site, for example by removing plot 65 and increasing the proposed landscaping strip. This area would be naturally overlooked and large enough for some play. The lack of open space on site further justifies the need to make the improvements to the Golden Flatts area to the south and the need for children's play to be incorporated into that space.

Parking

1.54 Planning Policy note that the majority of the car parking is delineated as being to the front of each property. This arrangement is not in accordance with the residential design SPD that the council adopted in 2019. In order to break up the monotony of an estate filled with car parking, the SPD sets out that car parking should be, in the main, located to the side of dwellings.

1.55 The parking for plot 4 is welcomed. The parking for plot 3 is to the rear of plot 4 and plot 3 and parking for plot 7 is to the rear of plot 7 and plot 8. Although it is welcomed that these bays are off the main elevation of the dwellings and thus not as dominating in the streetscene. Planning policy are of the view that the parking bays are not in accordance with the residential design SPD as they are not conveniently located for residents and could prove problematic when residents have to travel to and from the car to the house with bags, children etc. which would be even more challenging on an evening with reduced light.

1.56 Planning Policy consider that in the main the overall layout of the site is poor, the maximum number of homes have been shown on the plan that will physically fit. The scheme appears far too dense and not in keeping with the suburban area in which the site is located. There are no meaningful areas of open space and thus no space for children to play and engage and all of the car parking is to the front of the properties which will create a bleak, car dominated environment. The overall design is not of a high quality. HBC expect a high quality in all new developments as set out within the 2018 local plan and 2019 residential design guide. Therefore, Planning Policy would encourage that the applicant reconsider the overall layout and re-submit an improved scheme, taking account of the issues raised in these comments.

Design of the dwellings

1.57 Overall the design of each unit is nothing remarkable, they are all standard house types that could be located anywhere within the UK, HBC have tried to move away from this type of standard house design with the adoption of the residential design SPD and the push towards requesting that applicants consider the design principles within the SPD.

1.58 Planning Policy note that house types 1,2,4,5 and 6 are quite appealing and these house types, although not typically reflective of Hartlepool or any positive elements of Hartlepool they are of an appealing design. The Greenwich has some appealing features, the details around the windows on the front elevation are welcomed along with the canopy to the front and rear. The detail around the windows and the door canopy on The Ambrose are also beneficial and welcomed.

1.59 The Claremont and Pembroke are of particularly bland design, even the introduction of heads and window sills on the front elevations of the Pembroke and at first floor level on the Claremont would be a small, but welcomed addition.

1.60 Planning Policy would like to see some improvements to the design of the most unappealing units and overall it would be beneficial to instil some features that better reflect the Hartlepool locality to assist in instilling a sense of place. Along Seaton Lane and Stockton Road there are dwellings with appealing features such as bay windows, door canopies, porches and chimneys. Grass verges and low front boundary enclosures are also typical in the area along with a mix of bungalows and 2 storey dwellings.

1.61 It is not always easy to reflect local character but it appears that the standard house types have been crammed in to the land with no real overall design concept or flow to how the site reflects Seaton Lane and/or the A689/Stockton Road. It is appreciated that the units are akin with the dwellings to the immediate north (Seaton Meadows, Port Homes), however those units are standard house types and bear no relevance to Hartlepool and the immediate area.

1.62 It may be the case that if the house types are not improved and/or redesigned to better reflect positive elements of the borough then some reference to Hartlepool's heritage could be designed within the open space area i.e. in the play facility or with art work. Planning Policy would be willing to be adaptable to the approach providing that a sense of place is created somehow.

Planning obligations

1.63 As the proposed number of dwellings is over the threshold for planning contributions, Planning Policy would seek the following in accordance with policy QP1 and the Planning Obligations SPD, to ensure that the impact of the dwellings in the area on local facilities is mitigated against.

- Education – there is no contribution required for primary or secondary education.
- Green infrastructure - significant improvements made to the remaining area of Golden Flatts green space as suggested above.
- Play delivery of the play area within the Golden Flatts green space
- Built sports facilities £250 per dwelling directed towards Seaton Park

- Tennis courts £57.02 per dwelling directed towards Seaton Park
- Playing pitches £233.29 per dwelling towards a borough wide scheme that is currently being investigated.
- Bowling greens £4.97 per dwelling directed towards borough wide provision

Other requirements with a financial impact

1.64 Port Homes (the applicant) are committed to delivering sustainable development. The proposals will seek to address the most cost effective method of improving energy efficiency, reducing demand and as such reducing the long-term carbon emissions for the development. Predominantly this is proposed through optimizing dwelling orientation aided by passive solar and thermal design.

Planning Policy welcome the intention of the applicant to ensure the proposed development meets the requirements set out in local plan policy CC1, SUS1 and in regard to QP7 where possible by attaining a 10% reduction in CO2 emissions over above the most up-to-date relevant Building Regulations standards. Planning Policy trust that the application can be conditioned to ensure this energy fabric improvement is achieved.

1.65 Planning Policy note that the applicant intends to offer Renewable technologies and EV charging points as an optional upgrade on case by case basis. Planning Policy does not support this approach and would seek to ensure that the application, if approved, is conditioned to ensure that at least 10% of the anticipated energy is derived from a renewable source and that EV charging points are installed. Anything above 10% on a case by case basis through usage of the aforementioned optional upgrades is welcomed. If these requirements are not feasible as per footnote 10 on page 34 of the Hartlepool Local Plan then an equivalent cost contribution can be paid to a carbon management fund.

1.66 Local Plan Policy CC1(3) sets out that development should incorporate appropriate measures to minimise flood risk such as SUDS and/or the use of porous materials and water retention and recycling. Policy CC2 requires all proposals to demonstrate how they will minimise flood risk and criterion 9 sets out that where greenfield sites are developed, the surface water run off rates should not be exceeded and where possible should reduce existing rates. Policy QP7 (3) sets out that all development will be required to incorporate sustainable construction and drainage methods. Planning Policy trust that the council's engineers will advise accordingly on these flood risk matters.

1.67 All of the requirements requested have been financially tested at Examination in Public (EiP). Planning Policy see no significant reason as to why the requirements cannot be achieved and in accordance with NPPF paragraph 58 Planning Policy are of the view that the obligations should be secured.

Conclusion

1.68 The principle of residential development is not acceptable within this location and would be a departure from the Local Plan. On balance the applicant has not sufficiently justified the scheme in terms of the benefits it will provide, which would be taken into consideration when the scheme is assessed on balance. If clarification can be provided with regards to how the applicant intends to improve the remaining

Golden Flatts green space then Planning Policy may look more favourably on the development in light of mitigation proposed.

1.69 The overall design of the scheme is poor, the homes are crammed in which means there are no areas of meaningful open space for door step play and visual amenity purposes and the whole site is dominated by car parking to the front of properties. Bungalow should be provided to ensure compliance with policy HGG2 and to ensure residents have the option to live a more sustainable life the required planning obligations should be secured and the home should be secured to be energy efficient, provide renewable energy and electric charging points.

Update 12/10/2022 following receipt of an Economic Viability Assessment (EVA):

1.70 On 30th September 2022 the applicant was advised of the Planning Policy position. On 28th September 2022 the applicant advised a significant agent fee was omitted from the original EVA and that other fees should be taken into account due to additional work that has been undertaken and the knock on effect of the interest rates rises and the impacts that will have upon revenue and likely sales rates. The applicant advised that the aforementioned information and associated cost should be factored into the EVA.

1.71 The EVA has been reconsidered and Planning Policy are now in a position to give a Planning Policy view.

1.72 The proposal is on an area of allocated green open space (Golden Flats Green Space), defined as natural and semi natural open space (NE2j) as delineated on the policies map. NE1 (Natural Environment) and NE2 (Green Infrastructure) are key policies for determining this application. Local Plan Policy NE1 (Natural Environment) sets out that the council will protect, manage and enhance Hartlepool's natural environment.

1.73 Policy NE2 (Green infrastructure) states that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities. The Council will address identified shortfalls in the amount or quality of existing green infrastructure, and enhance green infrastructure management and maintenance so that users can safely access it.

1.74 Policy NE2 further states that "The loss of green infrastructure components will generally be resisted and that in exceptional circumstances other green infrastructure will only be considered for other uses where:

- 6) it can be demonstrated to be surplus to needs, or
- 7) it has no other recreational, nature conservation or amenity function, or
- 8) it is in an area where the local need has already been met elsewhere, or
- 9) it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- 10) it is too small or difficult to maintain.

1.75 Policy NE2 advises that where an area of open space is lost to development, the council will impose planning conditions or a legal agreement, to ensure

compensatory provision of an alternative site or enhancement of adjoining open space.

1.76 Planning Policy are of the view that the application site is not surplus to needs (6), that it does have a recreational, nature and an amenity function (7), the need for this type of open space has not been met elsewhere (8), the area of open space is not detrimental to neighbours and that the area is not too small to maintain (10). Given this view it may be considered that the proposal site should be safeguarded and the proposal refused.

1.77 Planning Policy have taken policy NE1 and NE2 as a whole and considered the overall aim of the natural environment chapter. Within that chapter there is the need to protect open space coupled with the need to enhance open space. Planning Policy have worked with the applicant to ensure that if an area of open space is lost then the remaining area of open space can be enhanced.

1.78 Planning Policy visited the site and attributed an amenity value to the proposal site and the open space as a whole. The area is semi natural and when out on site it was important to understand the purpose of the land and how best to improve it.

1.79 Planning Policy and other officers considered that the site should remain as a semi natural open space but that public access to it by virtue of an east - west footway and a footway into the proposed site, along with maintenance of the site and security infrastructure would be a significant improvement and would bring benefits to the borough's residents.

1.80 As with all planning applications over five units or more and in accordance with local plan policy QP1 (Planning Obligations) Planning Policy advised that 18% on site affordable housing should be sought along with £250 per unit for play and built sports, £57.02 per dwelling for tennis provisions £233.29 for playing pitches £4.97 for bowling green and education provision. The HBC Ecologist advised that 3.11 biodiversity units were required to ensure no net biodiversity loss and that 3.59 units were required to provide a 10% biodiversity net gain.

1.81 After looking at the viability information and liaising with the applicant/agent I can confirm that Planning Policy are of the view that there is sufficient money available within the scheme to offer meaningful improvements to the Golden Flatts Open Space.

1.82 The improvements include an east west footway, a link to the proposed site, 8 years of path maintenance and 8 years of grass cutting. Once these links are in place the area will become more accessible and will have positive physical and mental health improvements for residents. It is noted that there will be a loss of a relatively small area of open space but that there will be a significant amount of open space remaining which will be enhanced.

1.83 Planning Policy note that for these improvements to come forward there is only £3746 remaining for which the applicant can use to pay the planning obligations

costs and the BNG cost. Planning Policy are of the view that the applicant cannot afford to pay the full amount of the above mentioned costs.

1.84 Planning Policy would wish to direct the remainder of the money towards biodiversity and nothing to other obligations. Planning Policy would advise that if this money is secured for biodiversity then the money is directed towards the Golden Flatts Open Space. Attributing this money towards biodiversity on Golden Flatts Green Space will further enhance the area.

1.85 Planning Policy are of the view that the proposal would lead to a biodiversity net loss. It is understood that the £3746 would not be a sufficient sum of money to ensure there is no biodiversity net loss. In light of this matter I have copied in the ecologist so he is aware of the situation and can give you additional comments if necessary.

1.86 Planning Policy have sought to prioritise meaningful improvements to the green open space above all other planning obligations. It is appreciated that other HBC teams may wish for money to be directed to play, built sports, biodiversity etc. however Policy NE2 does not have a viability caveat, the requirement for compensation is not subject to viability and so it is considered that this requirements cannot be waived and without the meaningful improvements to the green open space then the application is contrary to Local Plan policy NE2.

1.87 Local plan policy QP1 (Planning obligations) has a caveat that “The Borough Council will seek planning obligations where viable” Planning Policy are of the opinion that if the obligations first requested are insisted upon then they would render the scheme unviable and thus to do that would go against policy QP1.

1.88 Planning Policy are of the view that if the money can be secured to deliver the improvements to the Golden Flatts Green Space then, although the proposal is not strictly aligned with the Natural Environment chapter it is considered that the proposal does align with parts of policy NE1 and NE2 by virtue of enhancing the area of open space and improving access to it.

1.89 Overall it is considered that the loss of the relatively small open space is acceptable given that there will be a significant amount of land remaining and that the remaining area of land can be improved by virtue of footway links and biodiversity.

1.90 The above is a Planning Policy view point and it is hoped this view can be given significant weight when you are weighing all matters into the planning balance.

1.91 I can confirm that the scheme will deliver:

- Habitat Regulations Assessment contribution (£19,000)
- Bat and bird boxes
- Solar Panels on 8 properties
- An east west foot link through the Golden Flatts Green Space (£56,400.00)
- Footway primary route 1A (£13,350.00)
- Footway primary route 1b (£6975)
- Three security A frames (£840)

- Installation of A frames (£750)
- 8 year path maintenance (£8,184.16)
- 8 years grass cutting (£13,083.20)
- 8 years litter pick (£5,150.96)
- Biodiversity contribution (£3935.18) please note this has increased slightly from my last email in which I mentioned £3706.30 for Biodiversity.

1.92 The total amount to be secured is £127,668.50. The applicant is agreeable to this sum.

Update 20/10/2022 following discussions around Affordable Homes

1.93 Just to clarify Port Homes are not offering any Affordable Homes as part of the planning application and therefore I did not factor that into the planning balance.

PLANNING CONSIDERATIONS

1.94 The main planning considerations with respect to this application are the principle of development (including viability and planning obligations, planning balance, energy efficiency and renewable energy and house types), ecology (including biodiversity net gain, biodiversity mitigation measures, biodiversity enhancement, habitats regulation assessments (including recreational impact on designated sites and nutrient neutrality), design and impact on the visual amenity, residential amenity, highway safety and parking, trees and landscaping, flood risk and drainage and contamination. These and any other planning matters (including heritage and archaeology, crime, fear of crime and anti-social behaviour) and residual matters are considered as follows.

PRINCIPLE OF DEVELOPMENT

1.95 Policy LS1 of the Hartlepool Local Plan (2018) supports sustainable development based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built-up area to ensure that growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements.

1.96 Policy SUS1 of the Hartlepool Local Plan (2018) and paragraph 119 of the NPPF (2021) sets out that proposals for new development should be located on previously developed or brownfield land and should be designed in a sustainable way.

1.97 The application site is allocated under Policy NE2j (Natural and Semi-Natural Green Space) on the Hartlepool Local Plan Policies Map (2018). The application site is considered to provide a buffer between the urban area to the north and the industrial development to the south.

1.98 Policy NE2 (Green Infrastructure) of the Hartlepool Local Plan (2018) sets out that the council will safeguard green infrastructure from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure. In addition policy NE2 states that the loss of green infrastructure components will generally be resisted but in

exceptional circumstances green infrastructure will only be considered for other uses where:

- it can be demonstrated to be surplus to needs, or
- it has no other recreational, nature conservation or amenity function, or
- it is in an area where the local need has already been met elsewhere, or
- it can be demonstrated that the area of open space is detrimental to the amenity of neighbours, or
- it is too small or difficult to maintain.

1.99 Policy NE1 (Natural Environment) of the Hartlepool Local Plan (2018) sets out that the council will protect, manage and enhance Hartlepool's natural environment. Policy NE2 of the Local Plan advises that where an area of open space is lost to development, the council will impose planning conditions or a legal agreement, to ensure compensatory provision of an alternative site or enhancement of adjoining open space.

1.100 The Council's Planning Policy team have confirmed that the application site is not surplus to needs (6), that it does have a recreational, nature and an amenity function (7), the need for this types of open space has not been met elsewhere (8), the area of open space is not detrimental to neighbours and that the area is not too small to maintain (10). Notwithstanding this, the Council's Planning Policy have considered the context of Policies NE1 and NE2 as a whole and have considered the overall aim of the natural environment chapter of the Hartlepool Local Plan (2018). Within that chapter there is the need to protect open space coupled with the need to enhance open space. The Council's Planning Policy team have advised of the need to ensure that if an area of open space is lost then the remaining area of open space can be enhanced.

1.101 In view of the above policy context, it is considered that the area of land known as Golden Flatts is a key piece of green infrastructure serving the southern area of the borough that is used by local residents, albeit it is acknowledged that the area is currently not used to its full potential in terms of recreational, nature conservation and amenity function. The area is included as a priority scheme in the Green Infrastructure SPD 2020 (GI SPD) which sets out aspirations to improve the area whilst boosting visitor numbers and its overall quality. The GI SPD action plan sets out that the area should be developed with surfaced tracks, woodland planting, trim trail, play area and pond creation.

1.102 Given that the application site is not allocated for residential development, and taking into account that the Hartlepool Local Plan (2018) allocates sufficient land within the limits to development to achieve a five year housing land supply, the current scheme is considered to be a departure from the Local Plan and is therefore a 'windfall (housing) site'.

1.103 It is acknowledged that the proposal is adjacent to an existing residential development to the north and west and is in reasonable proximity to shops and services and public transport links and therefore deemed in a locational sense to be sustainable.

1.104 HBC Planning Policy acknowledge that the public access to the open space by virtue of an east - west footway and a footway into the proposed site, along with maintenance of the site and security infrastructure, would be a significant improvement and would bring benefits to the borough's residents (as well as to future occupants of the proposed development).

1.105 HBC Planning Policy are of the view that if the money can be secured to deliver the improvements to the Golden Flatts Green Space then, although the proposal is not strictly aligned with the Natural Environment chapter it is considered that the proposal does align with parts of policy NE1 and NE2 by virtue of enhancing the area of open space and improving access to it.

1.106 Overall it is considered that the loss of the relatively small open space is, on balance, acceptable given that there will be a significant amount of land remaining and that the remaining area of land can be improved by virtue of footway links and biodiversity improvements (secured by financial contributions and obligations secured in a s106 legal agreement).

1.107 Officers consider that significant weight can be attributed to the positive contributions of the scheme to enhancing the open space. Ultimately, the weight afforded to this, will need to be factored into the overall planning balance.

Viability and Planning Obligations

1.108 In the interests of providing sustainable development and in ensuring that the proposal is acceptable in planning terms, and in accordance with Policies NE1 and QP1 (Planning Obligations) of the Hartlepool Local Plan (2018) and the Planning Obligations SPD, the Council's Planning Policy section has confirmed that given the size of the proposed residential development and its intended purpose and in the interest of providing sustainable development, a commitment from the developer in terms of the provision of the following should be sought:

- 18% on site affordable housing,
- £250 per unit for play and built sports,
- £57.02 per dwelling for tennis provisions,
- £233.29 for playing pitches
- £4.97 for bowling green and

1.109 In addition to the above, it is noted that the Clinical Commissioning Group requested a sum of £36,708 towards healthcare.

1.110 The HBC Ecologist has also advised that 3.11 biodiversity units were required to ensure no net biodiversity loss and that 3.59 units were required to provide a 10% biodiversity net gain.

1.111 Subsequently, the applicant submitted a Viability Assessment, which has been considered in detail by the Council's Planning Policy team who have confirmed that whilst the development is unable to deliver all of the contributions sought, there is sufficient viability (a total sum of £127,668.50) within the scheme to offer meaningful improvements to the Golden Flatts Open Space.

1.112 Policy QP1 (Planning obligations) of the Local Plan has a caveat that “The Borough Council will seek planning obligations where viable”. In view of the submitted Viability Assessment, it is considered that insisting on further contributions would render the scheme unviable. In view of the policy context (primarily Policy NE2 which considers meaningful improvements to green open space), the Council’s Planning Policy team sought to prioritise meaningful improvements to the green open space above all other planning obligations. It should be noted that the scheme does not secure the 18% requirement for on-site affordable housing as a result of the viability assessment.

1.113 In full, the following financial contributions, obligations and planning conditions are to be secured:

- Habitat Regulations Assessment contribution towards coastal wardening (£19,000)
- An east-west foot link through the Golden Flatts Green Space (£56,400.00)
- Footway primary route 1A within Golden Flatts (to link the east-west foot link to proposed footway 1B) (£13,350.00)
- Footway primary route 1B (to link the east-west footway to the application site via footway link 1A) within Golden Flatts (£6975)
- Three security ‘A’ frames (£840)
- Installation of ‘A’ frames (£750)
- 8 year path maintenance (£8,184.16)
- 8 years grass cutting (£13,083.20)
- 8 years litter pick (£5,150.96)
- Biodiversity contribution (£3935.18)
- Bat and bird boxes (to be secured by a planning condition)
- Solar Panels on 8 properties (to be secured by a planning condition)

1.114 The applicant has agreed to the above measures which would need to be secured by a s106 legal agreement and appropriate planning conditions. Other planning obligations include the requirement for long term maintenance and management of any landscaping and surface water drainage.

1.115 The Council’s Planning Policy team consider that once the above footway links are in place, it is considered that the area would become more accessible. Whilst it is acknowledged that there would still be a loss of an area of open space, a significant amount of open space remaining would be enhanced to be benefit of future residents and existing residents of the borough.

1.116 In view of the submitted Viability Assessment and the comments from the Council’s Planning Policy section and HBC Ecologist, it is acknowledged that the proposal would lead to a biodiversity net loss (as opposed to a 10% net gain). Instead a financial contribution of £3935.18 has been secured towards biodiversity enhancements within Golden Flatts Open Space, which may consist of a tree planting scheme.

1.117 Whilst the contribution towards biodiversity is not as large as the requirements of 10% net gain and would result in a net loss which is disappointing, the effect is not considered to constitute significant harm in the context of the NPPF, a view confirmed by the HBC Ecologist.

1.118 In view of the above, the Council's Planning Policy team consider that subject to the contributions being secured to deliver the improvements to the Golden Flatts Green Space, and although the proposal is not strictly aligned with the Natural Environment chapter, it is considered that the proposal does align with parts of policy NE1 and NE2 by virtue of enhancing the area of open space and improving access to it.

Planning Balance

1.119 Notwithstanding the consideration of Viability (above), it is considered that Policies NE1 and NE2 of the Hartlepool Local Plan (2018) must be given considerable importance and weight.

1.120 In weighing up the balance of policies in favour of against the main policies of constraint (Policies LS1 and NE2 of the Hartlepool Local Plan (2018) respectively), emphasis is placed on balancing any identified potential harms of a proposal against the prospective benefits of development.

1.121 The NPPF (2021) applies a presumption in favour of sustainable development and states that "achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways". In this context and in weighing up the balance of the proposal, the main benefits and adverse impacts arising from the proposal (in the above context) are outlined below:

Benefits

- The proposed development would provide enhancements and improved connectivity to the Golden Flatts open space to the benefit of existing and future residents of the Borough (social + environmental)
- The proposal will potentially deliver some biodiversity enhancement (environmental)
- The proposal will provide a contribution towards the council's 5 year housing supply including a mix of housing types (economic*)
**there will also be 'social' benefits delivered by private housing provision however this benefit is reduced by no affordable housing provision*
- The submitted information indicates the proposed development is intended to support/provide renewable energy (economic + environmental)

Adverse impacts

- The proposed development would have a potential detrimental impact on a parcel of land allocated for natural and semi-natural space, contrary to Local Planning Policy NE2 (social + environmental)
- The proposed development would result in a net loss to biodiversity with potential adverse ecological impacts (environmental)

- The development does not make any provision or contribution towards affordable housing provision and does not secure contributions to all of the planning obligations including play and built sports, tennis, playing pitches and bowling greens (economic and social)
- The proposed layout fails to provide meaningful open space within the site and there are concerns about the overall layout and design of some of the house types, which is discussed in further detail in the other material considerations below (environmental, economic and social).

1.122 On the particular concern of the proposal's potential to detrimentally impact upon the parcel of land allocated under Policy NE2j of the Hartlepool Local Plan (2018), as outlined above, it is of note that the comments from the Council's Planning Policy team confirm that the parcel of land is currently under-utilised and in poor condition. Furthermore, officers consider that the loss of the relatively small open space is acceptable given that there will be a significant amount of land remaining and that the remaining area of land can be improved by virtue of footway links and biodiversity.

1.123 In terms of the resulting net loss to biodiversity, as set out in the Ecology section (below), whilst the Council's Ecologist has commented that it is disappointing that the proposed scheme would not achieve a biodiversity net gain (by way of providing 3.59 Habitat Units), the scheme would still secure a financial contribution towards biodiversity improvements and it is of note that the Council's Ecologist has not formally objected to the proposals.

1.124 The Council's Planning Policy section acknowledge the concerns of the Council's Ecologist, however in light of the submitted Viability Assessment, the Council's Planning Policy section consider that the proposed scheme would achieve contributions toward green infrastructure, which would assist in mitigating against the scheme's location on land allocated under Policy NE2j.

1.125 In conclusion, and when weighing up the balance of the benefits of the proposed residential development against the location being allocated as natural and semi-natural green space, that the scheme results in biodiversity 'loss' and does not provide any affordable housing, it is considered that these impacts would, on balance, be outweighed by the identified economic, environmental and social benefits of the proposal.

Energy Efficiency and Renewable Energy

1.126 Policy QP7 (Energy Efficiency) of the Local Plan seeks to ensure high levels of energy efficiency in all development, and the development is therefore expected to be energy efficient. In line with this Policy, the development is required to ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation alongside incorporating sustainable construction and drainage methods.

1.127 In addition to this, policy CC1 (Minimising and Adapting to Climate Change) of the Local Plan requires that major developments include opportunities for charging

of electric and hybrid vehicles and, where feasible and viable, provide a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources.

1.128 The submitted Planning Statement indicates that the proposed development would seek to utilise the most cost effective method of improving energy efficiency, reducing demand and as such reducing the long-term carbon emissions for the development. Predominantly this is proposed through optimizing dwelling orientation aided by passive solar and thermal design. It is noted that the submitted Planning Layout indicates that 8no. dwellings (10%) would incorporate solar panels. A planning condition can secure this.

1.129 Whilst it is noted from the submitted Planning Statement that the applicant intends to offer renewable technologies and EV charging points as an optional upgrade on case by case basis for individual dwellings, it is considered that at least 10% of the anticipated energy must be derived from a renewable source (in this instance through PV panels) and that EV charging points are installed. Full details of the renewable energy infrastructure (10%) including electric charging points to serve the proposed development can be secured by appropriate planning conditions. These have been agreed with the applicant.

1.130 In respect to energy efficiency, it is of note that Building Regulations have been updated as of 15th June 2022, and any forthcoming Building Regulation application will now be assessed under the new Regulations. In light of the above, given the implementation and requirements of the new Building Regulations, a planning condition is not required in respect of any energy efficiency improvement (previously required to be 10% improvement above the Regulations, prior to 15th June 2022) and such matters will need to be addressed through the new Building Regulations requirements.

1.131 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

House Types

1.132 Local Plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock and that due regard should be given to the latest evidence of housing need. The proposal is for 76no. 2, 3 and 4 bedroom properties that are a mix of linked terrace, detached and semi-detached properties. The most up-to-date Strategic Housing Market Assessment 2015 (SMHA) notes that the greatest need is for bungalows and detached 1-3 bed properties.

1.133 Although it is acknowledged that the proposed scheme does not include bungalows, it is of consideration that a mixture of house types are included. Concerns are raised by HBC Planning Policy regarding the design of some of the house types in respect to the generic design and nature of them but does acknowledge positive design in other house types.

1.134 Whilst the design and layout is discussed in further detail below, the case officer requested that further consideration be given to improving the design and

layout of the properties (including the reduction in dwellings to create a central, open space area). However, the applicant confirmed that they were unwilling to amend the house types or reduce the number of dwellings, citing concerns of viability of the scheme. Overall, and on balance, it is considered that the range of house types is considered to be acceptable in this instance and would not warrant a refusal of the application.

Principle of Development Conclusion

1.135 It is acknowledged that the application represents a ‘departure’ from the local plan and there are a number of identified impacts that have been weighed in the planning balance against the benefits of the development as set out above. However, and in view of the above considerations including the required planning obligations and financial contributions as well as identified planning conditions, the principle of development is, on balance, considered to be acceptable in this instance, subject to the proposal satisfying the main planning considerations of this application as set out in detail in the sections below.

ECOLOGY MATTERS

Biodiversity Net Gain

1.136 The Environment Act 2021 includes Biodiversity Net Gain (BNG), with a requirement for at least 10% BNG post-development, however, the requirement will not come into force until 2023. Meanwhile, HBC Local Planning Authority expects ‘no net loss’ of biodiversity based on a pre-application baseline Ecology report. Ecological enhancement (as per the NPPF) is additional to BNG and is aimed at providing opportunities for protected and priority species, which are not otherwise secured under the purely habitat based BNG approach.

1.137 The NPPF (2021) requires development to provide net gains for biodiversity. In particular, paragraph 170 (d) states that planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

1.138 Paragraph 174(d) of the NPPF (2021) states that Planning policies and decisions should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures.

1.139 Paragraph 180 (a) of the NPPF (2021) states that when determining planning applications, local planning authorities should apply the following principles: a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.

1.140 The proposed development would result in the loss of an existing hedge on the eastern boundary of the site. The constraints of the site and the proposed layout mean re-provision on site is not feasible, however the proposed scheme includes the planting of 18no. trees and other landscaping in order to assist in compensating for habitat loss. Notwithstanding this, the Council's Ecologist has had regard to the supporting Landscaping Plan, Ecological Impact Assessment (EclA) and 'Biodiversity Metric 3.0 justification and evidence report' and has confirmed that the proposed scheme would result in a net loss of 3.11 Habitat Units (HU) which is a loss of 64% of current on-site biodiversity. The provision would need to be 3.59 HU for the scheme to deliver a 10% Biodiversity Net Gain.

1.141 As set out in the Viability section above, the applicant has agreed to make a contribution of £3,935.18 towards biodiversity to be secured via the s106 legal agreement. The Council's Ecologist considers this contribution insufficient to achieve the required 3.59 HU. Therefore it is considered that the proposed scheme would not achieve a 10% Biodiversity Net Gain and would therefore be contrary to the provisions of paragraph 174 (d) of the NPPF (2021).

1.142 Notwithstanding the above, the 10% BNG is not a statutory requirement at the time of writing. Whilst the financial contribution towards biodiversity is not as large as the requirements of 10% net gain and would result in a net loss which is disappointing, the effect is not considered to constitute significant harm in the context of the NPPF, a view confirmed by the HBC Ecologist.

1.143 In addition to the biodiversity contribution, a planning condition can ensure that details of a full soft landscaping scheme (along with biodiversity enhancement measures) is secured.

1.144 In view of the above and on balance, it is considered that this would not warrant a reason to refuse the application in this instance.

Biodiversity Mitigation Measures

1.145 As noted above, the application is accompanied by an Ecological Impact Assessment (EclA) which sets out a number of mitigation measures that are required namely;

- Avoiding clearance of hedges during the bird nesting season;
- Covering excavations overnight;
- A process for dealing with any hedgehogs found
- A sensitive lighting scheme
- Provision of a landscaping scheme to be wildlife friendly
- Opportunities for hedgehog holes in fences to allow for passage through gardens

1.146 The Council's Ecologist has recommended that these be secured and a planning condition is recommended accordingly (to require the implementation of the measures set out in the EclA).

Biodiversity Enhancement

1.147 The site is adjacent to open countryside which supports declining bat and bird populations, which could benefit from the provision of integral bat roost bricks and integral bird nest bricks. In the interests of biodiversity enhancement, each new dwelling should include one integral bat roost brick or one integral bird nest brick. This can be secured by appropriately worded planning condition, which is recommended in this respect.

*Habitats Regulation Assessment**1) Recreational impacts on designated sites*

1.148 As the site is 2.1km from the European Protected Site, Teesmouth and Cleveland Coast Special Protection Area (SPA) and suitable alternative natural green space (SANGS) is not provided on site, following the completion of a Stage 1 and Stage 2 Habitat Regulations Assessment by the Council's Ecologist (as the competent authority), a financial contribution of £19,000 (£250 per property) is necessary to mitigate the adverse recreational impacts on the SPA. The applicant has confirmed agreement to this. In turn, Natural England have confirmed they have no objection to the application subject a suitable legal agreement to secure the financial contribution. This will be secured in the s106 legal agreement.

2) Nutrient Neutrality

1.149 On 16 March 2022 Hartlepool Borough Council, along with neighbouring authorities in the catchment of the Tees, received formal notice from Natural England that the Teesmouth & Cleveland Coast Special Protection Area/Ramsar (SPA) is now considered to be in an unfavourable condition due to nutrient enrichment, in particular with nitrates, which are polluting the protected area. Given this application would involve development comprising residential development, it is considered the proposals are 'in scope' for further assessment. The applicant submitted Nutrient Neutrality Budget Calculations accompanied by a Nutrient Statement which concludes that the application does not result in a net increase in nitrates as a result of foul and surface water discharging to the Seaton Carew Waste Water Treatment Works. A HRA Stage 1 Screening Assessment was duly completed by the Council's Ecologist which confirms there would not be a Likely Significant Effect on the designated sites.

1.150 Natural England have been consulted on the HRA Stage 1 Screening Assessment and have confirmed no objections, and therefore the application is considered to be acceptable in this respect.

Ecology conclusion

1.151 Whilst it is disappointing that the proposed scheme would result in a biodiversity net loss, it is acknowledged that some contribution would be made toward biodiversity enhancement in the form of a financial contribution together with a number of enhancement measures. In view of the above, it is considered that the identified impacts would not warrant a refusal of the application in this instance.

DESIGN & VISUAL AMENITY OF SURROUNDING AREA

1.152 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.

1.153 The NPPF (2021) sets out the Government's commitment to good design. Paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 129 of the NPPF stipulates that planning decisions should ensure development will add to the overall quality of the area for the lifetime of the development, be visually attractive as a result of good architecture, layout and appropriate and effective landscaping, be sympathetic to local character and history (whilst not preventing or discouraging appropriate innovation or change), establish a strong sense of place and optimise the potential to accommodate and sustain an appropriate amount and mix of development.

1.154 Paragraph 130 of the NPPF (2021) 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.

1.155 The application site is bounded to the north and west by residential development (albeit it is noted that a strip of land to the west which does not form part of the application site would remain between the proposed development and the existing dwellings on Inglefield to the west), which predominantly comprises detached, semi-detached and link terraced dwellings of a two-storey form, in some instances two and a half storey with rooms in the roof space. It is of note that 'Phase 1' of the development is situated immediately to the north of the application site and features a similar set of house types to that proposed as part of this application.

1.156 As noted above, Local Plan policy HSG2 (Overall Housing Mix) seeks to ensure that all new housing contributes to achieving an overall balanced mix of housing stock.

1.157 Although it is acknowledged that the proposed scheme does not include bungalows, it is of consideration that a mixture of house types are included. Concerns have been raised by HBC Planning Policy regarding the design of some of the house types in respect to the generic design and nature of some of them but does acknowledge some positive design in other house types.

1.158 The case officer requested that further consideration be given to improving the design and layout of the properties (including the reduction in dwellings to create a central, open space area). However, the applicant confirmed that they were unwilling to amend the house types or reduce the number of dwellings, citing concerns of viability of the scheme. Overall, it is considered that the range of house

types is considered to be reflective of those within Phase 1 of the development (situated to the north) and those within the wider area, including Chelford Close, Hatfield Close and Inglefield to the north west and west, respectively. On balance, the design of the properties is considered to be acceptable in this instance and would not warrant a refusal of the application.

1.159 The palette of materials of surrounding residential developments (including Phase 1 at Seaton Meadows to the north, Chelford Close and Hatfield Close to the north west and Inglefield to the west) is varied but generally consists of brick and tile with some examples of render. Roofs are pitched, comprising a mix of hipped and gabled designs and there are examples of projecting gable features to the front and canopies over front doors. Each of these features are replicated in the house types proposed as part of this development.

1.160 The design and materials to be used in the proposed houses are generally considered to be in keeping with the character and appearance of the wider area and therefore the development is considered acceptable in this respect subject to final details being secured by a planning condition.

1.161 Furthermore, the proposed development would in effect tie into and extend from existing residential developments to the north. In this context, the proposed dwellings would primarily be screened or read alongside the existing properties when viewed from the main highway of Seaton Lane to the north and Stockton Road beyond the existing residential developments to the west. When viewed from the Golden Flatts Open Space to the south, the proposal would primarily be read against the backdrop of the existing residential developments in the area. It is understood that existing planting would be protected and retained along part of the southern boundaries which would further assist in softening any adverse impacts on the character and appearance of the wider area. Overall and in the above context, the proposed development is not considered to result in a detrimental impact on the visual amenity, character and appearance of the surrounding areas.

1.162 In terms of layout and form of the proposed development itself, concerns are set out in detail within the HBC Planning Policy comments above. It is considered that the appearance of the site results in a relatively dense layout with particular concern regarding the lack of meaningful open space within the site as well as concerns from the Council's Landscape Architect regarding the amount of hard standing to facilitate in curtilage car parking.

1.163 It is considered that the provision of meaningful open space within a site contributes to the visual amenity and wellbeing of existing and proposed occupants of properties within the site and adjacent residential streets. It is for this reason that the case officer sought amendments to the scheme, for example by removing a number of plots and increasing the proposed landscaping/open space area which would have potentially allowed for meaningful open space and potentially a children's play space. It is considered that this would have provided a sense of place as well as having positive contribution to the overall layout and to the benefit of future occupants of the estate. However, the applicant confirmed they were unwilling to amend the layout or reduce the number of proposed dwellings, citing viability issues.

1.164 The Council's Planning Policy team have commented that whilst disappointing that the proposed scheme does not feature integrated areas of open space, it is noted that future occupants of properties would have better access to the Golden Flatts green space in the future and this is considered to be an important benefit of the scheme in the planning balance. The lack of open space on site further justifies the need to make the improvements to the Golden Flatts area to the south and the need for children's play to be incorporated into that space.

1.165 The proposed development includes soft landscaping within front and side gardens that would assist in softening the appearance of the street scene within the development. There are some examples within the site where smaller units have limited soft landscaping to the front in order to accommodate hard surfacing for car parking, a concern raised by both HBC Planning Policy and the Council's Landscape Architect. Whilst such features can have an adverse effect on the character of a development, such examples are not generally reflective of the character of the proposed development overall and therefore it is not considered this would be so detrimental to the visual amenity of the area as to warrant a refusal.

1.166 Although it is welcomed that the properties have front gardens, it is the case that such areas can provide visual amenity provided they remain open plan. In this respect, it is considered necessary that the proposed landscaping would be retained in perpetuity, and additional planning conditions are recommended to ensure that the proposed development remains open plan to the front.

1.167 Overall, whilst concerns remain in respect to the overall design and layout and lack of meaningful open space within the site, the scheme is not considered to result in an unacceptable layout or an adverse impact on the visual amenity. As such, it is considered that the identified concerns would not warrant a refusal of the application in this instance, particularly when such concerns are considered in the overall planning balance for the development.

TREES + LANDSCAPING

1.168 The application is accompanied by an Arboricultural Impact Assessment (AIA) and Method Statement that identify a number of trees/hedgerows that are to be retained (the main section being along the southern boundary where it will be incorporated into the gardens of plots 13-23, inclusive) and measures to do so (the hedge/row of trees in question will be crown lifted to improve usable garden space of the plots). However the AIA also identifies a number of trees that would need to be removed in order to facilitate the development proposed. In response the Council's Arboricultural Officer has raised no objections to the proposals. Protection measures for existing/retained trees can be secured by a planning condition (compliance with the submitted, agreed details).

1.169 Notwithstanding the above, as detailed in the comments from the Council's Arboricultural Officer, it is noted that fencing is proposed to be installed around an existing hedge/planting to the southern boundary. The fencing is fairly close to the hedgerow and it should be noted that this may provide maintenance issues in the future with the hedgerow growing over the fence and that the council will not be responsible for the cutting back of these hedgerows from the gardens. The

maintenance of the hedge would be within the responsibility of the developer (or future plot occupiers). Notwithstanding this, the matter would not result in a refusal of the application and no objections are raised by the Council's Arboricultural Officer.

1.170 The applicant proposes a soft landscaping scheme, including trees to be planted within the site as well as the retention of some hedges/trees (as detailed above), which is considered to offer a small measure of enhancement to the development proposed. Final landscaping details are to be secured by a planning condition.

1.171 On balance therefore, the application is considered to be acceptable in this respect and would not warrant a refusal of the application.

RESIDENTIAL AMENITY

1.172 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.

1.173 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.

1.174 As noted above, the proposed development is bound by residential properties along Seaton Meadows to the north, Chelford Close and Hatfield Close to the north west and Inglefield to the west. The proposed dwellings are a minimum of 20m (and in some instances, in excess of 20m) from existing properties where principal elevations are directly opposite each other, and a minimum of 10m where there is a gable to principle elevation.

1.175 Notwithstanding this, a separation distance of approximately 15m would remain between the rear of plot 49 and the rear elevation of No 8 Hatfield Close (north west) however the relationship and principal elevations of the two properties are clearly offset and result in an oblique, satisfactory distance and relationship. It is also noted that plots 39 and 40 would be located approximately 21m from the first floor rear elevation of No 7 Inglefield (west) but would be approximately 17.8m from the extended ground floor rear elevation (a single storey extension) serving this property. Whilst this latter distance does not fully achieve the requisite 20m, consideration is given to the offset/oblique nature of the two proposed plots in

relation to the rear of this property as well as the existing and proposed boundary treatment and the presence of the strip of land that would remain beyond the western boundary of the application site and rear gardens of the properties within Inglefield. Overall, these relationships are, on balance, considered to be acceptable and it is considered that the proposal would not result in an unacceptable impact on the amenity and privacy of existing and future occupiers of these properties as to warrant a refusal of the application.

1.176 It is noted that there is an awkward relationship that would result between Plot 62 and the adjacent property to the north (34 Golden Meadows) as a result of the front elevation of plot 62 extending approximately 3.5m beyond the rear elevation of this property resulting in a potential overbearing and overshadowing impact on the windows in the rear elevation of No 34 Golden Meadows. As a result, the case officer requested that the applicant consider amending the layout to reduce this projection however the applicant was unable to owing the site's constraints and any amendment to relocate plot 62 would then reduce other distances within the site. Given that the side elevation of plot 62 does not feature windows (nor are there windows in the side of No. 34 Golden Meadows) and that a distance of approximately 3.5m would remain from the side of plot 62 to the nearest windows in the rear elevation of 34 Golden Meadows, it is considered that this relationship would not result in such a significant impact on the amenity of the occupants of either of these properties as to warrant a reason to refuse the application.

1.177 The proposed layout of the properties within the proposed scheme complies with the separation distances identified within Policy QP4 of the Hartlepool Local Plan (2018) and Residential Design Guide SPD (2019), to include distances in excess of 10m where primary elevations face side elevations and in excess of 20m where primary elevations face each other from the dwellings proposed, and therefore internal relationships between plots are considered to be acceptable. It is anticipated that appropriate boundary treatments will be provided between rear gardens, final details of which will be secured by a planning condition.

1.178 In turn, the relationships between the properties proposed and the existing dwellings in the area are, on balance, considered sufficient to prevent a loss of light, outlook, overbearing appearance or overlooking for existing or future occupiers and such relationships would not warrant a refusal of the application.

1.179 The land immediately to the south and along the east of the development site is open fields and therefore there are no neighbouring properties that would be affected in terms of any impact on the amenity and privacy by the development proposed.

1.180 Notwithstanding this, the Council's Planning Policy team have highlighted employment uses (in particular the steel works to the south) should not be hampered from operating and/or expanding because residential properties have been located closer to them. It is of note that the existing steelworks is situated approximately 260m to the south of the site. The application has been supported by a Noise Assessment. The Council's Public Protection have assessed the proposals in light of this and have raised no objection to the development of the site for housing, subject to the installation of an acoustic fence along the southern boundary (adjacent to plots 13-34 inclusive), and suitable glazing and ventilation for these plots, as

recommended in the submitted Noise Assessment. Subject to the installation of the acoustic fence and other appropriate mitigation measures (as detailed in the submitted Noise Assessment), it is not considered the proposed development would prejudice the continued operation of the site or adversely affect the amenity of existing and future occupiers in terms of noise disturbance. The proposed development is therefore considered to be acceptable with regards to noise impacts subject to the identified mitigation measures that can be secured by appropriate planning conditions.

1.181 It is inevitable that the development of a site of this scale will cause some disruption as a result of traffic moving through the adjacent Phase 1 development to the north. However, it is considered appropriate conditions will help to manage disruption. The Council's Public Protection section initially requested a Construction Management Plan, however following further discussions, confirmed that a condition could be recommended in respect of the requirement for the proposed development to be constructed in accordance with the mitigation measures set out in the submitted Air Quality Assessment to include dust control measures during construction, and to control hours of construction and delivery, to seek to minimise disruption. Notwithstanding this and the information submitted, a Construction Management Plan (CMP) condition is still recommended to address routing of vehicles and where necessary cleansing measures to address mud on the roads amongst other matters (the standard condition has been amended to reflect the agreed dust control measures set out above that are usually included in the standard CMP condition). Such matters are secured by separate conditions.

1.182 The proposed development is relatively dense and has therefore resulted in some properties having compact gardens. Local plan policies require adequate amenity space is provided to meet the day to day needs of occupants, though there are no minimum size standards. Although some of the gardens are relatively small, it is considered they would still offer the ability of future occupiers to enjoy private amenity space while also accommodating practical needs, such as bin storage, for example. Overall, the level of space afforded to the properties is considered sufficient to meet the needs of occupiers without unduly affecting amenity, however in order to protect this provision it is considered necessary to limit the permitted development rights of the properties to build extensions or outbuildings to avoid undue impacts on amenity space and the amenity of neighbours in terms of light, privacy or overbearing appearance. Such a condition is duly recommended.

1.183 Taking account of the above considerations regarding overlooking, light, outlook, overbearing appearance and private amenity space, it is considered the proposed development is acceptable in terms of amenity and privacy for all existing and future occupants of nearby and neighbouring properties (including those within the proposed development site, and those in Seaton Meadows, Chelford Close, Hatfield Close and Inglefield).

HIGHWAY SAFETY & PARKING

1.184 It is proposed that the houses would take access from the approved residential development to the north at Golden Meadows. Each of the properties proposed is to be served by a minimum of two parking spaces and there are three

visitor parking spaces for general use within the development. As noted above, the application has been amended during the course of consideration, following concerns from the Council's Traffic and Transport team in respect of the parking bays being sited close to the junctions (in respect of plots 14 and 74) and the width of the carriageway. The applicant amended the layout to address these concerns, following which the Council's Traffic and Transport section have confirmed that the proposed layout and car parking provision is acceptable and whilst they did not originally request any further conditions or requirements, they have since verbally confirmed the requirement for a Construction Management Plan (as discussed above) to address highway related construction matters, which is secured accordingly.

1.185 As noted above, the proposed scheme would secure contributions towards providing footpath connections by way of an east-west footway across Golden Flatts and connections from the proposed development to this footway. The Council's Countryside Access has confirmed that the proposals would not affect any nearby public rights of way and/or permissive paths within the vicinity, and therefore the application is considered acceptable in this respect.

1.186 Overall the proposal is considered to be acceptable in respect of highway and pedestrian safety.

FLOOD RISK & DRAINAGE

1.187 Local Plan Policy CC1(3) sets out that development should incorporate appropriate measures to minimise flood risk such as SUDS and/or the use of porous materials and water retention and recycling. Policy CC2 requires all proposals to demonstrate how they will minimise flood risk and criterion 9 sets out that where greenfield sites are developed, the surface water run off rates should not be exceeded and where possible should reduce existing rates. Policy QP7 (3) sets out that all development will be required to incorporate sustainable construction and drainage methods.

1.188 The application site is within flood zone 1 and therefore at low risk of flooding, however due to the size of the development site, the application is accompanied by a Flood Risk Assessment. This has been assessed and deemed acceptable by the Council's Flood Risk Officer and Northumbrian Water. The latter has requested a planning condition to ensure that drainage is carried out in accordance with the specific submitted details, contained within the submitted Flood Risk Assessment and Drainage Strategy, and that the drainage scheme shall ensure that foul flows discharge to the combined sewer and ensure that surface water discharges to the existing watercourse.

1.189 Notwithstanding the above, the Council's Flood Risk Officer confirmed that a pre-commencement condition in respect of surface water drainage design should be appended to the application to include full details of surface water management and maintenance. Subject to the inclusion of this planning condition, the development is considered to be acceptable with regards to flood risk and drainage.

CONTAMINATED LAND

1.190 The applicant has submitted a remediation strategy to outline the proposed works and the Council's Flood Risk Officer has confirmed no objection in respect of contaminated land, however has recommended a planning condition to ensure appropriate reporting of an unexpected contamination. Accordingly, such a condition is duly recommended and the development is considered to be acceptable in this respect as a result.

OTHER PLANNING MATTERS

Heritage Assets and Archaeology

1.191 The application site is not within a conservation area and is not in proximity to any known heritage assets. Tees Archaeology have been consulted on the application and have raised no objections. Tees Archaeology initially made comments regarding the requirements of a planning condition on the adjacent phase of development (by the same applicant), however have since confirmed that the requirements do not apply to the current application, and as such the application is considered to be acceptable in this respect.

Crime, Fear of Crime and Anti-Social Behaviour

1.192 HBC Community Safety have been consulted on the proposals and have not offered any objections or comments. A consultation response from Cleveland Police has been received which confirms that the proposed layout is acceptable, however has provided advice in relation to the height of rear boundary treatment, security to properties and lighting. This advice can be relayed to the applicant by way of an informative and the application is therefore considered acceptable in respect of crime, fear of crime and anti-social behaviour.

Waste

1.193 The Tees Valley Joint Minerals and Waste Development Plan Document (2011) requires all major developments to produce a waste audit. The applicant has duly submitted this which demonstrates that waste would be managed and minimised or reused, in accordance with the statutory requirements. A planning condition can secure this.

1.194 A consultation response has been received from HBC Waste Management regarding the provision of necessary waste receptacles and collection requirements throughout the proposed development. Whilst these comments are noted, no objections have been received from HBC Traffic and Transport and the applicant has indicated areas within the site for bins to be presented to on collection day. It is also noted that individual properties feature rear garden areas and footpaths from the highway. The proposal is therefore on balance considered to be acceptable in this respect.

OTHER MATTERS

Fire Safety and Access

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

PLANNING BALANCE AND OVERALL CONCLUSION

1.196 Overall, it is acknowledged that the application site is allocated as Semi-Natural and Natural Green Space in accordance with Policies LS1 and NE2j of the Hartlepool Local Plan (2018), and that the development would result in an overall loss to biodiversity. Concerns have been raised by the Council's Ecologist and HBC Planning Policy in this respect. In view of this, it is acknowledged that the application is in conflict with Policies NE1 and NE2 of the Hartlepool Local Plan (2018). Furthermore, it is acknowledged that concerns remain in respect to the overall design and layout and lack of meaningful open space within the site.

1.197 Notwithstanding the above concerns, in view of the consideration of the economic, environmental and social benefits of the scheme (including the contribution to the Golden Flatts Open Space and biodiversity contribution) as identified by the Council's Planning Policy section, it is, on balance, considered that the development is acceptable for the reasons detailed above. It is further considered that the scheme would not result in such an unacceptable layout or an adverse impact on the visual amenity as to warrant a refusal of the application in this instance, particularly when such concerns are considered in the overall planning balance for the development.

1.198 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, and the proposal is considered to be acceptable in respect of all other material considerations. Subject to the identified conditions and the completion of a section 106 legal agreement to secure the contributions (as detailed above), as well long term maintenance and management of landscaping and surface water drainage at the application site, the proposal is considered to be acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.199 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.200 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.

1.201 There are no Section 17 implications.

REASON FOR DECISION

1.202 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 completion of s106 Legal Agreement to secure financial contributions toward HRA financial mitigation (£19,000) for indirect adverse impacts on SPA feature birds through recreational disturbance; an east west foot link through the Golden Flatts Green Space (£56,400.00); footway primary route 1A (£13,350.00); footway primary route 1b (£6975); three security A frames (£840); installation of A frames (£750); 8 year path maintenance (£8,184.16); 8 years grass cutting (£13,083.20); 8 years litter pick (£5,150.96); the provision, maintenance and long term management of landscaping (where appropriate); and maintenance and long term management of surface water drainage; and subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following plans:
drawing number PE_002 Rev B (Ground Floor Layout - The Pembroke),
drawing number PE_003 Rev B (First Floor Layout - The Pembroke),
drawing number GR_002 Rev A (Ground Floor Layout - The Greenwich),
drawing number GR_003 Rev A (First Floor Layout - The Greenwich),
drawing number CL_002 Rev A (Ground Floor Layout - The Claremont),
drawing number CL_003 Rev A (First Floor Layout - The Claremont),
drawing number CL_004 Rev B (Second Floor Layout - The Claremont),
drawing number AM_002 Rev A (Ground Floor Layout - The Ambrose),
drawing number AM_003 Rev A (First Floor Layout - The Ambrose),
drawing number 130 (Site Sections),
drawing number SD-20.01 Rev F (House Type 1 – Proposed Plans and Elevations),
drawing number SD-20.03 Rev F (House Type 3 – Proposed Plans and Elevations),
drawing number SD-20.04 Rev E (House Type 4 – Proposed Plans and Elevations),
drawing number SD-20.05 Rev F (House Type 5 – Proposed Plans and Elevations),
drawing number SD-20.06 Rev E (House Type 6 – Proposed Plans and Elevations),
'Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021,
and 'Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, all received by the Local Planning Authority 23rd December 2021;

drawing number CL_015 Rev A (Claremont Housetype – Right Elevation),
drawing number GR_004 (Front Elevation – The Greenwich),
drawing number GR_005 (Rear Elevation – The Greenwich),
drawing number GR_006 (Right Elevation – The Greenwich),
drawing number GR_012 Rev A (Left Elevation – The Greenwich),

drawing number PE_004 (Front Elevation – The Pembroke),
drawing number PE_005 Rev A (Left Elevation – The Pembroke),
drawing number PE_007 (Right Elevation – The Pembroke),
drawing number PE_004 (Front Elevation – The Pembroke),
drawing number PE_006 Rev A (Rear Elevation – The Pembroke),
drawing number AM_004 (Front Elevation – The Ambrose),
drawing number AM_005 (Left Elevation – The Ambrose),
drawing number AM_006 Rev A (Right Elevation – The Ambrose),
drawing number CL_005 (Front Elevation – The Claremont),
drawing number CL_006 (Left Elevation – The Claremont),
drawing number CL_007 Rev A (Right Elevation – The Claremont) all
received by the Local Planning Authority on 17th February 2022;

drawing number AM_006 Rev A (Right Elevation - The Ambrose) received by
the Local Planning Authority on 25th February 2022;

drawing number 100 (Site Location Plan),
drawing number 102 (Adoption Plan) all received by the Local Planning
Authority on 1st March 2022;

drawing number 106 Rev B (Proposed Planning Layout – Separation
Distances),
drawing number 101 Rev R (Proposed Planning Layout) received by the Local
Planning Authority 25th May 2022;

drawing number 120 (Colour Layout) received by the Local Planning Authority
on 20th June 2022;

drawing number AIA TPP (Tree Protection Plan), received by the Local
Planning Authority 20th October 2022.
For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the dwellings and buildings to be erected and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with Policies QP4 and LS1 of the Hartlepool Local Plan.

4. Notwithstanding the submitted information and prior to the commencement of development, a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The scheme shall agree the routing of all HGVs movements associated with the construction, it shall address 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, and communication with local residents.
In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
5. Notwithstanding the submitted information, no development 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, will not exceed the run-off from the undeveloped site 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 the 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.
6. Notwithstanding the requirements of condition 5, development shall be implemented in line with the drainage scheme contained within the submitted document entitled "Flood Risk Assessment & Drainage Strategy" dated "8th December 2021", received by the Local Planning Authority 17th February 2022. The drainage scheme shall ensure that foul water discharges into the 1050mm diameter combined public sewer to the north west of the site via manhole 5403. The surface water shall discharge to the existing watercourse located to the south, as indicated in drawing 21103-DS01-Drainage Strategy Layout in Appendix F of the submitted 'Flood Risk Assessment & Drainage Strategy' received by the Local Planning Authority 17th February 2022. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
7. 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 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.

8. Notwithstanding the submitted details and prior to the above ground construction of the dwellings hereby approved, 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 scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all areas, include a programme of the works to be undertaken, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures. The scheme shall include details of biodiversity and habitat enhancement as detailed in Section 5.2 'Mitigation Measures' and Section 5.4 'Enhancement Measures' of the submitted 'Ecological Impact Assessment' by Naturally Wild (document reference POR-21-01, dated January 2022), received by the Local Planning Authority 18th February 2022. The scheme shall include details of the retained landscaping features as detailed within the 'Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, and Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, both received by the Local Planning Authority on 23rd December 2021; and drawing number AIA TPP (Arboricultural Impact Assessment - Tree Protection Plan (TPP)), all date received by the Local Planning Authority 20th October 2022.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the first occupation of the dwellinghouses or completion of the development (whichever is the sooner) hereby approved. 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, biodiversity enhancement and to ensure a satisfactory form of development.

9. Prior to the occupation of plots 13-34 (inclusive) as shown on plan 101 Rev R (Proposed Planning Layout) received by the Local Planning Authority 25th May 2022 (the same plots are annotated as plots 47 and 57-80 (inclusive) as annotated on Figure 6 of the 'Port Homes / Seaton Meadows, Hartlepool / Assessment of Noise Levels and Noise Amelioration Measures', document by LA Environmental Consultants, documented dated 9th December 2021 received by the Local Planning Authority 8th February 2022) ('the Noise Assessment'), the identified 'Noise Amelioration Measures' as set out in sections 6 and 7 of the Noise Assessment shall be provided to the identified plots/dwellings. Thereafter the measures shall be retained for the lifetime of the development hereby approved.
In the interests of the amenities of future occupiers of the development.
10. Prior to any equipment, machinery or materials being brought onto the site for the purposes of the development, the tree protection measures identified in the 'Arboricultural Impact Assessment For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, and Arboricultural Method Statement For Trees at Seaton Meadows, Hartlepool For Port Homes', documented dated 14/09/2021, both received by the Local Planning Authority on 23rd December 2021; and drawing number AIA TPP (Arboricultural Impact Assessment - Tree Protection Plan (TPP)), all date received by the Local Planning Authority 20th October 2022 shall be in place and thereafter retained until completion of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the existing trees and the visual amenity of the area.
11. Notwithstanding the submitted information, details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before above ground construction commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
12. Notwithstanding the proposals detailed in the submitted plans and prior to the implementation of such works on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This shall include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme, including car parking provision and footpath connections, shall be completed in accordance with the agreed details prior to the occupation or completion of the dwellings (whichever is the sooner).

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

13. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenities of the surrounding area.
14. Notwithstanding the submitted details and prior to above ground construction of the dwellings hereby approved, full details of all 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. The scheme shall make provision for hedgehog openings within the boundary fence where feasible. Thereafter the development shall be carried out in accordance with the approved details (including the provision of hedgehog openings) prior to first occupation of the dwellings or completion of the development (whichever is the sooner).
In the interests of visual amenity and to provide appropriate ecological mitigation measures and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
15. Notwithstanding the requirements of condition 14 and prior the occupation of plots 13-34 (inclusive) as shown on plan 101 Rev R (Proposed Planning Layout, received by the Local Planning Authority 25th May 2022), full details of a 2.0m high acoustic fence to be positioned located along the southern boundary(s) as shown on Figure 5 'Location of proposed 2.0m high acoustic fence' (plots 13-34 are referenced as plots 47 and 57-80 inclusive in this document) in section 6 'Noise Amelioration Measures' of the submitted 'Port Homes / Seaton Meadows, Hartlepool / Assessment of Noise Levels and Noise Amelioration Measures' (document by LA Environmental Consultants, dated 9th December 2021), received by the Local Planning Authority 8th February 2022, shall be first submitted to and agreed in writing with the Local Planning Authority. The acoustic fence shall be designed to have a minimum mass of 10kg/m². Thereafter, the agreed scheme shall be implemented in accordance with the agreed details prior to the occupation of the identified plots and shall remain in place for the lifetime of the development hereby approved.
In the interests of amenity of future occupiers and the amenities of the area.
16. Prior to the commencement of development above ground level, details of bat box bricks and/or bird nesting boxes (76no. in total) to be installed integral to each of the completed dwellings (76no. in total), including the exact location, specification and design, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the bat and/or bird boxes shall be installed strictly in accordance with the details so approved prior to the occupation or completion of the dwellings, whichever is the sooner, and shall be maintained for the lifetime of the development.

To provide an ecological enhancement for protected and priority species, in accordance with paragraph 170 of the NPPF.

17. The development hereby approved shall be carried out in accordance with the recommendations as detailed in section 5.2 'Mitigation Measures' of 'Ecological Impact Assessment' by Naturally Wild (document reference POR-21-01, dated January 2022) received by the Local Planning Authority 18th February 2022 including the requirements for;
i) a sensitive lighting scheme during and after construction;
ii) Any excavations created during construction to be covered at night to prevent wildlife becoming trapped;
iii) Site clearance works to be carried out in a precautionary manner in relation to hedgehogs;
iv) clearance works to be carried out outside of the nesting season, which is defined as running from March to August, inclusive.
To ensure the development provides mitigation against bats and other identified protected species in accordance with policy NE1 and Section 15 of the National planning Policy Framework.
18. Prior to the above ground construction of the development hereby approved, full details of the proposed solar panels to plots 14, 23, 24, 25, 28, 29, 32 and 33 as annotated on drawing number 120 (Colour Layout, received by the Local Planning Authority on 20th June 2022) shall be submitted to and approved in writing by the Local Planning Authority. The proposed solar panels shall be installed in accordance with the agreed details and prior to the occupation or completion of the development hereby approved, whichever is sooner.
To ensure a satisfactory form of development, In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
19. No part of the residential development hereby approved shall be occupied until details of electric vehicle charging apparatus, including identifying the dwellings/location of the apparatus has been submitted and approved in writing by the Local Planning Authority. Thereafter and prior to the occupation of the identified dwellings, the agreed scheme shall be implemented on site. In the interests of a satisfactory form of development and in accordance with the requirements of Local Plan Policy CC1.
20. Prior to the occupation of the dwellings hereby approved, provision shall be made for storage of refuse in accordance with the locations shown on drawing number 101 Rev R (Proposed Planning Layout) received by the Local Planning Authority 25th May 2022.
To ensure a satisfactory form of development.
21. The development hereby approved shall be solely carried out in accordance with the 'Dust Emissions Mitigation Measures' as detailed in Table 3 of the submitted Air Quality Assessment / Seaton Meadows, Hartlepool / December 2021 / Port Homes' by NJD Environmental Associates, received by the Local Planning Authority 23rd December 2021.

In the interests of the amenities of the area.

22. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 18.00 on Mondays to Fridays and between 9.00 am and 13.00 on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
23. The development hereby approved shall be used as a C3 dwelling houses and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.
To allow the Local Planning Authority to retain control of the development.
24. Notwithstanding the provisions of Classes A to F of Part 1 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 dwellinghouses hereby approved shall not be extended or altered in any manner (including the installation or re-configuration of windows) or detached outbuildings or other buildings erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenities of the area and the amenities of future occupiers.
25. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), 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 with the exception of those enclosures approved as part of this permission and shown on.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties and the appearance of the wider area.
26. Waste generated during the demolition, construction and operational phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Waste Audit (prepared by Planning House, document dated December 2021), date received by the Local Planning Authority 23/12/2021.
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=150845>

1.204 Copies of the applications are available on-line:

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

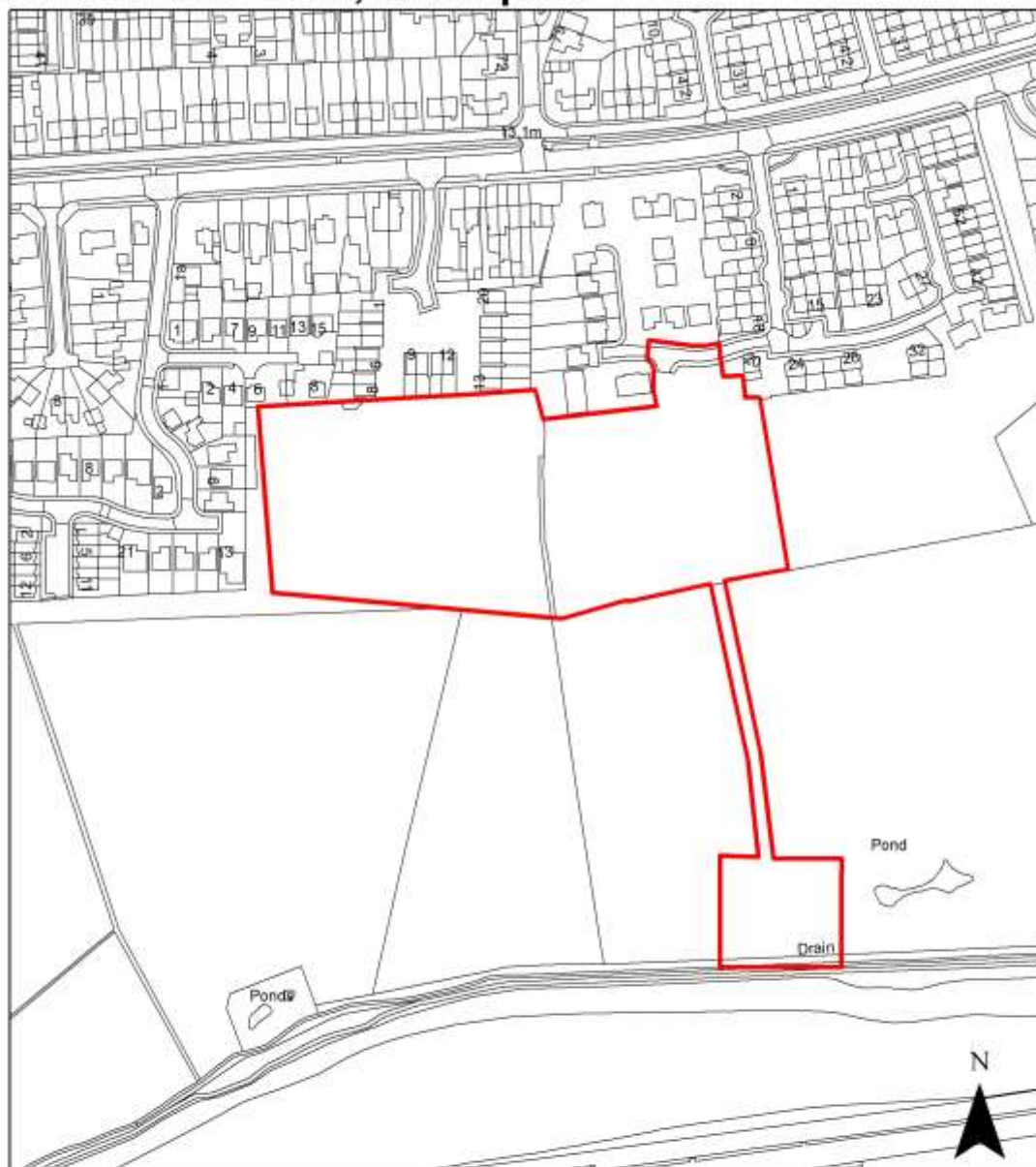
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Seaton Meadows, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.11.2022
	SCALE 1:2,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2021/0572	REV

No:	2.
Number:	H/2022/0049
Applicant:	STERLING POLYMERS LTD WINDERMERE ROAD HARTLEPOOL TS25 1NX
Agent:	AC ENVIRONMENTAL CONSULTING LTD MISS LAUREN STANGER Environment House Werrington Road Bucknall Stoke on Trent ST2 9AF
Date valid:	05/07/2022
Development:	Part-retrospective planning application to seek to regularise planning permission H/2018/0208 (development of waste recycling facility including erection of steel portal framed building and cycle store and associated works including parking, hardstanding, weighbridges and refurbishment of existing office building (part-retrospective) and for the erection of 2no. additional buildings, renovation of an existing building, installation of concrete hard surfacing and formation of parking areas (including for cars and HGVs), installation of an electric substation (retrospective) and to allow for the recycling of plastic (in addition to the permitted paper recycling use).
Location:	STERLING POLYMERS LTD WINDERMERE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/1974/0143 – Planning permission was granted on 11th July 1974 for construction of de-tinning plant for aluminium tin bearing scrap.

H/1980/0905 – Planning permission was granted on 5th January 1981 for a new portal frame building to replace existing.

H/1981/0519 – Planning permission was granted on 1st September 1981 for a new loading bay.

HADV/1986/0357 – Advertisement consent was granted on 15th August 1986 for the erection of a non-illuminated fascia sign.

HLBC/1994/0168 – Listed building consent was granted on 1st June 1994 to remove structure (Seaton High Lighthouse) (to be relocated within the Marina development).

H/TEL/0584/01 – Prior approval was refused for an application to determine whether the siting and design of a 15 metre high lattice tower and associated telecommunications equipment and equipment cabin requires the prior approval of the local planning authority.

H/2005/5252 – Planning permission was granted on 21st June 2005 for the erection of a gatehouse.

H/2018/0208 – Planning permission was granted on 31st October 2018 for the development of a waste recycling facility including erection of steel portal framed building and cycle store and associated works including parking, hardstanding, weighbridges and refurbishment of existing office building (part-retrospective).

PROPOSAL

2.3 The proposal is a part-retrospective planning application to seek to regularise planning permission H/2018/0208 (development of waste recycling facility including erection of steel portal framed building and cycle store and associated works including parking, hardstanding, weighbridges and refurbishment of existing office building (part-retrospective) and in addition for the erection of 2no. additional buildings, renovation of an existing building, installation of concrete hard surfacing and formation of parking areas (including for cars and HGVs), installation of an electric substation (retrospective) and to allow for the recycling of plastic (in addition to the permitted paper recycling use). It is noted that the total tonnage of the waste to be recycled will not change (150,000 tonnes per annum).

2.4 In terms of the regularisation of H/2018/0208 the application addresses non compliance with conditions by providing the details required. These relate to drainage, details of glazed panels on the roof, hard and soft landscaping, enclosures, renewable energy provision, electric charging, details of the office refurbishment, external lighting and car parking.

2.5 The two new steel portal framed buildings are to be erected within the centre of the site to create a square of buildings. One unit will be attached to the existing building (A) to create an 'L' shape, with the other building (B) also being an 'L' shape, which will create the square of buildings with a goods yard in the centre. There will be two access points to the central yard between the buildings to the north west and south east. The new element known as building 'A' (linking into an existing building of the same proportions) will measure approximately 120.2m x 37.3 in area and features a dual pitched roof with an eaves height of approximately 10m and a ridge height of approximately 13m. Building 'B' is made up of two elements to create an 'L' shape building with the each element measuring approximately 120m x 37.3m and 126m x 37.9m and features a dual pitched roof with an eaves height of approximately 10m and a ridge height of approximately 13m (on each element).

2.6 The application also seeks consent for the retention of an electric substation measuring approximately 7m x 2.5m in area, featuring a flat roof with an overall height of approximately 2m. Associated works include provision of hard standing external areas, creating car parking bays for 90 vehicles and 20 HGV spaces. The parking bays include the provision of electric/hybrid vehicle charging points

2.7 The submitted design and access statement indicates that the new building A will be attached to the western elevation of the existing building A and will contain the wash line and extruder line, and the use of this building will not change, and will continue to be used for the recycling and storage of paper waste. The new building B which is to be an 'L' shape will create a square yard in the centre of the site. Building B will be used for Waste Electrical and Electronic Equipment (WEEE) plastic lines and paper and plastic waste storage. Both roofs of the buildings (A and B) will be equipped with Glass Reinforced Plastic (GRP) roof lights. The central yard area and the area of the yard to the south of the new building B will be used for baled plastic storage and lorry turning. The existing building C along the eastern boundary is to be renovated and used as a workshop space and for mobile plant storage. No waste will be processed or stored in the building. The building measures approximately 12.2m x 53m in area and 5m in height. The building will be clad in the same steel cladding sheets as building A and B.

2.8 The proposal includes a detailed planting plan which indicates areas to be planted and the retention of a pond to the northwest corner of the site.

2.9 The application has been referred to the planning committee as the proposal constitutes a departure from the development plan.

SITE CONTEXT

2.10 The application site comprises a vacant industrial site which it is understood was formerly operated as an electrolytic de-tinning facility, for the recovery of tin from scrap metal, and included a number of large industrial buildings which have since been demolished. The application site only includes part of the former industrial site, though the full site remains in the applicant's ownership. The application site is bounded to the north and east by the adopted highway along Windermere Road, with further industrial/waste management sites beyond. To the west, the site is bounded by further industrial land and highway verge with adopted highway at Belle Vue Way (A689) beyond. To the south, the site is bounded by a landscape bund and former landfill with designated natural/semi-natural green space and Tees Bay Retail and Leisure Park beyond.

PUBLICITY

2.11 The application has been advertised by site notice, press advert and neighbour notifications (65) - no representations have been received.

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=151604>

2.12 The period for publicity has expired.

CONSULTATIONS

2.13 The following consultation responses have been received;

HBC Arboricultural Officer - No representation received.

HBC Building Control – Building regulations required.

HBC Public Protection – No objection to this application.

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 or being affected by the proposed development of this site. However, along the southern and western boundaries of this site run unrecorded public rights of way that are used by the public on a very regular basis. The fencing between these paths and the site needs to be improved for the benefit of the site and the safety of the public.

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

HBC Ecology – I have assessed the submitted shadow Habitats Regulations Assessment (stages 1 [screening] and 2 [Appropriate Assessment]), prepared by FPCR Environment and Design Ltd, dated 01/04/2022 and I agree with its findings. There are no adverse impacts on the Teesmouth and Cleveland Coast (T&CC) SPA and Ramsar Site.

HBC adopts this HRA as the competent authority document, which can be sent to Natural England for their consideration.

I am satisfied with the level of effort put into the non-breeding bird surveys and accept the Wintering Bird Report.

This site has long been a regular ‘loafing’ site for gulls, which drink and bathe, often after feeding in adjacent waste disposal facilities. While the loss of the shallow pools is a biodiversity loss, the HRA has demonstrated that there will be no significant adverse impact on T&CC SPA gulls.

I am satisfied that section 2.4.5 of the submitted Design and Access Statement (February 2022) proposes the following landscaping and new pool, which will ensure ‘no net loss of biodiversity’, making the scheme compliant with current biodiversity guidelines. The appropriate Detailed Planting Plan should be conditioned.

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 unexpected contamination condition and the surface water condition shown below on any permission issued for proposals:

Notwithstanding the submitted information, no development 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, will not exceed the run-off from the undeveloped site 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 the 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.

HBC Property Services – No representation received.

HBC Conservation – No representation received.

HBC Landscape Architect – No representation received.

HBC Economic Development – The Economic Growth Team have been working with Sterling Polymers with their proposed investment to the site. From an Economic Growth perspective we back the proposals as the project would bring a large vacant site back into productive use and create job opportunities for local people.

Tees Archaeology – Thank you for the consultation on this application. I have checked the HER and can confirm that the proposed development should not have a significant impact on any known heritage assets.

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 2 Section B5 for buildings other than Dwelling houses.

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 2 Section B5 Table 15.2.

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

National Highways – No objection.

Cleveland Police – No representation received.

Environment Agency – No objection to the proposed development as submitted. However, we have the following comments/advice to offer:

Environmental Permit – Advice to Applicant/LPA

This waste recycling facility may require an Environmental Permit or variation to existing Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. The applicant is advised to contact the Environment Agency on 03708506506 for further advice and to discuss the issues likely to be raised. You should be aware that the permit may not be granted. Additional 'Environmental Permitting Guidance' can be accessed via the following link (<https://www.gov.uk/topic/environmental-management/environmental-permits>).

Please ensure the appropriate Environmental Permit and pre-application advice is sought before operations begin. Additionally, ensure appropriate management procedures and systems are in place to manage any potential environmental and amenity risks (e.g. pollution, odour, flies, noise, litter and dust).

Landfill – Advice to Applicant/LPA

The development site is situated in close proximity to a landfill site – SWS Ltd, Longhill landfill site (permit reference: EPR:BW2145IR). The site is now closed to waste acceptance and has had a fully engineered 'cap' installed. The cap acts to control emissions of landfill gas from the site and operates in conjunction with an installed landfill gas extraction system. Our recent regulatory work indicates that the cap and landfill gas extraction system are operating effectively and that emissions of landfill gas, either through the ground or to the air, are not an issue.

Nevertheless, the proposed development should seek to ensure that the risk of landfill gas affecting the development site has been assessed and can be managed appropriately.

Northumbrian Water – In making our response to the local planning authority Northumbrian Water assesses the impact of the proposed development on our assets and assesses the capacity within our 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/>. We can confirm that a pre-planning enquiry (Ref: 978673793083) was submitted to us by this applicant requesting allowable discharge rates and connection points into the public sewer for the proposed development. I note that our response to this enquiry has not been submitted with the planning application.

Our pre-planning enquiry response stated that surface water flows can discharge to the existing combined sewer at manhole 1902, at a restricted rate of 9 l/sec. We note that a foul water connection to the public sewer was not proposed by the applicant in

the pre-planning enquiry submission. Therefore, we request that the applicant contacts the pre-planning enquiry team to determine a discharge location and rate to the public sewer. We also suggest that the applicant contacts the preplanning enquiry team to ensure that the point of connection and discharge rate for surface water mentioned in the pre-planning enquiry response is still acceptable, as the response was issued in 2019 and is only valid for one year. The team can be contacted on DevelopmentEnquiries@nwl.co.uk. Because the applicant has not submitted a drainage scheme which reflects our pre-planning enquiry advice we request the following condition:

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

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

We recommend that the applicant updates the drainage strategy accordingly and submits it with the planning application for consideration. The strategy should be in line with the comments included in Northumbrian Water's pre-planning enquiry response.

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

RSPB – No representation received.

Northern Powergrid – Thank you for your enquiry dated 26/07/2022 concerning the above. The enclosed Mains Records only give the approximate location of known Northern Powergrid apparatus in the area. Great care is therefore needed and all cables and overhead lines must be assumed to be live.

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

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

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

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

The Health & Safety Executive have another public, 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 wayleave agreement, lease of 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 Trees TS18 3TU. Tel 0800 0113433

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

Cleveland Emergency Planning Unit – No objections.

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

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

PLANNING POLICY

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

Local Policy
Hartlepool Local Plan 2018

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

SUS1: The presumption in Favour of Sustainable Development
LS1: Locational Strategy
CC1: Minimising and Adapting to Climate Change
QP3: Location, Accessibility, Highway Safety and Parking
QP4: Layout and Design of Development
QP5: Safety and Security
QP6: Technical Matters
EMP3: General Employment Land

Tees Valley Minerals & Waste DPD

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

MWP1 – Waste Audits
MWC6 – Waste Strategy

National Planning Policy Framework (NPPF)(2021)

2.16 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
 PARA081: Building a strong, competitive economy
 PARA110: Considering development proposals
 PARA124: Achieving appropriate densities
 PARA130: Achieving well-designed places
 PARA134: Achieving well-designed places
 PARA157: Meeting the challenge of climate change, flooding and coastal change
 PARA169: Planning and flood risk
 PARA218: Implementation

HBC Planning Policy - Policy EMP3, states that proposals for the extension of sites for bad neighbour uses (including waste processing) will be permitted only in the Sandgate area and/or Graythorp industrial estate. The proposal is for an existing paper waste recycling facility and the applicant seeks to add plastic recycling to the facility along with new buildings. The business premise are quite large and capable of contain the additional buildings comfortably, Planning Policy accept that business have to evolve and that this a natural step for the existing business and that relocation may not be the best option. It is noted that the tonnage of waste processed will not increase from the permitted 150,000 tonnes/annum. Increasing the number of buildings on this site is deemed to be aligned with Policy MWC6 from the Minerals and Waste Core Strategy in that the proposal will promoting facilities and development that drives waste management up the waste hierarchy; in a sustainable location and is unlikely to have a detrimental impact of amenity of nearby residents and other land uses. There are no Planning Policy concerns with regards to this proposal. Given that the proposed buildings are over 1000 metres squared then Planning Policy CC1 (9) requires that 10% of the buildings anticipated energy demand is provided by a renewable source.

PLANNING CONSIDERATIONS

2.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposal on visual amenity and the character and appearance of the surrounding area, the amenity and privacy of neighbouring land users, flood risk and drainage, highway and pedestrian safety and car parking, and ecology and nature conservation. These and all other planning and residual matters will be considered in detail below.

PRINCIPLE OF DEVELOPMENT

2.18 Paragraph 7 of the National Planning Policy Framework (NPPF) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development. Notwithstanding this, paragraph

12 of the NPPF stipulates that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making.

2.19 The application site is located within the Longhill industrial area as designated by policy EMP3 (General Employment Land) of the adopted Hartlepool Local Plan (2018) and as set out on the associated Policies Map. The current operation comprises the sorting of waste paper within a large industrial building, and it is seeking to expand to include the recycling of plastics. Policy EMP3 stipulates that proposals for business development (falling within class B1 and B8 of the Town and Country Planning (Use Classes) Order 1987 as amended) will be permitted within this area. Proposals for general industrial development (included within use class B2) and for other uses which are complementary to the dominant use of a development will be approved where the Borough Council is satisfied that they will not have a detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites.

2.20 However, policy EMP3 states that proposals for the development or extension of sites for bad neighbour uses (such as sorting, composting and/or storage of waste materials, scrapyards, car breakers yards or coal yards) will be permitted only in the Sandgate area and/or Graythorp industrial estate. The application site is therefore outside of these 'bad neighbour use' areas and as such is not in accordance with this policy. The Council's Planning Policy team has therefore commented that ideally the Council would direct these types of uses to Sandgate and Graythorp. Whilst space is limited in Sandgate there is a site of 4.1 hectares available at Graythorp for waste management facilities.

2.21 Policy EMP3 also requires that bad neighbour uses are only permitted provided that; there will be no significant nuisance to adjacent premises or highway uses, the site is not visually prominent from a main access road or from the railway, adequate screening of the site is provided, the site is of a sufficient size for the proposed operation, and there are adequate car parking and servicing arrangements.

2.22 Notwithstanding the above, paragraph 12 of the NPPF states that local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed.

2.23 The supporting statement has confirmed that they intend to carry out all of their operations, within the large buildings on site. As such, it is considered that the impact on neighbouring land users is likely to be reduced. Furthermore, it is noted that this is an existing waste recycling facility and that there are other waste management/recycling facilities in the immediate vicinity of the site. The Council's Planning Policy team has not objected to the application.

2.24 The Council's Economic Regeneration team has also been consulted on the application and has confirmed that they support this application and the jobs it will provide.

2.25 Policy CC1 (Minimising and Adapting to Climate Change) of the adopted Hartlepool Local Plan 2018 requires that major developments must secure where feasible and viable, a minimum of 10% of their energy supply from decentralised and renewable or low carbon sources. Furthermore, policy CC1 also requires that major developments include opportunities for charging electric and hybrid vehicles. As the proposal is classified as major development, the Council's Planning Policy team has confirmed that it should meet the criteria of policy CC1 and as such planning conditions are recommended to secure onsite renewable energy provision and electric and hybrid vehicle charging points.

2.26 In view of the above, on balance, the proposal is considered to be acceptable in principle in this location subject to the consideration of all other relevant material planning considerations.

IMPACT ON VISUAL AMENITY AND THE CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

2.27 The application site is located within an established industrial area, and is surrounded to the north and east by similar industrial/waste management uses, including a number of large warehouse/industrial buildings.

2.28 The proposed steel portal frame buildings (building A and B) are significant in size and features profiled composite cladding to external walls and profiled roof sheeting in a goose-wing grey (RAL 080 70 05) colour. The roof of the building comprises a relatively shallow dual pitched design with sporadic GRP glazed panels.

2.29 Whilst the proposed buildings are of a considerable size, this is not considered to be significantly out of keeping with the existing building (original building A) or other industrial buildings in the immediate vicinity. Similarly, the design of the proposed building is considered to be characteristic of the area and of industrial estate development generally. Furthermore, the proposed buildings are set back significantly from the adopted highway to the west on the main approach into the town centre (A689) by a distance of approximately 200 metres, and from the adopted highway on Windermere Road to the north and east by approximately 30-50 metres.

2.30 Views into the site from the west are largely obscured by existing planting along the A689, whilst to the north and east views into the site are broken by the existing office building on site, existing landscaping to the north-east corner of the site and the existing smaller warehouse building along the eastern boundary, all of which are to be retained. The upper portions and roof of the building can be observed from Brenda Road to the south-west at a distance in excess of 350 metres, however this is at significant distance and from this view the building is partially obscured by the landscaped bund to the south of the site and does not appear higher than adjacent buildings or the landscaped landfill bund behind to the east (and therefore does not break the skyline). The site cannot be easily viewed from public areas at Tees Bay Retail and Leisure Park to the south, whilst the building is entirely screened from view from the residential properties (at a distance approx. 400m) to the east at Harvester Close by the abovementioned landscaped landfill bund.

2.31 Notwithstanding this, there are areas along the north and north-west boundaries of the wider site with limited landscape screening and as such it is considered additional tree planting in these areas would help to further reduce the visual prominence of the building when viewed from public areas, given its significant scale. Landscaping proposals and the impacts of the development on landscape features are discussed in further detail below.

2.32 With respect to the proposed cycle store and other associated works, including provision of hard standing to external areas, additional planting, new boundary enclosures and the refurbishment of the existing office building, given the nature and scale of these elements of the proposal and their relationship to site boundaries and neighbouring properties, it is considered that these elements of the proposal would not have a significant detrimental impact on visual amenity or the character and appearance of the surrounding area.

2.33 Given the site is located adjacent to the A689 and residential properties to the west at Marmion Close and Bowness Close, the Council's Planning Policy team had previously requested for the original application for additional green infrastructure provision in the form of tree planting at the junction of Windermere Road and Belle Vue Way (A689) where the planting at present is limited. The Council's Landscape Architect has been consulted and raised no comments or objection. Whilst the site is generally well screened from primary routes and set within an existing industrial context, there are areas of existing semi-natural planting on the northern boundary and the north east corner of the site that should be retained and augmented with additional planting, in the interests of providing site screening. The Council's Arboricultural Officer has offered no comments or objections to the application.

2.34 The applicant has provided a detailed planting scheme in support of the application. Whilst the submitted scheme can be secured by appropriate condition, given the part-retrospective nature of the development it would be prudent to impose a timing conditions on the provision of the landscaping, with a timetable of works being provided. This can be secured by appropriate condition.

2.35 In view of the above, on balance it is considered that the proposal is acceptable with respect to the impact on visual amenity and the character and appearance of the surrounding area, subject to the abovementioned landscaping condition.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.36 The application site is a former industrial site, located in an established industrial area, designated as employment land within the recently adopted Hartlepool Local Plan (2018). As such, there are no residential dwellings immediately adjacent to the site. To the immediate north and east of the site, on the opposite side of Windermere Road, lie a number of similar industrial/waste management uses, including a number of large warehouse/industrial units. It is therefore considered that there are no significant detrimental impacts on neighbouring land users in terms of loss of amenity through overshadowing, any overbearing effect or poor outlook, or loss of privacy through overlooking.

2.37 Notwithstanding this, given the nature and scale of the proposed operations, the impacts of the proposal on neighbouring land users in terms of noise pollution and general disturbance have been considered.

2.38 To the west, the site sits approximately 130 metres from existing residential dwellings on the opposite side of the A689 at Marmion Close, at its closest point. However, the proposed building in which the main operations of the site are to be housed is located in excess of 250 metres from these dwellings. Similarly to the east of the site, beyond the existing industrial uses immediately adjacent the site, a separation distance of approximately 400 metres is maintained between the proposed building and the residential properties at Harvester Close, and these dwellings are also entirely screened from the development by the abovementioned landscaped landfill bund. Approximately 160 metres to the south of the site are a number of retail units at Tees Bay Retail and Leisure Park, which are also partially screened by a landscaped bund.

2.39 The Council's Environmental Health Manager has been consulted on the proposed expansion and confirms that they have no objection to the application. Furthermore, the Council's Environmental Health Manager has not requested any planning conditions with respect to hours of operation, construction management or construction hours. It is therefore considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users through undue noise and disturbance.

2.40 With respect to the other associated works, including provision of hard standing to external areas, additional planting, new boundary enclosures and the refurbishment of the existing office building, given the nature and scale of these elements of the proposal and their relationship to site boundaries and neighbouring properties, it is considered that these elements of the proposal would not have a significant detrimental impact on the amenity or privacy of neighbouring land users.

2.41 It is also understood that the operation of the site will be subject to a relevant Environment Agency permit. The Environment Agency have raised no objections to the proposal.

2.42 In view of the above, it is considered that the proposal is acceptable with respect to the impact on the amenity and privacy of neighbouring land users and in accordance with paragraph 127 of the NPPF and policy QP4 of the adopted Hartlepool Local Plan 2018.

FLOOD RISK AND DRAINAGE

2.43 The application site is not located within Flood Zones 2 or 3, nor is it within a critical drainage area. However, as the site is greater than 1 hectare, the application is accompanied by a Flood Risk Assessment (FRA) and the Council's Principal Engineer, Northumbrian Water and the Environment Agency have been consulted.

2.44 The Council's Flood Risk Officer has advised that they have no objection to the proposal in respect of surface water management subject to final details being submitted. This can be secured by appropriate condition.

2.45 Northumbrian Water also advised that the applicant had submitted a pre-planning enquiry submission, which is only valid for 12 months, they have therefore requested that a condition be imposed for surface and foul drainage. This can be secured accordingly.

2.46 The applicant has submitted a Proposed Surface Water Drainage plan and has confirmed that the surface water drainage system will connect into the Northumbrian Water sewer. The Council's Flood Risk Officer has advised that they are generally satisfied with the proposals subject to confirmation that Northumbrian Water accept the proposed flow rates discharging into the sewer. Further surface water drainage details are still required, including with respect to detailed design calculations and flow rates, and the applicant has confirmed these are currently being prepared. It is therefore considered these can be secured by virtue of a planning condition requiring the full details to have been provided within 1 month of the date of the decision notice and subsequently agreed by the Council and Northumbrian Water. Northumbrian Water have confirmed that the proposed condition is acceptable.

2.47 In view of the above, it is considered the proposal is acceptable with respect to matters of flood risk and drainage.

HIGHWAY AND PEDESTRIAN SAFETY AND CAR PARKING

2.48 The application site is accessed via an existing access on Windermere Road. The Council's Highways, Traffic and Transport section has been consulted on the application and has advised that this will not have a significant effect on the local highway network and raise no concerns or objection.

2.49 Highways England has also been consulted and has confirmed that this development will not impact on the safety or the smooth running of the Strategic Road Network (A19 Trunk Road) and as such there are no objections to this application from Highways England.

2.50 In view of the above, it is considered that the proposal is acceptable with respect to the impact on highway and pedestrian safety and car parking.

ECOLOGY AND NATURE CONSERVATION

2.51 The application site is located adjacent to land identified and designated as natural and semi-natural green space by virtue of policy NE2 (Green Infrastructure) of the adopted Hartlepool Local Plan 2018. The Council's Ecologist and Natural England have been consulted on the application.

2.52 The Council's Ecologist has advised that the site has long been a regular 'loafing' site for gulls, which drink and bathe, often after feeding in adjacent waste disposal facilities. While the loss of the shallow pools is a biodiversity loss, the HRA has demonstrated that there will be no significant adverse impact on Teesmouth & Cleveland Coast SPA gulls.

2.53 Whilst the submitted Ecological Impact Assessment acknowledges that there will be a loss of habitat under the footprint of the development. The habitats lost are predominantly of low ecological importance, with the exception of the onsite shallow pools which offer drinking, washing and loafing habitat for significant numbers of notable herring gull and black-headed gull. Mitigation through the implementation of a shallow pool to the northwest corner of the Site will continue to provide habitat for herring gull and black-headed gull onsite. Enhancements for fauna, through an onsite native planting scheme will provide additional habitats for wildlife including breeding birds. The Council's Ecologist is satisfied with the proposed landscaping and new pool, which will ensure 'no net loss of biodiversity' making the scheme compliant with current biodiversity guidelines. These measures can be secured by appropriate planning condition.

2.54 In view of the above, and subject to the above mentioned planning conditions the application is considered to be acceptable with respect to the impacts of the proposal on ecology and nature conservation.

OTHER PLANNING MATTERS

Land Contamination

2.55 The application site is a former industrial site used for the recovery of tin from scrap metal, and included a number of large industrial buildings which have since been demolished. The Council's Principal Engineer has therefore been consulted with respect to land contamination and has advised that they have no evidence of contamination issues at this site, but has requested an unexpected contamination condition be applied to any permission. The Environment Agency has also confirmed that it has no objections to the development. The application is therefore considered to be acceptable in this respect subject to the condition above.

Heritage Assets and Archaeology

2.56 The Council's Heritage and Countryside Manager and Tees Archaeology have been consulted on the application and no objections or concerns have been received with respect to the impacts of the proposal on heritage assets or archaeology, respectively. The application is therefore considered to be acceptable in this respect.

Public Rights of Way

2.57 The Council's Countryside Access Officer has not raised any concerns or objections with respect to the impacts of the proposal on public rights of way and as such the application is considered to be acceptable in this respect.

Crime and Fear of Crime

2.58 Cleveland Police have been consulted on the application and have raised no comments or objection. The application is therefore considered to be acceptable in terms of crime and fear of crime.

Unauthorised Work

2.59 It came to the attention of the Council following the case officer's visit to the application site in October 2022 that work had started on site and a significant portion of the steel frame of the building (known as building A) which is an extension to an existing building has been erected without consent or the Council's prior knowledge. Whilst no formal enforcement action has been taken to date, the applicant has been requested to stop all work on site until the planning application is determined, and has been advised any further work is carried out at their own risk.

RESIDUAL MATTERS*Landfill Gas*

2.60 The Environment Agency has advised that this proposal is within 150m of a known gassing landfill site. This is the SWS Ltd Longhill Landfill (EA Permit Ref: EPR-BW21451R). The site has the required landfill gas controls and is routinely monitored for landfill gas migration. Results indicate that gas migration is not occurring. Any developer must be aware, however, of the possibility of the presence of landfill gas migration from the landfill and take appropriate measures. This is predominantly a Building Regulations matter, however notwithstanding this, a suitable informative note to make the applicant aware of this is recommended.

Environmental Permit

2.61 The Environment Agency has advised that the proposed waste recycling facility will require an Environmental Permit under the Environmental Permitting Regulations 2010, from the Environment Agency, unless an exemption applies. This is a separate regulatory regime to the requirement for planning permission however notwithstanding this a suitable informative note is recommended to advise the applicant to contact the Environment Agency for further advice and to discuss the issues likely to be raised.

Cleveland Fire Brigade

2.62 Cleveland Fire Brigade has been consulted on the application and has confirmed that it does not wish to offer representations regarding the development as proposed. However, advice has been provided with respect to access and water supplies, and the requirement to meet the relevant Building Regulations. This is separate to planning however notwithstanding this a suitable informative note is recommended to make the applicant aware of Cleveland Fire Brigade's advice.

Northern Gas Networks

2.63 Northern Gas Networks has advised that it has no objections to these proposals, it has advised that there may be Northern Gas Network apparatus in the area that may be at risk during construction works and have provided advice. A suitable informative note is therefore recommended to advise the applicant to contact Northern Gas Networks and make them aware of their advice.

Northern Powergrid

2.64 Northern Powergrid has been consulted on the application and has not raised any objections however it is understood there is Northern Powergrid apparatus in proximity to the site and Northern Powergrid has provided advice with respect to working in proximity to this. A suitable informative note is therefore recommended to make the applicant aware of this advice.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.65 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.66 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.

2.67 There are no Section 17 implications.

CONCLUSION

2.68 It is acknowledged that the proposal is technically contrary Local Plan Policy EMP3, and therefore a departure from the Local Plan. It is however a material planning consideration that the principle of the use of the site as a materials recycling/management facility was established as a result of the original, implemented planning permissions detailed in the site history of the report, primarily approval H/2018/0208. It is considered on balance to be acceptable with respect to the abovementioned relevant material planning considerations and subject to the identified planning conditions.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

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

Dwg No: 211011SP202 (Site Location Plan @ Scale - 1:2500),
Dwg No: 211011SP301 (Existing and Proposed Building Layout View)
received 7th February 2022 by the Local Planning Authority;

Dwg No: 211011SP201.1 (Existing Site Layout Plan),
 Dwg No: 211011SP201 (Site Layout Plan),
 Dwg No: 211011SP201.3 (Floor Plan),
 Dwg No: 211011SP304 (Sub Station Elevation)
 Dwg No: 21 45290/50 Revision T4 (Proposed Drainage & External Works
 General Arrangement),
 Dwg No: 1054-FPCR-XX-XX-DR-L-0001 issue P03 (Detailed Planting Plan)
 received 21st April 2022 by the Local Planning Authority;

Dwg No: 211011SP303Av2 (New Building A Elevations),
 Dwg No: 211011SP303Bv2 Revision A (New Building B Elevations)
 received 11th July 2022 by the Local Planning Authority.
 For the avoidance of doubt.

3. Notwithstanding the submitted information, within one month of the date of this decision notice, 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 shall be submitted to the Local Planning Authority for its approval in writing. 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, will not exceed the run-off from the undeveloped site 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 the 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.
4. Within one month from the date of this decision notice a detailed scheme for the disposal of foul water from the development hereby approved 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.
5. Within one month from the date of this decision notice, a report including a schedule and timetable of works shall be submitted to the Local Planning Authority for its approval in writing that demonstrates how the use of on-site renewable energy infrastructure will provide 10% of the development's predicted energy supply. The development shall thereafter be constructed/installed in line with the approved scheme including the schedule and timetable of works.

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

6. Notwithstanding the submitted information within one month of the date of this decision details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) including a schedule and timetable of works shall be submitted to the Local Planning Authority for its approval in writing. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be provided in accordance with the agreed details including the schedule and timetable of works. 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.
7. Notwithstanding the submitted information and within 1 month from the date of this approval, a full schedule of landscaping and ecological enhancement details shall be submitted to the Local Planning Authority, including a timetable and schedule of works. Thereafter the approved scheme shall be implemented as approved and retained for the lifetime of the development.
In the interest of visual amenity.
8. Within three months from the date of this approval the provision of electric vehicle charging points within the site shall be carried out in accordance with the details submitted within the Design and Access Statement Ref: SP.PL.DA.2202.v3 and shown on drawing 211011SP201 (site layout plan) received by the Local Planning Authority on the 21st April 2022.
In the interests of promoting sustainable development and in accordance with the provisions of Local Plan Policy CC1.
9. Within three months from the date of this approval the car parking areas shall be laid out in accordance with the detail within the Design and Access Statement Ref: SP.PL.DA.2202.v3 and shown on drawing 211011SP201 (site layout plan) received by the Local Planning Authority on the 21st April 2022
In the interests of highway safety.
10. The external finishing materials used for the steel portal frame buildings shall be carried out in accordance with the details within the application form received 21st April 2022 by the Local Planning Authority, confirming cladding colour(s) (Walls and Roof to be Steel cladding sheets in Goosewing Grey Ref: RAL 080 70 05 and roller shutter doors in Goosewing Grey Ref: RAL 080 70 05), unless an alternative similar scheme of materials is otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
11. 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.

12. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.
13. The site shall only operate as a paper and plastic waste management facility for the sorting of paper waste and plastics and for no other purpose.
For the avoidance of doubt and in order to control the development under the terms on which permission is granted.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=151604>

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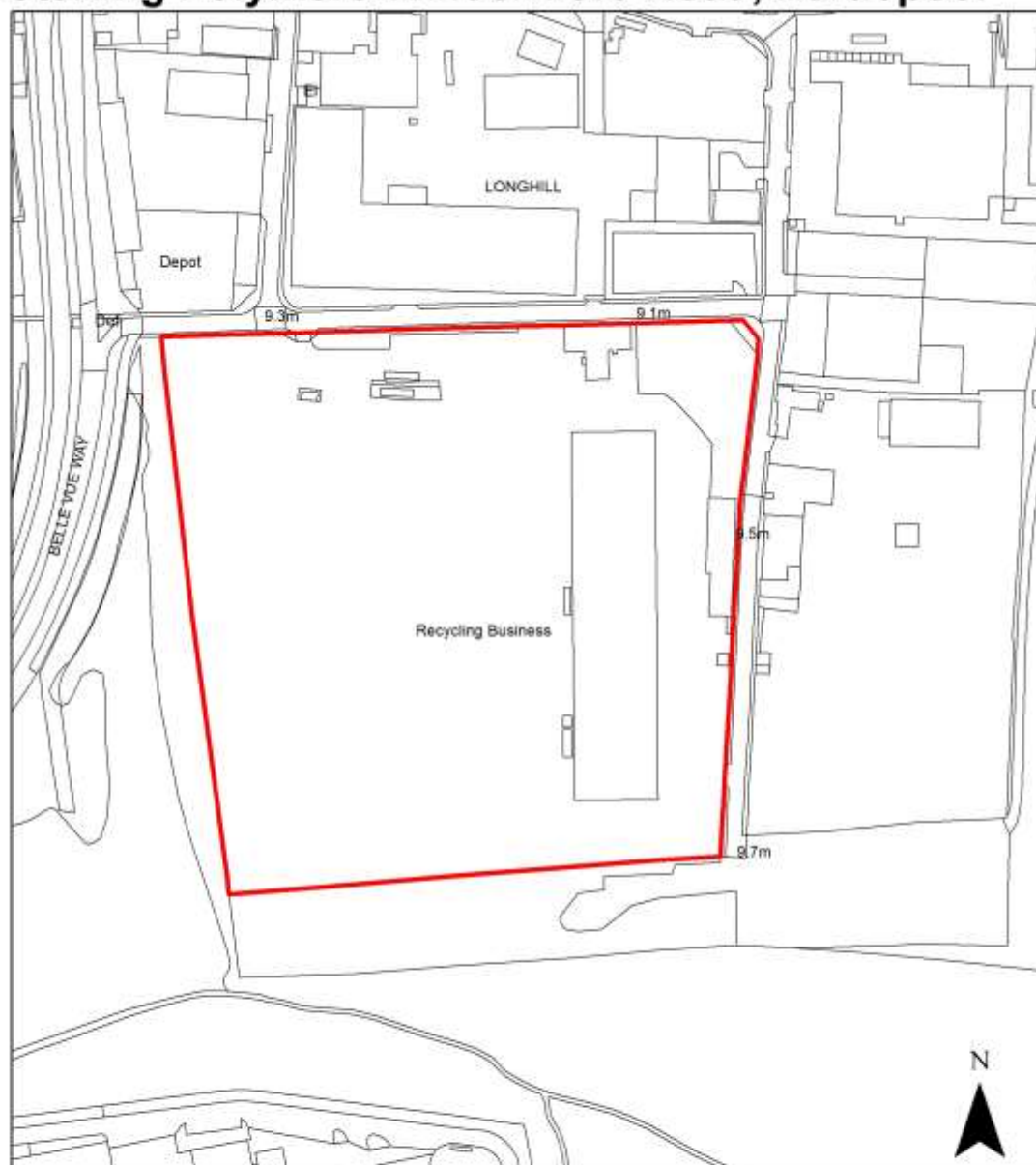
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Sterling Polymers Windermere Road, Hartlepool



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.11.2022
	SCALE 1:2,500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0049	REV

No: 3.
Number: H/2022/0338
Applicant: MRS S BAXTER THE FRONT HARTLEPOOL TS25
 1BU
Agent: STOVELL & MILLWATER LTD MR STOVELL 5
 BRENTNALL CENTRE BRENTNALL STREET
 MIDDLESBROUGH TS1 5AP
Date valid: 20/09/2022
Development: Advertisement consent to display 2no. side adverts
 (retrospective)
Location: 73 THE FRONT HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following recent applications and background is considered relevant to the current application;

H/2021/0509 - Advertisement consent for replacement fascia sign (Supreme Ice Cream) and replacement side panels. Approved 02/08/2022.

H/2022/0061 - Installation of 3 uplighters and repair of side panels within shop front (retrospective application). Approved 02/08/2022.

3.3 The above applications were submitted following receipt of a complaint in March 2021 and a subsequent investigation by the Local Planning Authority into the installation of advertisement to the front and side elevations of 73 The Front. A planning application and advertisement consent application were subsequently submitted by the owner/occupier (H/2022/0061 & H/2021/0509 respectively).

3.4 Prior to the determination of the advertisement consent application (H/2021/0509) at Planning Committee in June 2022, the applicant formally removed the installed side adverts (that were and remain in situ) from the application. The installed adverts to the fascia of 73 The Front were approved by Members Planning Committee (under H/2021/0509, approved 02/08/2022) and fascia panels (without adverts) were approved as part of the associated full planning application along with 3 uplighters (H/2022/0061). A condition was attached to the advertisement consent approval (H/2021/0509) requiring the removal of the 2no. side panel adverts within 1 month from the date of the decision notice (by 02/09/2022).

3.5 The applicant has subsequently submitted this retrospective advertisement consent for the 2no. side panel adverts (made valid on 20/09/2022).

PROPOSAL

3.6 The application seeks retrospective advertisement consent to display 2no. side adverts. The proposed side adverts comprise images of ice creams on a white background.

3.7 The application has been referred to be determined in the Planning Committee due to the retrospective nature of the application, the officer recommendation and in light of the previous and associated application (H/2021/0509) being referred to planning committee.

SITE CONTEXT

3.8 The application site relates to 73 The Front, a two-storey, terraced commercial property, in the commercial area of Seaton Carew, situated within the Seaton Carew Conservation Area. The property is mid-terrace with the highway of The Front to the front/west, with commercial properties beyond. Attaching to the side/north the commercial property of 71 The Front and attaching to the side/south the commercial property 75 The Front and a car park to the rear/east.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (6), letters to ward councillors, a site notice and a press advert. To date, no responses have been received.

3.10 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=155312>

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 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.”

Policy HE6 of the Local Plan will seek to retain historic shop fronts. It notes that replacement shopfronts should, “respond to the context reinforcing or improving the wider appearance of the shopping parade within the street” stating that proposals should be compliant with the Shop Front and Commercial Frontages Design Guide Supplementary Planning Document.

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

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

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

Policy HE7 of the Local Plan sets out that the retention, protection and enhancement of heritage assets classified as “at risk” is a priority for the Borough Council.

The application is retrospective for the installation adverts to the side panels of the shop front.

To the side panels of the shop front have been altered and replaced. Where small adverts for produce were once on a blank wall this has been removed and a large feature panel with pictures of produce installed covering the majority of the projecting wall. These introduce pictures into what would have predominantly been a blank wall adding to the overall feeling of clutter on the shop front and detracting from the main elevation. Shop fronts in Seaton Carew have traditionally been of a simple design with main windows flanked by pilasters and corbels either side of a timber fascia. Doors are usually centrally located. Whilst it is accepted that this would not reflect

the design of the frontage in this instance, the addition of such panels is contrary to the simple render of brickwork predominantly found in properties within the area. It is considered that in light of this the panels would cause less than substantial harm to the significance of the conservation area.

No evidence has been provided in either instance to suggest that this harm is outweighed by the public benefits brought about by the proposal.

HBC Public Protection: I have no objections to this application.

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

Tees Archaeology: Thank you for the consultation on this application. There are no archaeological concerns regarding this proposal.

HBC Landscape Architect: no comment received.

PLANNING POLICY

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

Local Policy

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

SUS1: The Presumption in Favour of Sustainable Development

CC1: Minimising and adapting to climate change

HE1: Heritage Assets

HE3: Conservation Areas

LS1: Locational Strategy

LT3: Development of Seaton Carew

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP7: Energy Efficiency

QP8: Advertisements

RC16: The Local Centres

National Planning Policy Framework (NPPF)(2021)

3.15 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 001: Introduction
 PARA 002: Permission determined in accordance with development plan
 PARA 003: Introduction
 PARA 007: Achieving sustainable development
 PARA 008: Achieving sustainable development
 PARA 009: Achieving sustainable development
 PARA 010: Achieving sustainable development
 PARA 011: The presumption in favour of sustainable development
 PARA 012: The presumption in favour of sustainable development
 PARA 038: Decision-making
 PARA 047: Determining applications
 PARA 124: Achieving appropriate densities
 PARA 134: Achieving well-designed places
 PARA 136: Achieving well-designed places
 PARA 189: Conserving and enhancing the historic environment
 PARA 190: Conserving and enhancing the historic environment
 PARA 193: Conserving and enhancing the historic environment
 PARA 194: Proposals affecting heritage assets
 PARA 195: Impacts on identified heritage assets
 PARA 197: Assessing proposals in terms of heritage assets
 PARA199: Conserving and enhancing the historic environment – Considering potential impacts
 PARA 218: Implementation

PLANNING CONSIDERATIONS

3.16 The National Planning Policy Framework states that *“Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in context and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority’s detailed assessment. Advertisements should be subject to control only in the interest of amenity and public safety, taking account of cumulative impacts.”*

3.17 As such, the main planning considerations in respect to this application are the impact on the amenity of the surrounding area (including the impact on the conservation area and the amenity of neighbouring land users) and the impact on highway safety.

IMPACT ON VISUAL AMENITY OF THE SURROUNDING AREA

Impact on Conservation Area

3.18 When considering any application for planning permission that affects a conservation area, Section 72 of the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The NPPF goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 200).

3.19 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.

3.20 As identified in the comments received from the Council's Heritage and Countryside Manager, the Seaton Carew Conservation Area derives its significance from relatively simple shop fronts, without decorative features. The Conservation Area is considered to be 'at risk' due to the accumulation of minor alteration to windows, doors, replacement shop fronts and signs.

3.21 In respect of the signage to the recently installed side panels, traditionally and as seen throughout the surrounding street scene, these should be blank panels. The installed pictures which cover the majority of the projecting panels are considered to detract from the main fascia elevation and ultimately add clutter to the overall shop front and wider street scene. To the south of the application site, 77 The Front (The Almighty Cod), features a projecting shop front, similar to that of the application site, however on its side panels it does not feature any advertisements and is instead finished in render which matches the main property. Therefore owing to the above considerations and that there are no identified public benefits, it is considered that the installed signage introduce an incongruous feature into the street scene which cause 'less than substantial harm' (NPPF wording) to the significance of the Seaton Carew Conservation Area and would warrant a refusal of the application.

3.22 The NPPF requires works that would result in less than substantial harm to be supported by justification in terms of the public benefit that could 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. It should be emphasised that public benefit is a high threshold to satisfy.

3.23 The applicant's supporting statement indicates that the replacement of the two side adverts reflects the existing signage at the property and was undertaken in order to improve the existing signage which they considered to be in a poor state of repair. The upkeep and repair to such shop fronts is welcomed, however for the reasons detailed above, the signage has brought about an unsatisfactory form of development and there are no clear public benefits to outweigh the identified harm.

3.24 The applicant's agent has previously sought to identify the presence of similar advertisements within the surrounding area. Notwithstanding, all applications are determined on their own individual merits, the presence of poor quality development elsewhere is not considered a sufficient reason to warrant causing further harm to the character and appearance of the conservation area.

3.25 The installed side adverts are considered to result in a less than substantial harm to the Seaton Carew Conservation Area to which there is no identified public benefits that would outweigh this identified harm. As such, this harm would warrant a refusal of the application.

Amenity of Neighbouring Properties

3.26 It is not considered that the works carried out have a significant negative impact on the privacy or amenity of neighbouring occupiers owing to the established siting of the shop front (and signage) and its relationship to the surrounding properties. Whilst the proposals would not significantly alter the footprint of the property and would not therefore have any implications regarding light or outlook for neighbouring occupiers. Furthermore, no objections have been received from HBC Public Protection. The application is therefore considered to be acceptable in this respect.

HIGHWAYS SAFETY AND CAR PARKING

3.27 The Council's Traffic and Transport section were consulted on the proposed development and stated that there are no highway or traffic concerns. The proposal is therefore considered acceptable in respect of these matters.

CONCLUSION

3.28 It is considered that the installed side adverts cause 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 Seaton Carew Conservation Area, contrary to policies QP8, HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.29 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.30 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, it is considered that the side adverts on the shop front detract from the character and appearance of the existing building and surrounding area, resulting in a less than substantial harm to the designated heritage asset (Seaton Carew Conservation Area) by virtue of the design, siting and use of materials. It is further considered that there is insufficient information to suggest that this harm would be outweighed by any public benefits of the development. As such the development is considered to be contrary to policies QP8, HE1, HE3, HE7 and LT3 of the Hartlepool Local Plan (2018) and paragraphs 126, 129, 132, 194, 195, 197 & 200 of the National Planning Policy Framework 2021.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155312>

3.33 Copies of the applications are available on-line:

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

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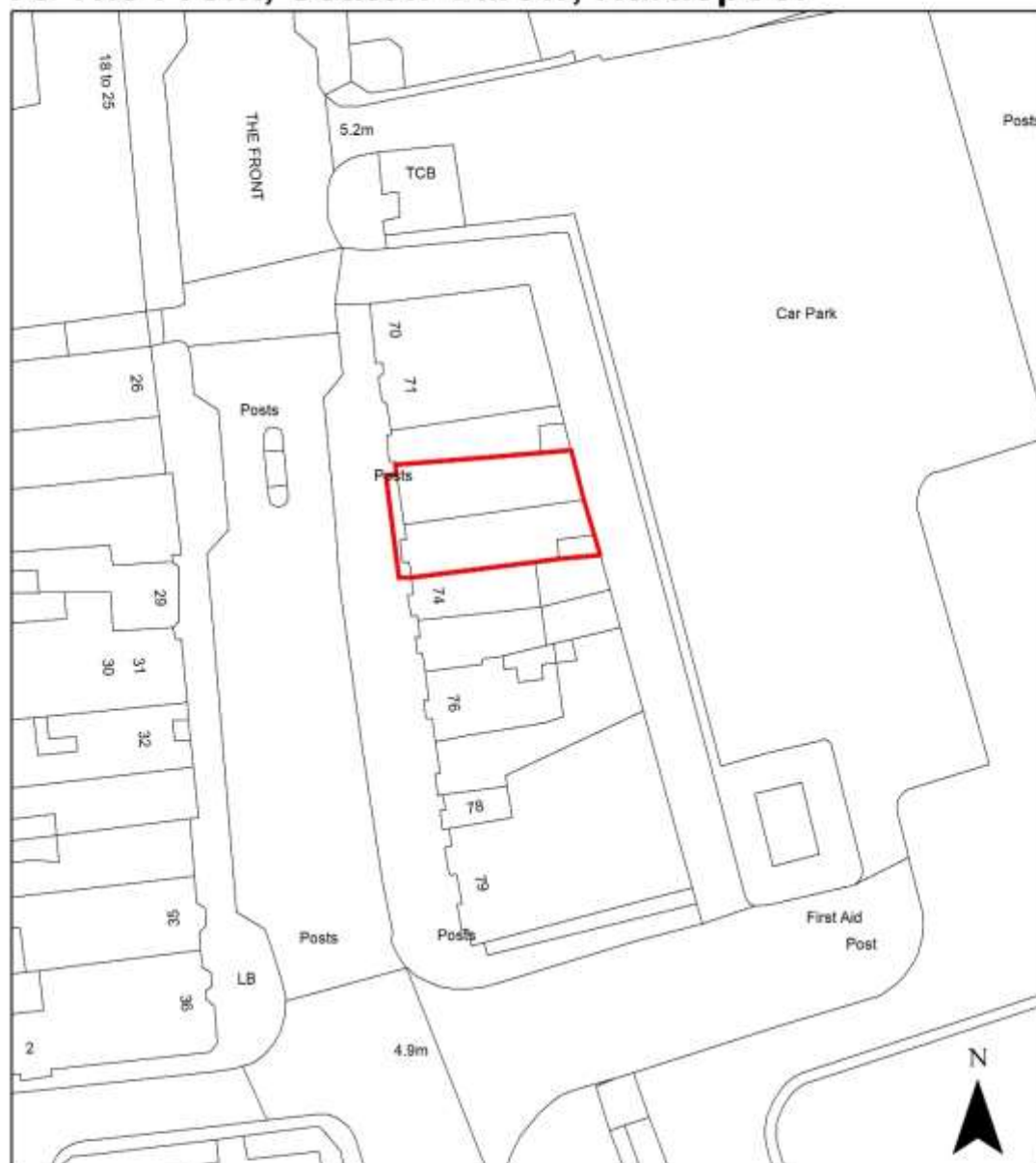
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73 The Front, Seaton Carew, Hartlepool

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN JB	DATE 01.11.2022
	SCALE 1:500	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2022/0338	REV

No: 4.
Number: H/2022/0381
Applicant: MANOR PARK PARTNERSHIP ELWICK ROAD
HARTLEPOOL TS27 3EB
Agent: KANE ARCHITECTURAL SERVICES LTD THE OLD
BREWERY BUSINESS CENTRE CASTLE EDEN TS27
4SU
Date valid: 14/10/2022
Development: Section 96a (Non-material amendment) application to
vary wording of condition 20 (archaeological works) of
outline planning permission H/2015/0209 (for residential
development comprising 15 dwellings)
Location: PLOT 5 MANOR PARK FENS ROAD HART
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

H/2015/0209 – Outline planning permission with some matters reserved (appearance, layout, scale and landscaping) was granted on 30th March 2017 for residential development comprising 15 dwellings.

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

APP/H0724/W/20/3252289 – An appeal was allowed on 10th September 2020, which had the effect of amending the wording of condition 4 (obscure glazing/restricted opening to windows) of planning permission H/2019/0047 to remove reference to windows in the east facing elevations of plots 11, 13 and 15 of the development (only).

H/2020/0001 – Planning permission was granted on 23rd March 2020 for incorporation of land into curtilage and repositioning of approved dwelling at Plot 15, in respect of reserved matters planning permission H/2019/0047 and outline planning permission H/2015/0209 (for the erection of 15 dwellings with associated infrastructure).

H/2020/0073 – Planning permission was granted on 10th November 2020 for a Section 73 application for amendments to reserved matters planning permission H/2019/0047 (above) to allow for alterations to plot 12 house type and repositioning of approved dwellings at plots 14 and 15, with associated changes to hard and soft landscaping and plot boundaries/boundary treatments.

H/2020/0439 – Permission was granted on 21st January 2021 for a Section 96a (Non-material amendment) application to vary wording of condition 20 (archaeological works) of outline planning permission H/2015/0209 (for residential development comprising 15 dwellings) to apply to plots 5-12.

H/2021/0331 – Planning permission was granted on 14th December 2021 for a Section 73A application for the variation of planning permission H/2020/0073 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 3 and 6 house types.

H/2022/0304 - Section 73A application to vary condition 1 (approved plans) of planning application H/2021/0331 (in respect of residential development comprising the erection of 15 dwellings with associated infrastructure) to allow for amendments to Plot 8 house type – pending consideration.

Other related background

4.3 A report was presented to planning committee in February 2021 to seek Members authorisation to agree proposed amendments (in the form of a Deed of Variation) to the s106 legal agreement associated with the original planning approval H/2015/0209 following a written request by the developer(s).

4.4 The main changes were to remove the previous planning obligations and all developer contributions and obligations towards green infrastructure, play, education, and sports facilities as well the removal of the obligation towards the provision of 1 on site affordable dwelling and to remove the financial contribution towards off- site affordable housing. This request arose due to the costs of archaeological works on the site.

4.5 It was considered that the applicant had satisfactorily demonstrated through the submission of an economic viability assessment (EVA) that the previously agreed planning obligations and contributions (including affordable housing) would render the development unviable and would therefore jeopardise the viability, and ultimately the delivery of the site. As such, the submitted EVA was considered to satisfy the provisions of the NPPF and Local Plan Policy QP1. Members agreed to the requirements and a Deed of Variation to the original s106 legal agreement was signed on 02/11/2021.

4.6 Other related applications:

H/2022/0098 – (Plot 11) Full application for the erection of two and a half storey dwelling with detached double garage – pending consideration.

H/2022/0219 – (Plot 12) Full application for the erection of a two and a half storey 5

bedroom detached dwelling with an attached single garage and associated works – pending consideration.

PROPOSAL

4.7 An amendment is sought for changes to the wording of condition 20 (archaeological works) of outline planning permission H/2015/0209, and seeks to change the trigger point of part (C) of the condition to allow for plots to be occupied except for plots 5 and 9 before the archaeological site investigation and post investigation assessment has been completed, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. (For the avoidance of doubt, it is understood that on site works have been completed and it is the post investigation elements that are awaited).

4.8 As detailed in the background, a similar amendment was requested and granted on 21st January 2021 under H/2020/0439 for a non-material amendment application to vary wording of condition 20 (archaeological works) of outline planning permission H/2015/0209 to apply to plots 5-12 (inclusive).

4.9 The applicant has indicated that due to a combination of the Covid-19 restrictions, staffing issues of the appointed Archaeological Contractor and the protracted pace of information exchange, the archaeological report preparation is lagging behind the progress of development on the site.

4.10 Construction of houses on several plots is at an advanced stage (with some properties already occupied) and the applicant has advised that the construction and transfer schedule that the site owner is working to is divergent from that of the post-excavation reporting process.

4.11 In detail, the proposed changes to the condition wording is as follows (primarily part C with reference to preventing the occupation of plots 5 and 9);

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

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

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

*C) **Plots 5 and 9** of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
To ensure proper recording of a heritage asset through a programme of archaeological works.*

4.12 The application is referred to committee due to a Member having an interest in parts of the site and in line with the Council's scheme of delegation.

SITE CONTEXT

4.13 The site extends to approximately 0.85 hectares and was formerly an area of overgrown agricultural land. Archaeological work has been undertaken on site since outline planning permission was granted and a number of dwellings have been constructed and occupied.

4.14 To the west of the site is residential development on Milbank Close, to the east is Manor Farm smallholdings, with residential properties beyond, known as The Fens, to the north is open fields, to the south is a small stable block which is bounded by a tree belt. Beyond the tree belt lies the A179 Hart Bypass. Southwest of the site there is a recently completed residential development at land adjacent to the Raby Arms public house, this was granted planning permission on appeal. There are a number of mature and semi mature trees bounding the site. The site is within the limits to development of Hart village in the adopted Hartlepool Local Plan (2018).

PUBLICITY

4.15 An application submitted under section 96A of the Town and Country Planning Act 1990 is not an application for planning permission. The Town and Country Planning (Development Management Procedure)(England)(Order 2015) provisions relating to statutory consultation and publicity therefore do not apply. Therefore the Local Planning Authority have discretion in whether to inform interested parties or seek their view.

4.16 In this instance given the nature of the change in condition, Tees Archaeology have been consulted, to which their comments are set out below.

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155772>

CONSULTATIONS

4.18 The following consultation responses have been received;

Tees Archaeology - Thank you for the consultation on the NMA asking for the condition restricting occupation at Manor Park to be amended to plot 5. We are keen to assist the developer in every way to complete the work required in order to produce the final archaeological report (principally the production of a report on the human remains), however I feel it would be sensible to gain some certainty that the cost and timetable for producing the final archaeological report would be adequately covered by the value of Plot 5.

UPDATE 02/11/2022

Further to my previous e-mail (27/10/2022) expressing concern about the value in the retained plot compared to the 'likely cost of the archaeological work. I have today spoken with the developer and their archaeological consultant and we have agreed that the best way forward would be for them to nominate' a second plot to be covered by the NMA variation, that is plot 5 and one other. This will provide certainty that the value of plots will cover any further archaeological costs.

PLANNING CONSIDERATIONS

4.19 An application submitted under section 96A of the Town and Country Planning Act 1990 is not an application for planning permission, and relates to a non-material amendment to an existing planning permission (H/2015/0209) as detailed above.

4.20 Following the initial submission of the application to amend the wording of condition 20 of the outline planning permission (H/2015/0209), discussions have taken place between the developer and Tees Archaeology with regard to the reduction in the number of plots that the original condition would restrict the occupation of until part 'C' of the condition was satisfied. It is of note that a previous non material amendment application (H/2020/0439) was submitted to amend the condition to allow for plots 1-4 and 13-15 (inclusive) to be occupied before the archaeological site investigation and post investigation assessment has been completed, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. This was approved as detailed in the background section.

4.21 The current application originally sought to limit the occupation to just one plot (plot 5). Following some initial concerns raised by Tees Archaeology and planning officers regarding this approach, further discussions has taken place between the developer and Tees Archeology and it has been suggested that the application be amended to include a minimum of 2no. plots to remain unoccupied until the site investigation and post investigation assessment has been completed, and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. This change to include 2no. plots will provide cetainty that the value of plots will cover any further archaeological costs. The developer has agreed with this suggestion and has updated the submitted application form to reflect

this to restrict plots 5 and 9. Tees Archaeology have been consulted on this change and raise no objection to the amended condition.

4.22 The proposal is therefore considered to be acceptable and officers are comfortable that the requirements of the condition as originally intended will be secured to ensure proper recording of a heritage asset through a programme of archaeological works.

4.23 The amendment is of a minor nature and does not raise any significant additional amenity issues for neighbouring properties beyond those issues considered in the original application.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.24 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.25 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.

REASON FOR DECISION

4.26 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 condition below;

1. This decision relates only to the non-material amendment sought to outline planning permission H/2015/0209 for changes to the wording of condition 20 (archaeological works), which henceforth shall read as follows;

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

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

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

C) Plots 5 and 9 of the development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

To ensure proper recording of a heritage asset through a programme of archaeological works.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=155772>

4.28 Copies of the applications are available on-line:

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

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Rear Milbank Close, 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 15.12.2020
	SCALE 1:1000	
Dept of Regeneration & Neighbourhoods Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG. NO H/2015/0209	REV

POLICY NOTE

The following details a precis of the overarching policy documents 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

16 November 2022



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. Change of use from general industrial (Use Class B2) to a mixed use general industrial and storage (sui generis), and display of a banner sign at a light industrial premises at Queens Meadow Business Park.
2. Non-compliance with a working hours condition at a residential development site at land east of Brenda Road and south of Seaton Lane.
3. Non-compliance with conditions relating to the provision of highways infrastructure at a residential development site at Wellington Gardens.
4. The use of a garage as a bar/nightclub and the installation of glazed bi-fold doors to the front of the garage at a residential property in Meadowgate Drive.
5. Running a childminding business at a residential property in Saffron Walk.
6. A single storey rear extension not built in accordance with the approved plans at a residential property in Larkspur Close.
7. The replacement of a bay window at a commercial premises in Scarborough Street.
8. The sub-division of a residential property on Dent Street to create two flats.
9. Non-compliance with a working hours condition at a residential development site at Wynyard Park Estate.

10. Non-compliance with a site traffic management plan (relates to wheel washing and road sweeping) at a residential development site at land north of Hartlepool Road.
 11. The storage of logs at a commercial premises on Dalton Back Lane.
 12. The erection of a high fence at the front of a residential property on Dalton Piercy Road.
 13. The erection of a dwelling and siting of a caravan at an agricultural property off Dalton Piercy Road.
 14. Footpaths not completed, an incorrectly located fence, and failure to plant a hedge at a residential development site at Highgate Meadows.
 15. Non-compliance with a construction management plan (relates to wheel washing) at a residential development site at land at Wynyard Woods.
 16. The installation of signage at a commercial premises on York Place.
 17. The replacement of a front boundary wall at a residential property in Hutton Avenue.
 18. Non-compliance with a construction management plan (relates to wheel washing and road sweeping) at a residential development site at land south of High Tunstall.
 19. The erection of a rear extension at a residential property in Rosthwaite Close.
 20. Fly-tipping at a former car wash on Stockton Road.
 21. The erection of a high fence at the side of a residential property in Wasdale Close.
 22. The rendering of a residential property in Hayfield Close.
 23. Non-compliance with conditions relating to the installation of obscure glazing at first floor to the front and the provision of soft landscaping at a residential property in Serpentine Gardens.
- 1.2 Investigations have been completed as a result of the following complaints:
1. The installation of solar panels on the roof of a residential property in Telford Close. Permitted development rights apply in this case.
 2. The installation of air conditioning equipment at a commercial premises on Dalton Street. The air conditioning equipment is installed internally to the

building, with only vents on external walls, therefore it is considered that the works do not meet the definition of development.

3. The installation of replacement windows at the rear of a residential property in St Begas Glade. A retrospective planning application seeking to regularise the development has since been approved.
4. Alterations to ground levels in the rear garden of a residential property in Tarnston Road. It was found that the works do not constitute an engineering operation requiring planning permission.
5. The removal of a front boundary wall at a residential property in Wilton Avenue. A retrospective planning application seeking to regularise the development has since been approved.
6. Non-compliance with the approved plans at a residential development on Hartville Road. A retrospective planning application seeking to regularise the development has since been approved.
7. Non-compliance with a working hours condition at an industrial re-development site on Greenland Road. The site is now operating in accordance with the working hours condition.
8. The incorporation of Council owned amenity space into residential gardens at Winthorpe Grove. The land has now been returned to open amenity space.
9. Non-compliance with a drainage condition at a residential development site at land off Coniscliffe Road. The matter falls within the remit of Building Control and has therefore been redirected.
10. The replacement of a window in the side elevation of a residential property in Watton Close. Following remedial works by the property owner permitted development rights now apply in this case.
11. The erection of a fence at the rear of a residential property in Westbrooke Avenue. The complaint has since been withdrawn.
12. The material change of use of a residential property in Shelley Grove to a joinery workshop. It was found that no material change of use had occurred.
13. Non-compliance with a working hours condition at a residential development site at land south of High Tunstall. The site is now operating in accordance with the working hours condition.
14. The erection of an attached garage at the side of a residential property in Snowdrop Road. Permitted development rights apply in this case.
15. The erection of an outbuilding at the rear of a residential property in Padstow Close. Permitted development rights apply in this case.

2. RECOMMENDATION

- 2.1 Members note this report.

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PLANNING COMMITTEE

16th November 2022



Report of: Assistant Director (Place Management)

Subject: APPEAL AT 38 LINDEN GROVE, HARTLEPOOL,
TS26 9PY
APPEAL REF: APP/H0724/C/22/3298586
Enforcement notice for material change of use as a
residential property to a mixed use residential with
hairdressing salon without planning permission
(N/2022/0001)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal that has been determined in respect of an enforcement notice issued by Hartlepool Borough Council on 20/04/2022 in respect of the material change of use as a residential property to a mixed use residential with hairdressing salon without planning permission (Ref: N/2022/0001).
- 1.2 The appeal was dismissed, and the enforcement notice, as corrected, is upheld. 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.



Appeal Decision

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 10 October 2022

Appeal Ref: APP/H0724/C/22/3298586

38 Linden Grove, Hartlepool TS26 9PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mrs Claire Adams against an enforcement notice issued by Hartlepool Borough Council.
 - The enforcement notice is dated 20 April 2022.
 - The breach of planning control as alleged in the notice is: Without planning permission, the material change of use of a residential property to a mixed use residential with hairdressing salon.
 - The requirements of the notice are: (i) Cease the use of the property as a mixed use residential with hairdressing salon. (ii) Return the use of the property to its lawful use before the breach took place, that being residential use only.
 - The period for compliance with the requirements is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(b) of the Town and Country Planning Act 1990 as amended.
-

Decision

1. It is directed that the enforcement notice be corrected by the deletion of the following text in its entirety from the requirements paragraph: '(ii) Return the use of the property to its lawful use before the breach took place, that being residential use only.'
2. The appeal is dismissed, and the enforcement notice, as corrected, is upheld.

Preliminary Matters

3. The determination of this appeal relates only to ground (b), which is a legal matter that rests on the facts of the case. I was able to assess the case from the written evidence alone, and as neither of the main parties raised any issue with this approach, it was not necessary for me to carry out a site inspection.

The enforcement notice

4. The enforcement notice attacks an unauthorised material change of use, and it should go no further than is necessary to achieve its purpose, which in this case is to remedy the injury to amenity. The cessation of the unauthorised use is sufficient to achieve that purpose, and an enforcement notice cannot go on to require that a lawful use is actively carried out.
5. For that reason, I have directed that the notice be corrected to remove the second element of the requirements. I am satisfied that this correction does not prejudice the appellant or make the notice more onerous.

Appeal Decision APP/H0724/C/22/3298586

Ground (b)

6. Ground (b) is that the breach of control alleged in the enforcement notice has not occurred as a matter of fact.
7. The property at 38 Linden Grove is located in a predominantly residential area. The Council visited the address in July 2016 and found that a rear room had been fitted out as a hairdressing salon, with seats, mirrors, a reception desk, and a hair washing basin and shower unit. They have submitted photographs of the room taken on the visit.
8. At that time, the appellant stated to the Council that her hairdressing business was mainly carried out on a mobile basis, but that friends and family would sometimes come to the house for hairdressing and other treatments. On investigation, the Council determined that the hairdressing business being carried on at No 38 was more than ancillary to the domestic use, and so planning permission was needed for a material change of use.
9. The Council have provided a copy of the Planning Contravention Notice in which the appellant confirms that the business started at No 38 in January 2016, and received 10-12 customers a week, on average.
10. During the course of the appeal, the appellant changed the ground of appeal from ground (a), seeking planning permission for the material change of use, to ground (b). This was on the basis that she no longer works from home due to a change in her circumstances.
11. Whilst I take this into account, the ground of appeal as set out in s174(2)(b) is worded in the past tense, and the question is whether the breach had occurred by the date of issue of the notice. An appeal on ground (b) cannot succeed simply on the basis that the activities amounting to a material change of use prior to the issuing of the notice have since ceased.
12. It is clear from both the Council's and the appellant's own evidence that the alleged unauthorised change of use comprising a hairdressing business within the dwelling had occurred as a matter of fact prior to the date of the notice.
13. As a result, the appeal on ground (b) must fail.

Conclusion

14. The appeal is dismissed, and the enforcement notice, as corrected, is upheld.

Elaine Gray

INSPECTOR

PLANNING COMMITTEE

16th November 2022



Report of: Assistant Director (Place Management)

Subject: APPEAL AT 21 NORTH LANE, ELWICK,
HARTLEPOOL TS27 3EG
APPEAL REF: APP/H0724/D/22/3307611
Erection of a single and two storey rear extension,
installation of bay window and erection of porch
extension to front elevation and fixed canopy to the
rear garden (H/2022/0189)

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 the erection of a single and two storey rear extension, installation of bay window and erection of porch extension to front elevation and fixed canopy to the rear garden at 21 North Lane, Elwick, Hartlepool.

1.2 The planning application was refused under delegated powers on 27th July 2022 for the following reason:

1. In the opinion of the Local Planning Authority, the proposed rear extensions would have a detrimental impact on the amenity of the neighbouring property at 19 North Lane (south), in terms of its dominance on the outlook, 'tunnelling effect', its overbearing and overshadowing effect for the windows in the rear and side/rear elevations, and their immediate outside amenity/yard areas, contrary to the requirements of Local Plan Policy HSG11 and contrary to one of the core principles of the National Planning Policy Framework (2021) which states that all new developments should achieve a high standard of amenity for existing and future users.

1.3 A copy of the officer's delegated report is appended at **Appendix A**.

2. RECOMMENDATIONS

2.1 That Members note this report.

3. CONTACT OFFICER

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4.0 AUTHOR

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Appendix A.

DELEGATED REPORT

Application No	H/2022/0189
Proposal	Erection of a single and two storey rear extension, installation of bay window and erection of porch extension to front elevation and fixed canopy to the rear garden
Location	21 NORTH LANE ELWICK HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	07/06/2022
	Site notice:	15/06/2022
1) Publicity Expiry	Advert:	N/A
	Weekly list:	13/06/2022
	Expiry date:	11/07/2022
	Extended date:	27/07/2022
2) Publicity/Consultations		
Publicity		
This application was advertised by way of four neighbour notification letters and a site notice, to date, one response has been received providing no objection.		
Consultation		
The following consultations were requested:		
HBC Building Control: I can confirm that a Building Regulation application will be required for the work described.		
HBC Traffic and Transport: There are highway or traffic concerns.		
<u>Update 15/07/2022:</u> There are no highway or traffic concerns.		
HBC Ecology: The house is within 400m of a small watercourse and the Elwick Fish Ponds Local Wildlife Site, which are to the rear of the property. However, from Google Street view I assess that the building has minimal bat roost opportunities, and a bat survey is not required.		
<u>Bats</u>		
The site is adjacent to open countryside which supports declining bat populations, which could benefit from the provision of integral bat roost bricks. To meet current Ecology planning requirements, the new building should include one integral bat		

roost brick. The bat roost brick should be in sunlight for part of the day and preferably located on either the east or south facing sides of the building or roof.

The following should be conditioned: The building should include one integral bat roost brick to be >3m above ground level.

This will satisfy NPPF (2018) paragraph 170 d), which includes the bullet point: Planning policies and decisions should contribute to and enhance the natural and local environment by: d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. Net gain should be appropriate to the scale of the development and should be conditioned.

NB: Bat roost bricks and boxes are available from several suppliers such as:

<http://www.schwegler-natur.de/fledermaus/?lang=en>

<http://www.wildlifeservices.co.uk/batboxes.html>

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

<http://habibat.co.uk/>

HBC Heritage and Countryside: This site is well outside of the conservation area and doesn't impact on any listed/locally listed buildings.

Clerk to the Parish Council of Elwick: Elwick Parish Council supports this application which will improve the viability of this family home for the future.

Rural Plan Working Group: Thank you for consulting Hartlepool Rural Neighbourhood Plan Group with regard the above application. The Group have no comments to offer regarding this application.

3) Neighbour letters needed	Y
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4) Parish letter needed	N
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5) Policy

National Planning Policy Framework (NPPF)(2021)

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 007 : Purpose of the planning system;
 PARA 011 : Presumption in favour of sustainable development;
 PARA 038 : Decision-making;
 PARA 047 : Determining applications in accordance with the development plan;
 PARA 126 : High quality buildings and places;
 PARA 129 : Design principles;
 PARA 130 : Decisions ensuring good design;
 PARA 132 : Achieving well-designed places;
 PARA 134 : Applications refused on design grounds.

Hartlepool Local Plan 2018

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

Hartlepool Rural Neighbourhood Plan 2018

GEN2 : Design Principles

6) Planning Consideration

SITE AND SURROUNDINGS

The application site relates to 21 North Lane, an east-facing, two-storey, semi-detached dwelling, in a residential area (North Lane), within the Rural West ward of Hartlepool. The property sits outside of and approximately 180m to the north of the Elwick Conservation Area. The application property features an original two-storey rear offshoot (approximately 2m in projection, approximately 3.2m in width, approximately 5m in height to the eaves and approximately 5.2m in overall height) featuring a flat roof. In addition, the property is served by an original single storey rear offshoot which attaches to the rear/west elevation of the two-storey offshoot (approximately 2.6m projection, approximately 3.2m in width, approximately 2.4m in height to the eaves and approximately 2.6m in overall height) featuring a flat roof and projects along the boundary to No 19.

The application site is bounded to the front/east by the highway of North Lane, with a strip of green amenity space which includes a number of tall trees, with the highway of North Lane and residential properties beyond. Attaching to the side/south is the neighbouring property of 19 North Lane and to the side/north is the neighbouring property of 23 North Lane. To the rear/west is an agricultural field.

The front of the property features a driveway serving access off North Lane which extends along the side/north elevation of the dwelling, there are no intervening

boundary treatments along this side/north boundary. The front/east boundary comprises a low brick wall approximately 0.5m high, with approximately 0.5m of open metal railing above, total height approximately 1m, this extends across to the side/south boundary to front only.

The rear of the property is accessed via the abovementioned driveway, the rear garden is large and extends to the west and is enclosed on its side/south and side/north boundary by an approximate 1.8m high close board timber fence, with a detached garage serving no.23 to the side/north. The rear/west boundary features a number of large trees, none of which are protected by Tree Protection Orders.

PROPOSAL

The application seeks planning permission for the erection of a two-storey rear extension, single storey rear extension, porch front extension and large canopy to the rear.

The proposed two-storey/first floor rear extension would project approximately 2.6m from the rear of the existing projecting two storey element (in effect above the existing single storey rear element), with a width of approximately 3.2m, extending to a height of approximately 5m in height to the eaves and approximately 6.5m in overall height, installing a hipped roof which would cover the existing and proposed two-storey rear offshoot of the host dwelling. This element of the proposal would feature on its first floor rear/west elevation a three-pane window, proposed to serve a bedroom extension, and would be finished in brick to match the existing dwelling.

The proposed single storey rear extension would attach to the rear/west elevation of the main dwelling and tie into the side/south elevation of the existing (and proposed) two and single storey rear offshoot, replacing the existing single storey element in this location. This element of the proposal would project approximately 4.6m from the main two storey rear elevation, with a width of approximately 2.8m (cumulative width with existing single storey element of approximately 6m), approximately 2.5m in height to the eaves and approximately 3m in overall height, featuring a flat roof with large roof light. This element is proposed to serve an open-plan kitchen-dining room, featuring a four-pane set of bi-fold doors and to be finished in render (colour not confirmed).

The proposed canopy would connect to the rear/west elevation of the existing and proposed single storey rear extension, projecting approximately 3m to the rear/west, with a width of approximately 6m, extending to an overall height of approximately 3m. Limited information has been provided for this element of the proposal, although it is understood it would feature open side/south, rear/west and side/north elevations and would be fixed to the dwelling and feature two supporting poles approximately 3m in height on its rear/west corners (both north and south).

The proposed single storey front porch extension would project approximately 0.9m, approximately 5.6m in width, approximately 2.2m in height to the eaves and approximately 3.2m in overall height, featuring a lean-to roof. This element of the proposal would feature a front door, with slim pane of glass to the side/south and a large five-pane window, with no windows in the side/north or side/south elevation.

This element is proposed to serve a porch and living room extension, to be finished in brick to match the existing dwelling.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this planning application is the impact on the amenity and privacy of neighbouring properties, impact on the character and appearance of the existing dwelling and surrounding area, including the Elwick Conservation Area, the impact on highway safety, ecology and any other planning matters.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

Policy QP4 (Layout and Design of Development) of the Hartlepool Local Plan (2018) requires that proposals should not negatively impact upon the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overshadowing and visual intrusion particularly relating to poor outlook, or by way of overlooking and loss of privacy. 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.

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

Impact on no.19 North Lane (south)

This neighbouring property attaches to the side/south and is two-storey in height. Similar to the host dwelling, this neighbouring property features an original two-storey and single storey rear offshoot (set off from the boundary) and benefits from a permission which installed pitched roofs over these rear offshoots and a front porch and canopy extension (approved 11/01/1994, under HFUL/1993/0638).

In the front/east elevation of No 19, a bay window (understood to serve a living room/habitable room) and front door with glazed upper and window to side (understood to serve a porch/non-habitable room) are present. At ground floor on the rear/west elevation of the main dwelling a large two-pane window (understood to serve a dining room/habitable room) is present; on the rear extensions side/north elevation at ground floor a single pane window (understood to serve a kitchen/non-habitable room) and a further single pane window (understood to serve a lobby/non-habitable room) are present; on the rear/west elevation of the rear offshoot a single pane window is present (understood to serve a bathroom/non-habitable room). At first floor on the rear/west elevation a two-pane window (understood to serve a bedroom/habitable room) is present and on the first floor rear extension a two-pane

window (understood to serve a separate bedroom/habitable room) is present. (All rooms identified by the case officer on site visit and understood from the planning history of no.19 and both the host dwelling and No 19 being similar house types).

Single storey rear extension, two-storey rear extension and canopy to rear

The proposed single storey rear extension would have a separation distance of approximately 0.2m to the shared boundary and approximately 0.8m from the ground floor window in the rear/west elevation of the main dwelling of no.19. The proposed first floor rear extension would have a separation distance of approximately 3.1m to the shared boundary and approximately 4.5m to the first floor window in the rear/west elevation of the main dwelling. The proposed single storey rear extension would extend approximately 4.6m along this shared boundary, with the proposed external canopy extending approximately 3m beyond this, resulting in a total of approximately 7.6m of built development along this shared boundary at single storey level.

As a result, it is considered that the proposed single storey rear extension and canopy element would result in an adverse degree of harm on the amenity of No 19 in terms of overbearing, overshadowing effect and loss of outlook onto the windows in the rear/west and side/north rear elevations of No 19 and immediate private amenity space of no.19 North Lane, owing to its cumulative projection and close proximity to the above identified windows in the immediate ground floor rear elevation of No 19. It is considered that the proposal would bring about a 'tunnelling effect', particular on the windows in the ground floor rear/west elevation of no.19, taking into account the existing presence of the two storey rear element serving no 19.

Owing to this relationship, it is considered that the identified impact would warrant a refusal of the application. Furthermore, the proposed external canopy would exacerbate the overbearing, overshadowing effect and loss of outlook impact of the single storey element, by increasing the length of built development (in terms of the roof of the canopy) along this shared boundary (total approximately 7.6m).

For this reason the case officer advised that the proposal would need to be amended to address this potential impact, namely through the removal of the single storey element (and canopy) so that the historic 'handed' design and layouts of the properties was continued to be respected and to ensure that the nearest ground floor window in the rear elevation of No 19 (and its immediate garden area) is not adversely affected. However the applicant was unwilling to submit amended plans and the proposal has been considered accordingly and for the above reason, would warrant a reason for refusal of the application.

In terms of the proposed first floor rear extension, it is considered that this furthers the abovementioned concerns and identified impact, owing to its projection, proximity to the adjacent boundary and close proximity to the above identified ground floor windows in the main two storey rear elevation of No 19. Furthermore,

this proposed first floor element is considered to result in a degree of harm towards the first floor windows in the main rear elevation of no.19, owing to its projection and close proximity. This impact is considered to result in an adverse harm to the amenity of No 19, given the proposal would result in a length of approximately 4.5m of built development at first floor adjacent to this shared boundary. These concerns were relayed to the applicant, however amended plans were not submitted and the proposal has been considered accordingly. Therefore, it is considered that this element of the proposal would also result in an adverse impact on the amenity and privacy of this occupier in terms of overbearing, overshadowing and loss of outlook for the first floor and ground floor habitable room windows in the rear/west elevation of the main dwelling and the ground floor side/north window in the rear offshoot.

In terms of privacy, the proposed extensions would feature a number of windows and doors in the rear/west elevation only, as well as a large roof light in the proposed single storey rear extension. The proposed extensions would not feature any windows in the side/south elevations. Therefore, it is considered that owing to this, direct views would not be achievable from the proposed windows and doors in the rear/west elevation of the rear extensions, nor would direct views be achievable from the proposed roof light, therefore it is considered that the proposed windows would not result in any adverse impact on the privacy of no.19 in terms of overlooking. Had the application been considered acceptable in all respects, a planning condition could have ensured that no additional windows be inserted in the first floor side elevation of the proposed extension.

It is acknowledged that the occupant of no.19 has been consulted on the application and has not offered any comment or objection. Notwithstanding this, paragraph 130 of the NPPF (2021) requires that planning decisions should ensure that developments provide a high standard of amenity of existing and future occupants of neighbouring properties. As detailed above, the identified harm to the existing and future occupants of No 19 would warrant a refusal of the application in this instance.

Single storey front porch extension

In terms of the proposed front extension, a separation distance of approximately 0.5m to the shared boundary and approximately 1.5m to the nearest window on the front/east elevation would remain. The proposal would project approximately 0.9m beyond the adjacent bay window to the front of No 19. It is considered that this element of the proposal would result in a degree of harm in terms of overbearing and overshadowing effect on the abovementioned window, particularly the nearest side elevation.

Notwithstanding this, it is noted that no.19 features an extension and canopy which covers its bay window. Given the relatively modest scale of the proposal, that the bay window would continue to receive light in the main central window pane, this impact is not considered to be so significant as to warrant a further refusal of the application. In terms of privacy, owing to the abovementioned relationship, that the proposal would not feature windows in its side/south elevation and that no direct

views would be achievable from the main window in the front of the proposal towards the window in the ground floor front/bay window of no.19, it is considered that the proposed single storey front extension would not result in an adverse impact on the amenity or privacy of no.19 in terms of overbearing, overshadowing, loss of outlook or loss of privacy in this instance.

Impact on no.23 North Lane (north)

This neighbouring property sits to the side/north and is two-storey in height. Similar to the host dwelling, this neighbouring property features an original two-storey and single storey rear offshoot element, present along the adjacent boundary to the host dwelling. In terms of windows in the side and rear (front to rear), this neighbouring property features a number of windows at ground floor in its side/south elevation, namely a single pane window (understood to serve a hallway/non-habitable room), a large single pane window (understood to serve a landing/non-habitable room), a large obscurely glazed single pane window and another single pane window (understood to serve a kitchen/non-habitable room), and on the rear/west elevation a single pane obscurely glazed window. At first floor on the side/south elevation 2no. obscurely glazed large single pane windows are present (likely to serve a non-habitable room) and on the rear/west elevation a two-pane window (understood to serve a bedroom/habitable room) is present. (All rooms identified and based on observations by the case officer on site visit as well as the neighbouring property being a similar house type to the host dwelling).

Two-storey rear extension

The proposed first floor rear extension would project adjacent to the two storey and single storey off shoot element to the rear of No 23 with a similar projection to the furthest projecting element (the single storey element) and projecting approximately 3m beyond the first floor rear element of the offshoot which features a window in the first floor rear elevation. The proposal would have a separation distance to the shared boundary of approximately 2m and approximately 3.4m to the nearest side/south elevation of No 23 which contains a number of windows. It is considered that this element of the proposal is likely to result in a degree of harm towards the window in the first floor rear/west elevation of the rear offshoot and those in the ground and first floor side elevation of No 23 in terms of loss of outlook and overbearing as a result of its projection and proximity.

Notwithstanding these concerns, and in terms of the ground floor window in the rear/west elevation of No 23 (the projecting off shoot element), the proposed extension would not extend beyond this, therefore it is considered there is unlikely to result in an adverse impact on this window. With respect to the bedroom window in the first floor projection element to the rear of No 23, consideration is given to the set off from the boundary and the relatively modest projection beyond this window. Furthermore this element of the proposed extension would feature a hipped roof design, which is considered to assist in reducing the above identified impacts. In respect of the remaining windows on the side/south elevation at ground floor, these

presently have a poor outlook and it is considered owing to this and the modest projection, and a number of the windows at first floor in the side/south elevation being obscurely glazed and are positioned at an oblique relationship with this element of the proposed extension this element of the proposal is unlikely to result in an adverse degree of harm.

Therefore, it is considered that the proposed first floor rear extension would not, on balance, result in an unacceptable impact on the amenity of No 23 in terms of overbearing, overshadowing effect or loss of outlook for the above identified windows as to warrant a refusal of the application.

In terms of privacy, the proposed extension would only feature a window in its rear/west elevation and no windows in the side/north. This window in the rear/west would extend beyond that of the first floor rear extension and to extent similar projection as the ground floor rear offshoot of no.23 and it is considered that no direct views would be achievable from the proposal towards windows in the rear of No 23. Therefore, it is considered that this element of the proposal would not result in a loss of privacy for this neighbouring property in terms of overlooking.

Single storey rear extension and canopy

The proposed single storey rear extension would not extend beyond the rear/west elevation of the existing ground floor rear extension at the host dwelling (or the proposed first floor extension). Therefore this element of the proposal would be entirely screened by the presence of the existing dwelling's rear offshoot extensions. This element of the proposal would install a set of bi-fold doors on its rear/west elevation and no further windows in the side/north. The existing boundary treatment along this boundary is understood to be relatively open. Owing to overall oblique relationship of which no direct views would be achievable towards windows in the rear elevation of No 23 and subject to a condition for an appropriate boundary fence to be erected along this section of the northern boundary to the point where it meets the detached garage serving No 23 (which would have been secured by a condition had the scheme been deemed acceptable in all respects), it is considered that the proposed single storey rear extension would not result in an unacceptable impact in terms of overbearing, overshadowing effect, loss of outlook or loss of privacy as to warrant a refusal of the application.

The proposed canopy would extend beyond the proposed single storey and first floor rear extensions and would have a separation distance of approximately 2m to the shared boundary and approximately 3.4m to the nearest side/south elevation of no.23. This element of the proposal would project approximately 3m along the shared boundary and it is considered that this element of the proposal is likely to result in a degree of harm in terms of overbearing and overshadowing against the ground floor windows in the rear/west of no.23. However, it is considered that owing to an overall oblique relationship and the 'open' side and rear elevations of the canopy, and that the nearest windows in the ground floor side/south and rear/west elevations are likely to serve non-habitable rooms, and subject to the identified

requirement for an appropriate boundary treatment (for example a 1.8m high closed boarded fence) it is considered on balance, this element of the proposal would not result in an adverse impact on the amenity and privacy of the neighbouring property in terms of overbearing, overshadowing effect, loss of outlook or overlooking for this neighbouring property as to warrant a refusal of the application.

Single storey front extension

A separation distance of approximately 2m to the shared boundary and approximately 3.5m to the front/east elevation of this neighbouring property would remain. It is considered that owing to a modest projection and that no windows would be installed on the side/north elevation of the proposal and an overall oblique relationship with the proposed door and windows in the front/east elevation, this element of the proposal would not result in an adverse impact on the amenity and privacy of No 23 in terms of overbearing, overshadowing effect or loss of outlook or overlooking.

Impact on land users to the front (east, closest being The Cedars)

A separation distance of approximately 32m would remain between the proposed front extension and the front boundary of the residential dwelling of The Cedars to the front/east, with other residential properties sitting beyond this distance, with intervening boundary features comprising the highway(s) of North Lane and a strip of green amenity space including a number of tall trees. It is considered that owing to this satisfactory separation distance which accords with the requirements of Policy QP4 and the Residential Design Guide, and that the proposed rear extensions would be primarily be screened by the siting of the host dwelling, the proposed development would not result in an adverse impact in terms of overbearing, overshadowing effect, loss of outlook or loss of privacy for neighbouring properties to the east.

Impact on land users to the rear (west)

As noted above in site and surroundings, the application site abounds an agricultural field to the rear/west. A separation distance of approximately 40m remains from the rear of the proposed canopy to the shared boundary. It is considered that owing to this satisfactory separation distance which accords with the requirements of Policy QP4 and the Residential Design Guide, the proposed development would not result in an adverse impact in terms of overbearing, overshadowing effect, loss of outlook or loss of privacy for neighbouring land users to the west.

IMPACT ON CHARACTER AND APPEARANCE OF EXISTING DWELLING AND SURROUNDING AREA (INCLUDING ELWICK CONSERVATION AREA)

The boundary of the Elwick Conservation Area, a designated heritage asset, is approximately 180m to the south of the application site, which the application site is outside of.

The Council's Heritage and Conservation Manager stated that the property is not located in the conservation area and is some distance from the boundary, therefore they consider the proposed development does not impact on the significance of the designated heritage asset. Therefore, it is considered that the proposed development is acceptable in respect to its impact on the adjacent conservation area.

Policies QP4 (Layout and Design of Development) and HSG11 (Extensions and alterations to Existing Dwellings) of the Hartlepool Local Plan (2018) require, amongst other provisions, that proposals should be of an appropriate size, design and appearance in keeping with/sympathetic to the host property and the character of the surrounding area.

The host property is a semi-detached, two-storey dwelling, situated within a row of semi-detached properties located down a public highway leading off the main highway of North Lane. The proposed front extension would be readily seen when viewing the principal/front/east elevation of the host dwelling. The attached neighbouring property to the side/south (no.19 North Lane) benefits from a single storey front extension (approved 11/01/1994, under HFUL/1993/0638), which comprises a porch extension and a canopy over the existing bay window. There are further examples within the surrounding street scene, namely no.9 North Lane to the south which feature front extensions. It is therefore considered that owing to the proposed front extension's modest projection and scale and use of matching materials, this element of the proposal would not unbalance the two properties, nor would it adversely impact the character or appearance of the host dwelling or surrounding street scene.

In terms of the proposed first floor and ground floor rear extensions, these would not be readily seen from the street scene, however from certain angles (namely from the north looking south) the proposed first floor extension would be seen when viewing the principal elevation. It is considered that these elements of the proposal are modest in scale and design (notwithstanding the identified amenity impacts), given the proposed works would result in installing a hipped roof over the existing first floor rear extension, which is considered to be an improvement on the overall design of the dwelling. The proposed ground floor rear extension is proposed to be finished in render, it is noted the surrounding street scene is comprised of properties finished in red-brick, none feature an element of render (as noted by the case officer on site visit). Notwithstanding, this ground floor element of the proposal extends to the rear and the proposed render would therefore not be readily seen. On balance, it is considered that these elements of the proposal would not adversely impact on the character and appearance of the host dwelling or the wider area.

In respect of views from the rear/west, the proposed development would be read against the backdrop of the main dwelling, therefore it is considered that the

proposed development would not adversely impact the character and appearance of the wider.

This application also proposes to install a canopy to the rear of the proposed extensions, little information has been provided in respect of its materials or the rationale behind this. It is understood that the proposed fixed canopy to the rear of the property, would not extend and retract at certain points in the day and would stay at a fixed projection and height. Although it is noted that the proposed canopy would have a permanent appearance, extending approximately 3m from the rear of the host dwelling, it is considered that it would not be readily seen when viewing the principal elevation of the main dwelling, or from the wider area. Therefore, on balance, this element of the proposal would not adversely impact the character and appearance of the host dwelling or wider area.

Overall and in light of the above considerations, it is considered that the proposed development would not result in such an adverse impact on the character and appearance of the existing dwelling or the wider area as to warrant a further refusal of the application.

TRAFFIC AND TRANSPORT

Following clarification by the applicant on some initial concerns/queries, the Council's Traffic and Transport section it was confirmed that there were no highway or traffic concerns with the proposed development. Therefore it is considered that the proposal is acceptable in this respect.

OTHER PLANNING MATTERS

Ecology

The Council's Ecologist has been consulted on this application and commented that one integral bat roost box be installed at first floor of the proposed development. If the development had been considered acceptable in all other respects, a condition would be attached to the decision notice ensuring its installation.

CONCLUSION

In light of the above conditions and policies identified within the Hartlepool Local Plan (2018), Hartlepool Rural Neighbourhood Plan (2018) and the relevant paragraphs of the NPPF (2021), it is considered that the proposed development by virtue of its siting, scale and design would result in a detrimental loss of amenity on the neighbour to the south, no.19 North Lane. Therefore, the proposal is recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Alternative Options Considered

Yes as per report (amended plans were requested but were not forthcoming)

10) Any Declared Register of Interest

No

11) Chair's Consent Necessary

N

12) Recommendation

REFUSE for the following reasons;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed rear extensions would have a detrimental impact on the amenity of the neighbouring property at 19 North Lane (south), in terms of its dominance on the outlook, 'tunnelling effect', its overbearing and overshadowing effect for the windows in the rear and side/rear elevations, and their immediate outside amenity/yard areas, contrary to the requirements of Local Plan Policy HSG11 and contrary to one of the core principles of the National Planning Policy Framework (2021) which states that all new developments should achieve a high standard of amenity for existing and future users.

INFORMATIVE**1.0 Statement of Proactive Engagement**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to overcome or address the identified potential impacts of the proposed development.

Author of Report: Nick Robertson

Signed: N.Robertson

Dated: 27/07/2022

Signed: DJAMES
Planning Team Leader DC

Dated: 27/07/2022

PLANNING COMMITTEE

16th November 2022



Report of: Assistant Director – Place Management

Subject: ENFORCEMENT NOTICE APPEAL –
56 ROSTHWAITE CLOSE, HARTLEPOOL, TS24
8RE APPEAL REF: APP/H0724/C/22/3308520
Erection of 2m fence to side of property and
incorporation of land into private garden
(H/2022/0170).

1. PURPOSE OF REPORT

- 1.1 To advise members of an enforcement notice appeal that has been submitted against the Council decision to issue an Enforcement Notice in respect of the unauthorised development comprising the erection of a boundary fence to enclose additional land to the side, 56 Rosthwaite Close, without Planning Permission.
- 1.2 The planning application was refused by Planning Committee on 27th July 2022 for the following reason:
 1. *In the opinion of the Local Planning Authority, the development by virtue of its design, scale and prominent location, significantly diminishes the green and open character of the estate and causes harm to its character and appearance, contrary to Policies NE6 and QP4 of the Hartlepool Local Plan (2018) and paragraphs 130 and 134 of the NPPF (2021).*
- 1.3 An Enforcement Notice was issued to the owner and occupier, with the following requirement:
 - (i) Remove the 2m high timber fence enclosing land at the side of 56 Rosthwaite Close.
 - (ii) Restore the boundary treatment to its original location (as indicated by a dashed black line on the plan).
 - (iii) Remove any debris associated with steps (i) and (ii).
- 1.4 A period of 3 months from the date the notice takes effect was given for compliance with the steps specific.

2. RECOMMENDATIONS

- 2.1 That Members note this report.

3. CONTACT OFFICER

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4. AUTHOR

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