

PLANNING COMMITTEE AGENDA



12 September 2012

at 10.00 am

in the Council Chamber, Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Brash, Cook, Fisher, James, A Lilley, G Lilley, Morris, Payne, Richardson, Robinson, Shields, Simmons, Thompson and Wells.

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 15 August 2012 (*to follow*)

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
1. H/2012/0354 Shu-Lin, Elwick Road, Hartlepool (page 1)
 2. H/2012/0334 Unit 5 (UK Superbow I) Teesbay Retail Park, Brenda Road, Hartlepool (page 19)
 3. H/2012/0258 – 34 Westbourne Road, Hartlepool (page 23)
 4. H/2012/0265 – 34 Westbourne Road, Hartlepool (page 27)
 5. H/2012/0252 Mayfair Landfill Site, Tees Road, Hartlepool (page 35)
 6. H/2012/0200 Ashfield Caravan Park, Dalton Piercy Hartlepool (page 42)
 7. H/2012/0156 Land at The Front, Seaton Carew (page 49)
 8. H/2012/0331 West Park Primary School, Coniscliffe Road, Hartlepool (page 61)
- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*

- 4.3 Appeal at 16 Siskin Close, Hartlepool (APP/H0724/D/12/2179157) Infill Extension (Link) Between Existing Double Garages, Conversion of Garages and to Build New Double Garage – *Assistant Director (Regeneration and Planning)*
- 4.4 Fernbeck, Dalton Back Lane, Hartlepool – *Assistant Director (Regeneration and Planning)*
- 4.5 Findings of the Updated Tees Valley Strategic Housing Market Assessment – *Assistant Director (Regeneration and Planning)*
- 5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
- 6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

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

7 ITEMS REQUIRING DECISION

- 7.1 Enforcement Action, Land South of the Mayfair Centre, Tees Road, Hartlepool (*Paras 5 and 6*) – *Assistant Director (Regeneration and Planning)*
- 7.2 Delegated Action Under Section 215 of the Town and County Planning Act (As Amended) (*Paras 5 and 6*) – *Assistant Director (Regeneration and Planning)*
- 8. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
- 9. **FOR INFORMATION**

Next Scheduled Meeting – 10 October 2012 at 10.00 am in the Council Chamber, Civic Centre

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of 10 October 2012 at 9.00 am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15 AUGUST 2012

The meeting commenced at 10.00 a.m. in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Jonathan Brash, Keith Fisher, Marjorie James, Carl Richardson, Jean Robinson, Linda Shields, Paul Thompson and Ray Wells.

Also Present: In accordance with Council Procedure Rule 4.2;
Councillor Sheila Griffin was in attendance as substitute for Councillor Payne,
Councillor Brenda Loynes was in attendance as substitute for Councillor Dr Morris,
Councillor Kaylee Sirs was in attendance as substitute for Councillor Simmons.

Officers: Damien Wilson, Assistant Director, Regeneration and Planning Services
Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Peter Frost, Traffic Team Leader
David Cosgrove, Democratic Services Team

200. Apologies for Absence

Councillors A Lilley, G Lilley, Dr Morris, Payne and Simmons.

201. Declarations of interest by members

Councillor Ainslie declared a personal and prejudicial interest in Minute No. 203 application no. H/2012/0209 Benknowle Farm, Benknowle Lane, Hartlepool.

Councillor Thompson declared a personal interest in Minute No. 203 application no. H/2012/0287 Monmouth Grove, Hartlepool.

Councillor Wells declared a personal interest in Minute No. 203 applications H/2012/0074 Plot A Overlands, Worset Lane, Hartlepool; H/2012/0209 Benknowle Farm, Benknowle Lane, Hartlepool, and H/2012/0354 Shu-Lin, Elwick Road, Hartlepool.

202. Confirmation of the minutes of the meeting held on 18 July 2012

Confirmed.

203. Planning Applications (*Assistant Director, Regeneration and Planning*)

The Planning Services Manager reported on the following planning applications submitted for the Committee's determination.

H/2012/0074

Applicant:	Mr Jamie Barnecutt, C/O 23 Park Road HARTLEPOOL
Agent:	Howson Developments, Steve Hesmondhalgh, Thorntree Farm, Bassleton Lane Stockton
Date received:	21/02/2012
Development:	Erection of a two and a half storey detached dwelling with detached 2 storey annex and 3 car garage
Location:	PLOT A OVERLANDS, WORSET LANE, HARTLEPOOL
Decision:	Planning Permission Approved

The Planning Committee considered and discussed at length the officer report and recommendation, the Committee considered representations made and after consideration the Planning Committee took the view that it could not support the recommendation based on the layout and design of the surrounding residential developments which they considered had put unreasonable constraints on the last self build plot. Planning Permission was therefore Approved with the wording of conditions delegated to the Planning Services Manager in consultation with the Chair of Planning Committee.

The Committee considered written representations in relation to this matter.

The applicant, Mr Barnecutt was present at the meeting and addressed the Committee.

Number: H/2012/0209

Applicant: Mr Fred Sturrock
F & J Sturrock & Sons, Managers House, High Throston
Golf Club, HARTLEPOOL

Agent: Allen & Hunt Ltd, Miss Dianne Critchlow, Narlow Works,
Thorpe Ashbourne

Date received: 11/05/2012

Development: Erection of an agricultural building extension (retrospective
application)

Location: BENKNOWLE FARM BENKNOWLE LANE HARTLEPOOL

Decision: **Planning Permission Refused**

The Planning Committee considered and discussed at length the officer report and recommendation, the Committee considered representations made and after consideration the Planning Committee took the view that it could not support the application and that the proposed canopy would have a detrimental impact on the amenities of the occupants of the neighbouring residential property, Benknowle Farm House.

Reasons for Refusal:

- 1) It is considered by the Local Planning Authority that the proposed development by reason of siting and scale would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of loss of light, being visually dominant and imposing contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.
- 2) It is considered by the Local Planning Authority that the proposed development by reason of farm machinery being operated under the canopy would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of potential noise and disturbance contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.
- 3) It is considered by the Local Planning Authority that the proposed development by reason of farm machinery, in particular the grain dryer being operated under the canopy would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of potential health effects contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.

The Committee considered written representations in relation to this matter.

The applicant, Mr Sturrock, and an objector, Mr Garrett, were present at the meeting and both addressed the Committee.

Number: H/2012/0287

Applicant: Mr Steven Bell, Greenbank, Stranton, Hartlepool

Agent: DKS Architects, Mark Barlow, DKS Architects, The Design Studio, 22 Ellerbeck Court, Stokesley Business Park, Middlesbrough

Date received: 06/06/2012

Development: Residential development comprising 22 affordable housing units (5 x 3 bedroom and 17 x 2 bedroom units) and associated external works

Location: MONMOUTH GROVE HARTLEPOOL

Decision: **Minded to APPROVE subject to a legal agreement under s106 of the Planning Act securing developer contributions of £250 per dwellinghouse towards off site play, £250 per dwellinghouse towards green infrastructure, the completion of a targeted training and employment charter and the delivery of 11 affordable houses.**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 06/06/2012:
Project No: 111.075 - Dwg No 90-02 Rev /
Project No: 11.075 - Dwg No 90-01 Rev P0
Project No: 11.017 -Dwg No 20-11 Rev P1
Project No: 11.017 - Dwg No 20-12 Rev P1
Project No: 11.017 - Dwg No 20-13 Rev P1
Project No: 11.017 - Dwg No 20-14 Rev P1
Project No: 11.017 - Dwg No 20-15 Rev P1
Project No: 11.017 - Dwg No 20-10 Rev P1
Project No: 11.075 - Dwg No 21-10 Rev P1
Project No: 11.075 - Dwg No 21-11 Rev P1
Project No: 11.075 - Dwg No 21-12 Rev P1
Project No: 11.075 - Dwg No 21-13 Rev P1
Project No: 11.075 - Dwg No 21-14 Rev P1
Project No: 11.075 - Dwg No 21-15 Rev P1
Project No: 2012006 - Drawing No 003 Rev Ø and the site location plan and the amended plans and details received by the Local Planning Authority on 05/07/2012:

Project No: 111.075 - Dwg No 90-03 Rev P4 and
Project No: 11.075 - Dwg No 90-04 Rev P1), unless otherwise agreed
in writing by the Local Planning Authority.

For the avoidance of doubt.

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the plans and details for plot 5 as outlined in Condition 2 of this approval the first floor front elevation windows facing 13 Tenby Walk shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). Alternatively, a scheme to amend the first floor layout of the property (upon plot 5) and its elevations shall be submitted shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the dwelling shall be constructed in accordance with the agreed details and retain for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
To prevent overlooking
5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
7. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any

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

In the interests of the health and appearance of the preserved tree(s).

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.

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

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

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

10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no additional fences, gates, walls or other means of enclosure other than those details on the Proposed Site Plan received by the Local Planning Authority on 05/07/2012 (Dwg No 90-03 Rev P4), shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

11. Prior to the commencement of development details of the proposed surfacing materials of all paths, roads, hardstandings and parking areas, **including a scheme for the allocation and identification of car parking spaces allocated to each specific dwelling** shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.

In the interests of highway safety and amenity.

12. Unless otherwise agreed in writing by the Local Planning Authority prior to the commencement of the development hereby approved a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place

throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of crime prevention.

13. Prior to the commencement of development details of the proposed sheds and bin stores serving the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development.

In the interests of visual amenity

14. Notwithstanding the approved boundary details included as part of condition 2 of this approval (Received by the Local Planning Authority 05/07/2012 - Drawing No's 90-03 Rev P4 and 90-04 Rev P1) the fencing and railings shall be painted in a colour to be first agreed in writing by the Local Planning Authority. The approved details shall thereafter be implemented at the time of development and, unless otherwise agreed in writing with the Local Planning Authority, retained for the lifetime of the development in the colours agreed.

In the interests of visual amenity

15. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment

must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the

Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

The Committee considered representations in relation to this matter.

The applicant's agent, Mr Mark Barlow, was present at the meeting and addressed the Committee.

Number:	H/2012/0275
Applicant:	MR JOHN BUCHANAN, REGENT CENTRE, GOSFORTH
Agent:	SPACE GROUP, MR KEITH HANDY, SPACEWORKS, BENTON PARK ROAD, NEWCASTLE UPON TYNE
Date received:	29/05/2012
Development:	Erection of supported housing development for adults with learning and physical disabilities together with car parking and landscaping
Location:	LAND AT JONES ROAD HARTLEPOOL
Decision:	Planning Permission Approved with the final wording of the conditions delegated to the Planning Services Manager

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the

approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

5. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

6. The development hereby permitted shall be carried out in accordance with the plans numbered A(90) GAP001 rev2, A(00) EXP002 rev2, A(00) GAP001 rev5, A(00) GAP002 rev5, A(00) GAP003 rev5, A(00) GAE001 rev1, A(00) GAE002 rev1, A(00) GAE003 rev1, and details received by the Local Planning Authority on 22-05-2012 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

7. 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. Thereafter the development shall be carried out in accordance with the approved details.

To ensure that foul and surface water are adequately dealt with.

8. The hereby approved bungalows shall be retained as part of the supported housing development scheme and shall not be occupied independently.

In the interests of satisfactory development.

9. The first floor gable windows in the east and west elevation of Block 1 shall be opaque glazed and retained as opaque glazed for the lifetime of the development.

In the interests of the amenity (privacy) of adjoining occupiers.

10. This permission does not authorise the use of the second floor space in block 1, identified on drawing A(00) GAP003 rev5 as expansion space for any other use than ancillary storage.

For the avoidance of doubt and to ensure that the use of this

space and its implications for parking can be properly assessed as part of a future application.

Number:	H/2012/0222
Applicant:	Mr Keith Hair, Eden Park Self Drive Hire, Seaton Lane, HARTLEPOOL
Agent:	The Design Gap, MR GRAHAM PEARSON, 7 HYLTON ROAD, HARTLEPOOL
Date received:	14/05/2012
Development:	Outline application with some matters reserved for the erection of 7 dwellings consisting of two pairs of semi detached houses and one block of three town houses
Location:	EDEN PARK SELF DRIVE HIRE, SEATON LANE, HARTLEPOOL
Decision:	Outline Approval

The Planning Committee considered and discussed at length the officer report and recommendation, the Committee considered representations made and after consideration the Planning Committee took the view that it could not support the recommendation based on the proximity of existing housing to Sovereign Park Industrial Estate which has a similar relationship to the proposed residential scheme. Planning Permission was therefore Approved with the wording of conditions delegated to the Planning Services Manager in consultation with the Chair of Planning Committee.

The Committee considered representations in relation to this matter.

The applicant's agent Graham Pearson addressed the meeting.

204. Update on Current Complaints *(Assistant Director, Regeneration and Planning)*

Members' attention was drawn to fifteen ongoing complaints which were being investigated. Developments would be reported to a future meeting if necessary. The following Members requested feedback on a number of complaints identified in the report:

Councillor Loynes – complaint 13
Councillor Ainslie – complaint 1

Decision

That the report be noted.

**205. Appeal at 44 Lister Street, Hartlepool
(APP/H0724/A/12/2178005/NWF)** *(Assistant Director,
Regeneration and Planning)*

The Planning Services Manager reported on the lodging of an appeal against the Council's refusal of planning permission for the above development, which included alteration to existing hot food takeaway and change of use to two flats at first and second floors, and sought authority for officers to contest the appeal. The application had been refused in consultation with the Chair of Planning Committee. The original officer's report was submitted for the committee's information.

Decision

That the Assistant Director, Regeneration and Planning be authorised to contest the appeal.

**206. Appeal at Land adjacent to 28 Nine Acres, Hart
(APP/H0724/A/12/2178486/NWF)** *(Assistant Director,
Regeneration and Planning)*

The Planning Services Manager reported on the lodging of an Appeal against the Council's refusal of planning permission for the above development, which included the erection of a detached dwelling house and garage, and sought authority for officers to contest the appeal. The application had been refused in consultation with the Chair of Planning Committee. The original officer's report was submitted for the committee's information.

Decision

That the Assistant Director, Regeneration and Planning be authorised to contest the appeal.

**207. Appeal at 16 Siskin Close, Hartlepool
(APP/H0724/D/12/2179157)** *(Assistant Director, Regeneration and
Planning)*

The Planning Services Manager reported on an appeal lodged against the Council's refusal of planning permission for the above mentioned proposal, which included an infill extension (link) between existing double garages, conversion of garages and to build new double garage. The application had been refused under delegated powers. The original officer's report was submitted for the committee's information.

Decision

That the Assistant Director, Regeneration and Planning be authorised to contest the appeal.

208. Appeal at 15 Worset Lane, Hartlepool (APP/H0724/D/12/2177935) *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager reported that the above appeal had been determined by the Planning Inspectorate by the written representations procedure. The planning application had been refused under delegated powers in consultation with the Chair of Planning Committee. The appeal had been dismissed and a copy of the Inspector's decision was submitted with the report.

Decision

That the report be noted.

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

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

Minute 210 – Enforcement Action, Hart Industrial Tools, White Hart Court, Hart – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 211 – Complaint File to be Resolved – Pill Box Middle Warren – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely, namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

210. Enforcement Action, Hart Industrial Tools, White Hart Court, Hart (*Assistant Director, Regeneration and Planning*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely paras 5 & 6.

The Planning Services Manager reported that the Committee's authorisation was sought to issue breach of condition notices, if deemed necessary, in respect of non-compliance with planning conditions at Hart Industrial Tools, White Hart Court, Hart.

The Planning Services Manager also sought member's authority not to proceed with enforcement action in respect of developments carried out without the benefit of planning permission at the premises.

Full details are set out in the exempt section of the minutes.

Decision

1. That authorisation be approved subject to the conditions set out in the exempt section of the minutes.
2. That the elements of the complaint in respect of the developments which do not benefit from planning permission be closed and no further action be taken.

211. Complaint File to be Resolved – Pill Box Middle Warren (*Assistant Director, Regeneration and Planning*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely paras 5 & 6.

The Planning Services Manager sought member's authority not to proceed with enforcement action on the basis of a constructive approach to compensate for the loss of a pillbox at Middle Warren. Full details are set out in the exempt section of the minutes.

Decision

That authorisation be approved subject to the conditions set out in the exempt section of the minutes.

The meeting concluded at 12.30 p.m.

CHAIR

No: 1
Number: H/2012/0354
Applicant: Mr Steve Cockrill Meadowcroft Elwick Road
HARTLEPOOL TS26 0BQ
Agent: The Design Gap MR GRAHAM PEARSON 7 HYLTON
ROAD HARTLEPOOL TS26 0AD
Date valid: 09/07/2012
Development: Erection of two dwellinghouses, together with associated
boundary treatments, shared driveway and attached
double garage (resubmitted application)
Location: Shu-Lin Elwick Road HARTLEPOOL HARTLEPOOL

Background

1.1 The application was withdrawn from the previous Planning Committee agenda so that members could undertake a site visit. The application has been referred to Planning Committee at the request of a Member on the grounds of the impact of the development on the character of the Conservation Area.

1.2 The application has been submitted as a resubmission of a previously refused scheme, the design and scale of the proposed dwellings has been amended. The aforementioned refused application was determined earlier this year (H/2012/0051) and proposed the erection of two dwellings upon part of the garden area of Shu Lin a large two storey modern detached dwellinghouse. The application was refused for the following reasons:

1. The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006 and the advice of the National Planning Policy (2012).
2. The proposed development by reason of its layout and design would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policies HE1 and GEP1 of the adopted Hartlepool Local Plan 2006 and contrary to the advice of the National Planning Policy Framework (2012).

The Application and Site

1.3 Planning permission is sought for the erection of two detached five bedroom dwellinghouses, plot 1 being set over two and a half storeys, with a detached triple garage and plot 2 being set over two storeys with an attached triple garage and games room above.

1.4 The dwelling sited upon plot 1 will be some 19.8m wide, with a maximum depth of 13m and some 9.8m to the ridge (excluding single storey offshoots). The detached garage serving the dwelling will measure 9m in width at a depth of 5.5m. The Design and Access Statement submitted in support of the application states that the two storey element of the dwelling located upon plot 1 has been moved over

some 5.78m from the scheme refused earlier this year (H/2012/0051). The footprint of the property upon plot 1 is 242.8m² and 53.8m² (garage).

1.5 The dwelling sited upon plot 2 will be some 20.2m wide, with a maximum depth of 14.9m (excluding the attached garage) and some 10m to the ridge. The two storey garage will be some 10.5m in depth at a width of 6.5m and some 8m to the ridge. The footprint of the property upon plot 2 is 338m².

1.6 The application site originally formed the western part of the extensive garden of Shu Lin a large two storey modern detached dwellinghouse which lies to the east. The site is laid to grass and the boundary to the east with Shu Lin remains undefined. A copse of mature trees is located in the garden of Shu Lin close to the eastern boundary of the site. It lies within the Park Conservation Area and has vehicular access onto Elwick Road. To the north east beyond Shu Lin is Holly House a large modern dwellinghouse. To the north are four modern detached dwellinghouses (303 & 309 Elwick Road, The Roost and Well Close) which are enclosed by a very high hedge which forms most of the northern boundary of the application site. To the north west are Meadowcroft and Meadowside which together form a Grade II listed building. The rear boundary of these properties is screened to a degree by trees and bushes. To the west of the site is a rough grassed paddock which has a history of refusals for residential development (see below). The boundary with the paddock is formed by a close boarded fence some 2m high. To the west of the paddock is an area of mature woodland. The land rises gently from south to north. At the southern end of the site the land falls away down to a fence beyond. The fall is approximately 1.4m and the boundary is formed by a high fence and lined with mature trees and bushes beyond which is a public footpath, a stream and farmland rising up to Summerhill. A public footpath climbs to Summerhill across farmland to the south.

Recent Planning History

1.7 The application site and surrounding area has a long history which is detailed below and is a material planning consideration in the determination of this application. In December 2005 an application for the erection of 18 apartments on the site was submitted. This scheme in the form of a single three storey block was withdrawn in March 2006 after fundamental concerns were raised in relation to the scheme. (H/2005/6027).

1.8 In November 2006 a planning application for the erection of 17 apartments with access road and service facilities (H/2006/0304) was refused for the following reasons.

1. The proposed development by reason of its layout, architectural form and detailing including the miscellany of associated infrastructure would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policy HE1 of the adopted Hartlepool Local Plan 2006.
2. The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy HE10 of the adopted Hartlepool Local Plan 2006.

1.9 The applicant subsequently appealed and the appeal was dismissed.

1.10 In March 2008 an application for the erection of three dwellings with attached double garages and associated private driveways and landscaping (H/2007/0141) was withdrawn after fundamental concerns were raised in relation to the scheme.

1.11 In 2008 an application for the erection of two dwellinghouses and an extension to an existing private drive was withdrawn before it was validated. (H/2008/0034).

1.12 In June 2009 an application for the erection of a detached dwelling garage and storage building was approved (H/2008/0663). This development was for a substantial detached property some 10.5m high to ridge, some 27.5m in width and some 21m in depth located at the northern end of the site. This application has not been implemented and an application to renew the permission has been approved in July 2012 (H/2012/0186).

1.13 As outlined above, in April 2012 an application for the erection of two detached dwellings was refused. The dwellings proposed were identical in design and appearance and measured some 19.7m wide, some 11.4m deep and some 9.8m to the ridge (excluding porches, garages and single storey offshoots).

Recent Planning History on the adjacent land to the west

1.14 In November 1996 outline planning permission for the erection of 9 detached dwellings together with access improvements and landscaping, including the removal of a tree subject to a Tree Preservation Order was refused (H/OUT/0283/96). The proposal related to the provision of three dwellings with frontage onto Elwick Road, three in the woodland to the west of Meadowcroft and three dwellings in the field to the south, adjacent to the current application site, and alterations to the access of Meadowcroft including the realignment of the roadside wall. The application was refused for reasons relating to the adverse impact on the character and appearance of the listed buildings, adverse impact on the character and appearance of the Conservation Area and the adverse effect on the character of the woodland.

1.15 In February 1998 outline planning permission for the erection of 3 detached dwellings and associated internal access and related tree works was refused (H/OUT/0553/97). The proposal related to the provision of three dwellinghouses in the field area to the south of Meadowcroft, and adjacent to the current application site. The application was refused for reasons relating to highway safety, adverse effect on the character and setting of the listed buildings, adverse impact on the character and appearance of the Conservation Area and the amenity of the area. A subsequent appeal was dismissed the Inspector concluding that the proposed development would have a significant adverse effect on the setting of the listed building and on the character of the Park Conservation Area. The Inspector noted in his decision letter that "The vista across the appeal site is, in my judgement, particularly important. The position and orientation of the original villa will have been established to take advantage of the open south-facing aspect towards open countryside and away from the urban development to the north. The woodland area

curves around to the south and enhances this aspect which is directly across the appeal site”.

1.16 In December 2005 an application for outline planning permission for the erection of four detached dwellings was refused. (H/2005/5697) The proposal related to the provision of three dwellinghouses in the field area to the south of Meadowcroft, adjacent to the current application site, and a dwellinghouse on the Elwick Road frontage. The application was refused for reasons relating to adverse affect on the character and setting of the listed buildings, adverse impact on the character and appearance of the Conservation Area and the relationship with adjacent development. The applicant appealed against the refusal but later withdrew the appeal.

Publicity

1.17 The application has been advertised by way of neighbour letters (11), site notice and press advert. The time period for representation has now expired. One letter of no objection has been received.

Consultations

1.18 The following consultation replies have been received:

Tees Archaeology – The development area lies outside of any archaeological remains. I therefore have no objection to the proposal and have no further comments to make.

Northumbrian Water – No comments to make

Engineering Consultancy (Drainage) – With reference to the above application, I note that the preferred method of disposal of surface water drainage is by sustainable drainage and individual soakaways. The detailed design of the soakaways and associated permeability tests to ensure that the existing ground is suitable for soakaways is not included with the application. However, should soakaways not be suitable there is the possibility of a connection to the adjacent watercourse, subject to necessary approvals and consent. I would therefore request that a planning condition is attached to any approval requesting the submission of a detailed drainage strategy before development commences.

Conservation Officer (summary of comments) – The proposal is for two dwellings in plots of land adjacent to Shu Lin subdividing the garden area. The single dwelling of Shu Lin already infringes into the green, rural belt of this part of the conservation area. The further introduction of two dwellings into this area, alongside Shu Lin, would exacerbate this situation harming the character of this part of the conservation area by introducing buildings into an area that currently provides an open, green edge to the area.

The introduction of two houses to the ground of Shu Lin would introduce additional modern major houses to the subsequent arrangement of dwellings in this area which

is contrary to the character of the area defined in the Park Conservation Area Character appraisal.

Further to this is the issue of the design of the properties. The styling of one of the buildings is very similar to that of 'The Roost' to the rear of the site. The similar design and style of two properties in such close proximity would create a repetition of house type in the area, in particular when viewing the site from the south the similar outlines would be particularly noticeable. This differs from the character of the area described in the appraisal as predominantly individually designed single dwellings.

It is clear that this proposal will harm the character of the Park Conservation Area. The proposal is contrary to paragraph 131 of the National Planning Policy Framework (NPPF) as it neither sustains nor enhances the significance of the heritage asset but by virtue of the fact that the proposal would harm the character of the Park Conservation Area as defined in the appraisal document due to the introduction of two dwellings in an area which provides a green boundary to the conservation area. Furthermore it is contrary to paragraphs 132 and 133 of the NPPF as no convincing justification had been provided for the proposal nor has there been a demonstration that substantial public benefit would outweigh the harm caused to the designated heritage asset.

It is clear that the dwellings would impact on the setting of the listed building (Meadowcroft/Meadowside) as they would interrupt the views to and from the listed building to the open countryside to the south of the site, in particular the proposed building in plot 1.

The proposal would harm the setting of the listed building on the adjacent site and in doing so it would not sustain or enhance the significance of the heritage asset and therefore would not conserve them either. As a result it is contrary to paragraphs 132 and 133 of the NPPF.

Cleveland Police – No comments received

Cleveland Fire Brigade – No comments received

Environment Agency – The Environment Agency has no objections to the proposed development but wishes to provide the following information:

Surface Water Disposal

According to our records the site is within fluvial flood zone 1 (low risk). The application form states surface water runoff will be disposed of to a soakaway however there is no information that would confirm whether the ground conditions are suitable. We therefore recommend that the LPA should be satisfied that a soakaway is acceptable in this area before planning permission is granted.

If ground conditions subsequently prove to be unsuitable for soakaway, the proposed development will only be acceptable if a planning condition is imposed requiring the following drainage details.

Condition

Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The scheme shall also include details of how the scheme shall be maintained and managed after completion. Reason: To prevent the increased risk of flooding, to improve and protect water quality, improve habitat and amenity, and ensure future maintenance of the surface water drainage system.

Disposal of Foul Sewage

An acceptable method of foul drainage disposal would be connection to the foul sewer. The Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

Arboriculturalist – A tree survey report, originally produced in 2005, revised in 2006 and submitted in support of previous applications for development at this site, has been resubmitted to support the current application. Much of the content of the report remains relevant to the situation regarding trees at the site and therefore I would not consider it necessary that a new tree survey be submitted. The report includes recommendations to remove three trees adjacent to the driveway entrance off Elwick Road, and justification for this is provided in the report. I would not object to the proposed removals, but would recommend that appropriate replacements be provided.

The applicant has failed to submit an updated tree protection plan which reflects the current layout proposal, therefore I would recommend that a revised tree protection plan, produced by a suitably qualified arboriculturalist in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', be required by condition.

The erection of a boundary wall to plot 1 which extends to a point within the root protection area of the central group of trees is shown on the site layout plan. I would recommend that the proposed wall stop at the limit of the root protection area, and the section that runs through the root protection area be substituted with timber fence.

I would also recommend that a landscaping scheme, to include a number of replacement trees for those removed adjacent to the driveway entrance, be required by condition.

Neighbourhood Services – No comments received

Property Services – No comments received

Traffic and Transportation – There are no highway or traffic concerns

Planning Policy

NATIONAL POLICY:

1.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

1.20 The following extracts of the National Planning Policy Framework are considered relevant to the determination of this planning application:

49. Housing applications should be considered in the context of the presumption in favour of sustainable development.

53. Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area.

56 The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

57. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

60. Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development

affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

1. the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
2. the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
3. the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

1. the nature of the heritage asset prevents all reasonable uses of the site; and
2. no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
3. conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
4. the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

197. In assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

REGIONAL POLICY:

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

LOCAL PLANNING POLICY

The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being

met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

1.21 The main planning considerations are policy, the impact of the development on the character and appearance of the Conservation Area/setting of the nearby listed building, impact on the amenity of nearby residential properties, trees, highways, drainage and archaeology.

1.22 Of key significance in the determination of this application will be the consideration of the previous application for two dwellings upon the site refused earlier this year (H/2012/0354). Given that this application is similar to that previously refused, albeit the proposed house types have been altered the main context and considerations outlined in this report will follow those of the report compiled for the abovementioned refused application. It will be prudent however to assess the previous decision and assessments made in light of the amended house types.

Planning Policy Considerations and Principle of the Development

1.23 The site is within the defined limits to development and in principle the development of the site for housing purposes would normally be considered acceptable however the site also lies within the Park Conservation Area and in the vicinity of a listed building and these crucial material considerations are discussed in detail below.

1.24 Current saved Local Plan policy HE1 advises that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. In the Park Conservation Area it is advised that development should be appropriate to a residential area.

1.25 Current National Policy as set out in the NPPF advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications LPAs are required to examine the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new

development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF advises great weight should be given to the asset's conservation. It also states that where a proposed development will lead to substantial harm to, or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or various other criteria apply (the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset itself can be found, conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use).

1.26 In light of the above, the impact of the proposed development on the heritage assets, the Conservation Area and the setting of the nearby listed building(s), is a key consideration and is discussed below where it is concluded the development is still unacceptable having regard to the amendments made to the proposed house types from those proposed in the previous refused application (H/2012/0051). In policy terms therefore the proposal is considered unacceptable.

Impact on the Character and Appearance of the Conservation Area/Setting of the Nearby Listed Building

1.27 This site is located within the Park Conservation Area and forms part of the setting of Meadowcroft / Meadowside a grade II listed building located to the north west.

1.28 A number of applications have been made over the years on this site and an adjacent site which are of relevance to the current application. In particular the Planning Inspector's report on the most recent appeal on the site for a proposal for the erection of 17 apartments is notable (Ref APP/H0724/A/06/2029518). The Inspector acknowledges that "The visual quality of this landscaped edge to the urban area, including the appeal site, has been recognised by its inclusion within the Park Conservation Area". The site and area is described as follows "the edge of the built development on this side of Elwick Road is well defined and...., other than Shu-Lin and a glimpse of Meadowcroft, none of a number of other large buildings nearby are readily apparent when viewing the conservation area from the public vantage points to the south, even during the windows months.' The Inspector then goes on to describe the surrounding country side and comments on the impact of the proposed development noting that, 'I consider that they would unacceptably intrude into the important undeveloped spaces at the southern edge of The Park, seriously harming the character and appearance of this part of the conservation area.'

1.29 The Inspector does acknowledge the other development which has occurred in this area however he states, 'overtly modern housing development has also taken place on many other open spaces around the park....Nevertheless, whilst I acknowledge that recent new building has had a marked effect on the character and appearance of The Park, this does not alter the visual quality of the relatively undeveloped spaces along the southern side of the Elwick Road properties, or their effect in defining the character of this part of the conservation area.' The Inspector

goes on to conclude that the development would, ‘harm the character and appearance of The Park Conservation Area.’

1.30 The Inspector also has regard for the adjacent listed buildings and their setting. He notes that “Although this grand former mansion has been divided into two residential properties, it has clearly been designed to enjoy the views out to its originally extensive parkland setting, and to the countryside beyond, with several of its main outlooks facing to the south. In my opinion, the undeveloped spaces to the south of Meadowcroft/Meadowside, including the appeal site continue to contribute to the setting of this listed building.” He adds, ‘Given the detrimental impact upon this part of the conservation area that I have already identified, and the importance of these same undeveloped spaces to the setting of Meadowcroft/Meadowside. I cannot escape from the conclusion that the setting of the listed building would also be materially harmed by the proposed development.’

1.31 The Character Appraisal for the Park Conservation Area completed in 2008 summarises the decisions on this site and the adjacent Paddock ‘Meadowcroft’s spatial characteristics have been twice tested on appeal, in 1998 (T/APP/H072/A/98/298990/P7) and 2006 (APP/H0724/A/06/2029518). Both inspectors concluded that the spatial and visual relationship between Meadowcroft/Meadowside and open land to the south was important enough to the listing and the conservation area to prevent the proposed development from getting consent.’

1.32 In the Appraisal the character of the application site is noted as part of the original Meadowcroft estate described, as one of two original estates which ‘define the character of the conservation area’s green, low-density layout.’ The appraisal goes on to note that, ‘The countryside edge south of both estates is one of the conservation area’s definitive features. This boundary between town and country is much more than just the end of one and the start of the other – there is an active designed relationship between the two which is key.’

1.33 The importance of this relationship is highlighted in the Appraisal which states, ‘The Arcadian origins of the neighbourhood were grounded in a strong visual, landscape and “wellbeing” link between the houses and the countryside they were built in, those with the capacity to do so escaping the dirt of the town to live a privileged life in their simulated country estates.’ It notes that Meadowcroft, ‘fed off the dene and Summerhill, firstly by being laid out with long, controlled views to “borrow” the scene beyond by placing the house to the north of the plot, and secondly by landscaping with a country estate feel (large open fields with tree clumps and belts) to blur the boundary between estate and setting.’

1.34. The appraisal states that this arrangement was retained in previous subsequent developments in this area but that Shu Lin and No. 309 Elwick Road have ‘begun to interrupt it, leap-frogging them to take the relationship to the south for themselves. It goes on to note that this ‘erodes the original spatial pattern which defines this edge, robs the earliest houses of their setting and fills in open land which is key to the estates’ historic character.’ The appraisal goes on to suggest that, ‘to protect historic character, new development in either historic estate must repeat its spatial relationships, i.e. by being large single buildings in their own plots, sited in the

northern half of the estates to leave land to the south open, and to provide each building with a clear southerly aspect.'

1.35 In relation to further developments within this area the appraisal states that, 'At the Meadowcroft estate, the existing balance between plot subdivision and open land should be preserved. Further sub-division would harm its historic layout character. No further buildings should be sited as far south as Shu Lin.'

1.36 As per the application refused earlier this year the proposal is for two dwellings in plots of land adjacent to Shu Lin further subdividing the garden area. As described above the single dwelling of Shu Lin already infringes into the green, rural belt of this part of the conservation area. The further introduction of two dwellings into this area, alongside Shu Lin, would exacerbate this situation harming the character of this part of the conservation area by introducing buildings into an area that currently provides an open, green edge to the area.

1.37 The appraisal considers the hierarchy of buildings in the area and notes that, it is 'characterised by a distinct hierarchy of buildings.' It goes on to state that, 'The principle hierarchy in the area is between large houses and their lodges and outbuildings, from the earliest development in the area up to the early twentieth century.' The appraisal goes on to highlight two issues,

1. The traditional hierarchy of the major historic houses and their lodges and outbuilding should be protected.
2. The wider hierarchy between major and minor houses should be protected, ensuring that minor houses are not mixed amongst major ones.'

1.38 Shu Lin and those houses to the north of the site are described in the appraisal as 'major modern houses' which are, 'single houses (i.e. those not built as part of a group) built mostly after the Second World War, which continue the earlier theme of being large and impressive but, as they are generally on small plots, they do not have lodges. Some do, however, have detached garage blocks as an echo of the area's earlier outbuildings.' The introduction of two houses to the grounds of Shu Lin would interrupt this hierarchy. Not only would it alter the original hierarchy of buildings on the earlier Meadowcroft estate but further to this it would introduce further modern major houses to the subsequent arrangement of dwellings in this area which is contrary to the character of the area defined in the appraisal.

1.39 Whilst it is acknowledged that the design and scale of the proposed dwellings has been amended from those refused in the previous submission (H/2012/0051) it is considered that the styling of one of the dwellings is very similar to that of 'The Roost' to the rear of the site. The similar design and style of the two dwellings in such close proximity would create a repetition of house type in the area, in particular when viewing the site from the south the similar outlines would be particularly noticeable. This differs from the character of the area described in the appraisal as predominantly individually designed single dwellings.

1.40 In terms of the impact of the development on the setting of the listed building Meadowcroft / Meadowsides the supporting practice guide, to the now superseded

PPS 5 produced by English Heritage provides further guidance on setting. It notes that, 'The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration; by spatial associations; and by our understanding of the historic relationship between places.' The guidance goes on to state that, 'The contribution that setting makes to the significance does not depend on there being public rights or an ability to access or experience that setting.'

1.41 As noted above the original listed house was constructed to face south this provided a link through the planned landscape to the adjacent rural area and created a feeling of being located far away from the town centre on a country estate. This is significant as the house is one of the few examples of such an estate remaining within Hartlepool. Whilst it is acknowledged that the proposed dwelling upon plot 1 has been re-sited it is still considered that the dwellings, particular the dwelling on plot 1 would impact on the setting of the listed building as they would interrupt the views to and from the listed building to the open countryside to the south of the site. Furthermore the planned estate which once sat isolated on the site with a hierarchy of buildings spread across an area of gardens would be further reduced. The green wedge which provided a boundary of planned gardens merged into countryside would be further developed impacting on the setting of the listed building by further incremental development of the land introducing a suburban feel to the area with a cluster of houses, of a similar design, grouped in a garden area. It is considered therefore that the development would have a detrimental impact on the setting of the nearby listed building contrary to National Policy as outlined in the National Planning Policy Framework.

1.42 To conclude the proposal would adversely impact on the character and appearance of the Park Conservation Area by introducing development into an area of land which forms a rural boundary to the south of the conservation area harming the historic character of the area. Further to this the proposal would see the further subdivision of garden areas interrupting the hierarchy of buildings within the area negatively impacting on the character of the conservation area. The similar design and style of one of the proposed dwellings with The Roost, in such close proximity would create a repetition of house type in the area contrary to the character of the Conservation Area which is predominantly individually designed single dwellings again to the detriment of the character and appearance of the conservation area. The proposal will also negatively impact on the setting of the neighbouring listed building (Meadowcroft / Meadowside) through the introduction of development into an area which would interrupt the views to and from the listed building to the open countryside. It is considered that the proposed development will not preserve or enhance the character and appearance of the Conservation Area and will lead to substantial harm to, designated heritage assets. It is not considered that the proposals will achieve any substantial public benefits that would outweigh that harm.

1.43 It is acknowledged that a large single dwellinghouse has previously been approved at the northern end of the site and is still valid however this was for a single dwellinghouse of an individual design sited so as to minimise any potential impact on the setting of the listed building and it was considered that proposal

broadly accorded with the advice of the Park Conservation Area Character Appraisal which states, 'to protect historic character, new development in either historic estate must repeat its spatial relationships, i.e. by being large single buildings in their own plots, sited in the northern half of the estates to leave land to the south open, and to provide each building with a clear southerly aspect.' It is not considered therefore that this approval would lend support to the further development of the site.

The Impact of the Proposal on the Amenity of the Occupiers of Nearby Residential Properties

1.44 To the north of the site are four relatively modern properties whilst to the east is Shu-Lin. The dwelling sited upon plot 1 will be some 19.8m wide, with a maximum depth of 13m and some 9.8m to the ridge (excluding single storey offshoots). The detached garage serving the dwelling will measure 9m in width at a depth of 5.5m. The Design and Access Statement submitted in support of the application states that the two storey element of the dwelling located upon plot 1 has been moved over some 5.78m from the scheme refused earlier this year (H/2012/0051). The footprint of the property upon plot 1 is 242.8m² and 53.8m² (garage).

1.45 The dwelling sited upon plot 2 will be some 20.2m wide, with a maximum depth of 14.9m (excluding the attached garage) and some 10m to the ridge. The two storey garage will be some 10.5m in depth at a width of 6.5m and some 8m to the ridge. The footprint of the property upon plot 2 is 338m².

1.46 In terms of Shu-Lin the closest part of the proposed dwellings will be located approximately 36m from the closest part of this house. Given the separation distances, design and orientation of the properties it is not considered that the proposed development will unduly affect the amenity of the occupiers of Shu-Lin in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

1.47 In terms of the relationship between the proposed dwellinghouses and the properties to the north, these are screened from the site by a high conifer hedge. The agent has outlined in the design and access statement submitted in support of the application that the hedgerow will be retained. Notwithstanding this, it cannot be guaranteed that the hedge in its current form and height can be retained, nor is it considered that a condition could be attached with regard to this as separate legislation with regard to high hedges could require the hedge to be removed or reduced significantly in height in the future. The considerations outlined below take into account the fact that the hedge may be removed. The closest properties to the proposed dwellinghouses are 309 Elwick Road and The Roost. The closest of the proposed dwellinghouses is gable ended to the boundary with the two aforementioned dwellings and its closest part will be a one and a half storey garage, some 7m off the boundary the roof of which hips away from the boundary. The main gable of the closest house upon plot 2 is set further back some 10m from the boundary. The closest parts of the neighbouring dwellinghouses are themselves some 8m and some 20m from the shared property boundary. The development exceeds therefore the guideline separation distances of 10m between principal elevations and gables. Given the design and orientation of the proposed properties it is not considered that the development will unduly affect the amenity of these properties in terms of loss of light, outlook or in terms of any overbearing effect. The

closest gables of the northern most property have windows located at first floor level. Notwithstanding this, the rooms to which the windows are proposed to serve are bathrooms. Whilst it is acknowledged that oblique views from windows may be possible these will be distant and it is not considered that the proposal will unduly affect the amenity of these neighbouring properties in terms of loss of privacy. The other two modern houses (Well Close & 303 Elwick Road) are located even further away. Given the separation distances, which are well in excess of the 20m guideline, it is not considered that the development will unduly affect the amenity of these properties in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

1.48 The proposed properties will share the existing access which passes to the side and rear of the adjacent gardens including the rear of the new property 303 Elwick Road which has been erected in the rear garden of Well Close. This property is located close to the boundary however it has been designed with its main outlook to the north and west. It has a garage at its eastern end and limited fenestration (a dining room window) facing the boundary adjacent to the access. A landscaped buffer will be retained where the new access way is proposed. Given the relationships it is not considered that the comings and goings associated with the additional use of the access would unduly affect the amenity of the adjacent occupiers.

Highway Considerations

1.49 The proposed dwellinghouses will share their proposed access with Shu Lin. The access ranges in width from 3.7 to 4.2 metres. A width of 4.1m will allow two vehicles to pass and given that the width in places is at least 4.1 metres Traffic & Transportation have confirmed that the arrangement is acceptable. It is considered therefore that in highway terms the proposed access arrangements are acceptable.

Trees

1.50 A copse of mature trees is located on land immediately to the east of the application site whilst the access road to the site is lined by a number of mature trees. The previous application approved on the site was supported by an Arboricultural Assessment which the applicant has re-submitted in support of the current application. The report includes recommendations that three trees at the site entrance be removed. HBC Arboriculturalist has considered the information submitted, whilst the development has changed much of the content remains relevant, and he has no objections to the removal of the trees identified in the report subject to suitable replacements being conditioned.

1.51 The applicant has failed to submit an updated tree protection plan which reflects the current layout proposal. The HBC Arboriculturalist however is confident, notwithstanding the inconsistencies, that the development can be achieved without causing damage to the retained trees subject to conditions requiring the submission of a revised tree protection plan and subject to a slight amendment to boundary treatments proposed upon plot 1 to take account of root protection areas. A landscaping scheme, which would include replacement tree planting is also

requested. It is considered that with appropriate conditions the impact of the proposed development on trees would be acceptable.

Drainage

1.52 Foul drainage will be to the public sewers. It is proposed surface water will go to a sustainable urban drainage system and individual soakaways. Northumbrian Water have raised no objections to the proposal.

1.53 HBC Engineering Consultancy have stated that the detailed design of the soakaways and associated permeability tests to ensure that the existing ground is suitable for soakaways has not been included with the application. Notwithstanding this, should soakaways not be suitable there is the possibility of a connection to the adjacent watercourse, subject to necessary approvals and consent.

1.54 The Engineering Consultancy Section has advised that a planning condition should be attached to any approval requiring the submission of a detailed drainage strategy before development commences. This request is also considered to satisfy the recommendations of the Environment Agency.

Archaeology

1.55 Whilst it is acknowledged that no objections have been received from Tees Archaeology as the application site itself is outside any area of archaeological interest. However as with the previous approval on site (H/2008/0663), given the potential for drainage runs to extend outwith the site an appropriately worded planning condition would be required to ensure that any archaeological issues following the submission of drainage scheme could be addressed.

Conclusion

1.56 For reasons relating to the impact of the development on the Conservation Area and the setting of the nearby listed building(s) the proposal is not considered acceptable and is recommended for refusal.

RECOMMENDATION – REFUSE

The proposed development would intrude on views from the listed building located to the north west and therefore detract from the setting of the listed building contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006 and the advice of the National Planning Policy Framework (2012).

The proposed development by reason of its layout and design would have a detrimental impact on the character and appearance of the Park Conservation Area contrary to policies HE1 and GEP1 of the adopted Hartlepool Local Plan 2006 and contrary to the advice of the National Planning Policy Framework (2012).

SHU LIN, ELWICK ROAD



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 31/08/12

Drg No: H/2012/0354

No: 2
Number: H/2012/0334
Applicant: Chase Property Developments c/o Agent
Agent: Savills (Commercial) Limited Mr Trevor Adey Belvedere
12 Booth Street MANCHESTER M2 4AW
Date valid: 24/07/2012
Development: Change of use from bowling alley (Use Class D2) to retail
(Use Class A1) and alterations to entrance
Location: Unit 5 (UK Superbowl) Teesbay Retail Park Brenda Road
HARTLEPOOL HARTLEPOOL

The Application and Site

2.1 The application site is a unit on the Teesbay Retail Park located on the west side of Hartlepool close to the junction of the A689 and Brenda Road. It is currently occupied by UK Superbowl a 2498 square metre bowling facility. To the north is a unit recently occupied by The Range. To the south is an area of waste ground which benefits from an outline planning permission for retail development. To the west is a car park which is fringed by other units on the retail park.

2.2 It is proposed to change the use of the bowling alley to a retail use. The frontage of the building will be refurbished and the entrance to the building altered.

2.3 In support of the application the applicant, who is the owner of the site and not the operator of the bowling facility, has advised that “customer numbers using the bowling facility have declined significantly over recent years, consistent with the decline in the popularity of the sport as a leisure pastime nationwide. The Hartlepool Superbowl is currently running at a loss and can no longer continue to operate from the site. It is therefore imperative that an alternative use is sought for the unit to ensure that it does not remain vacant for any prolonged period of time”. The applicant also advises that there is demand from retailers to occupy the unit.

2.4 The applicant acknowledges the condition on the most recent approval (H/2009/0390) on the wider retail park site which requires 2,498 square metres of floorspace on the retail park be used for Class D2 leisure uses. A D2 leisure use would include a use as a bowling alley. He has suggested that this requirement could be accommodated in the new units approved in principle under the provisions of H/2009/0390, should there be a commercial demand. As the proposal is essentially swapping existing for proposed retail floorspace he advises that there should be no impact on the vitality and viability of the town centre.

Relevant Planning History

2.5 The planning history of the retail park is complex. In summary, outline permission was originally granted for a retail development within the Enterprise Zone regime of the 1980's. Thereafter numerous applications for revisions have sought to

stimulate interest from retail operators to locate at the site. The main relevant applications are outlined below.

2.6 Outline planning permission was originally granted for a non food retail centre on the site in April 1986 (EZ2/3/OUT/519/85).

2.7 In November 1986 reserved matters were granted for the erection of non food retail units (H/EZ2/0479/86).

2.8 In June 2007 outline planning permission was granted for alterations to existing units, erection of additional units and associated infrastructure and landscape works. (H/2005/5921). A condition on the approval restricted the total new retail warehouse floorspace, the minimum size of unit, and the range of goods which could be sold. The permission was subject to a legal agreement securing employment opportunities for local people, a travel plan and a financial contribution to secure a cycleway link which was completed on 28th June 2007.

2.9 In June 2010 an application to remove planning conditions on planning permission references EZ2/3/OUT/519/85, H/FUL/0619/91 and H/2005/5921 relating to the amount of floorspace that can be provided, unit size and the range of goods permitted to be sold was granted against Officer recommendation. Conditions on the approval restricted the maximum amount of retail floor space on the site, required 2498 square metres of floorspace be used for Class D2 leisure purposes, and imposed various restrictions on the sizes of units and the floor space devoted to the sale of various types of goods. The effect was a considerable liberalisation of the previous restrictions which had applied to retailing on the retail park. (H/2009/0390). The permission was subject to a legal agreement securing employment opportunities for local people, a travel plan and a financial contribution to secure a cycleway link.

Publicity

2.10 The application has been advertised by site notice and neighbour notification. The time period for publicity has expired.

A two hundred and sixty signature petition and five letters of objection have been received. Those objecting have raised the following issues.

- 1 Loss of bowling facility
- 2 Popular leisure facility used by families, young people and clubs.
- 3 Good value for money.
- 4 Brings people into the area.
- 5 We do not have many leisure facilities in Hartlepool.
- 6 There are enough retail units in the town and quite a few of them are empty.

Copy letters **A**

Consultation Responses

2.11 The following consultation responses have been received.

Public Protection : No objections

Community Services : The existence of a Bowls venue in town is a positive addition to the general leisure and tourist economy. It is extremely disappointing that this proposal to undertake a change to additional retail outlets is submitted. However, I cannot say that I am surprised as the existing business appears to be underfunded and has had little investment thus leading to a downward spiral in general attractiveness and customer attraction.

Traffic & Transportation : There are no highway or traffic concerns.

Planning Policy

2.12 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

Com7: Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments attracting large numbers of visitors should comply with policies Com8 and Rec14.

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

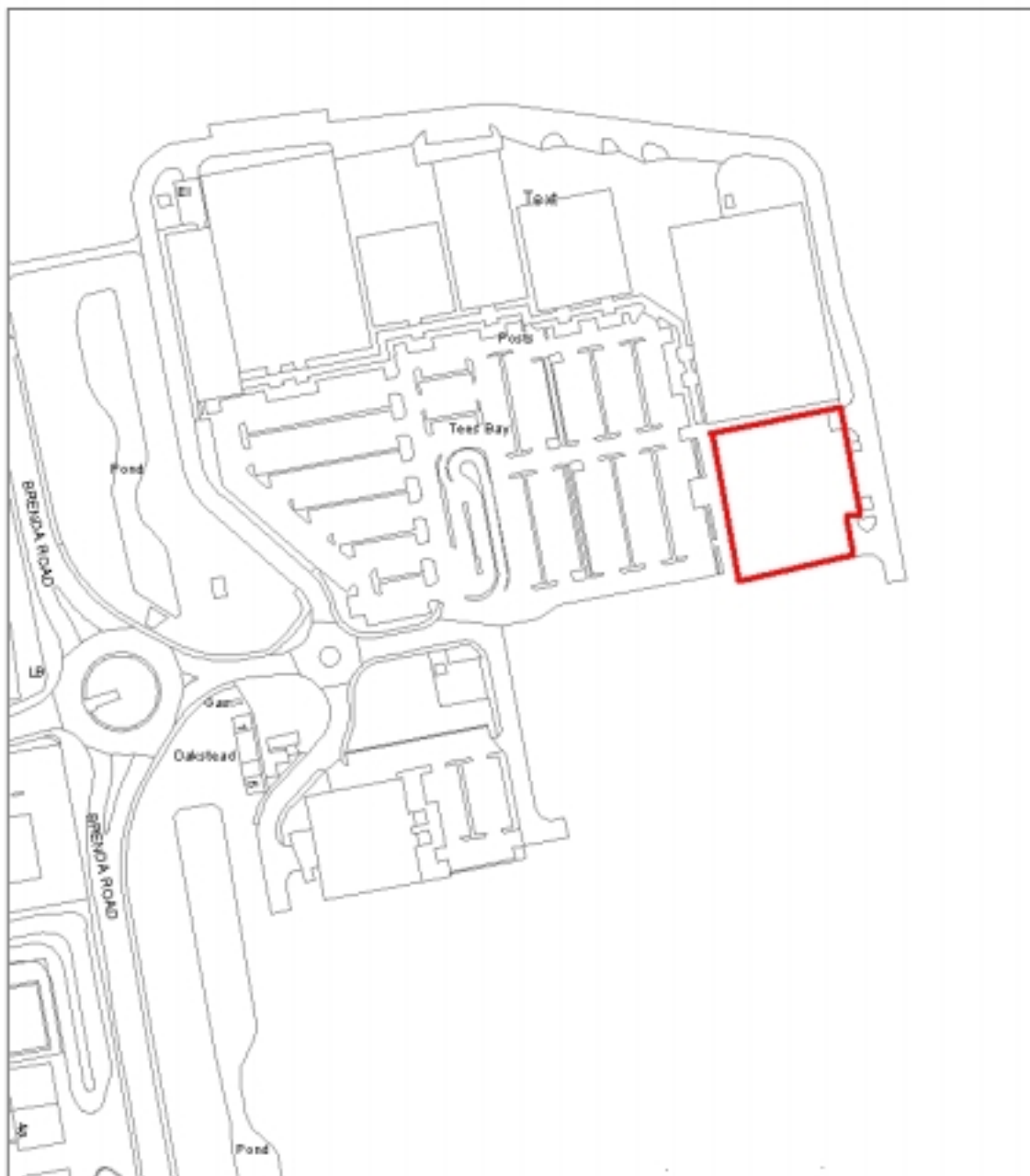
Planning Considerations

2.13 The applicant has been asked to clarify various matters. An update report will follow.

Recommendation - Update report to follow.



UK SUPERBOWL, TEESBAY RETAIL PARK



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:2000

Date : 31/08/12

Drg No: H/2012/0334

No: 3
Number: H/2012/0258
Applicant: Mr Mike Galley Diocesan Office Auckland Castle Bishop
 Auckland County Durham DL14 7QJ
Agent: Ashdown Architects Ltd. Mr Brian Ashdown First Floor,
 Aykley Vale Chambers Aykley Vale Durham Road
 Durham City DH1 5NE
Date valid: 21/05/2012
Development: Erection of a detached four bedroomed dwelling house
Location: 34 WESTBOURNE ROAD HARTLEPOOL

The Application and Site

3.1 The site to which this application relates is front part of the large garden area to the side of the Stranton Vicarage, a Victoria semi-detached dwelling located on Westbourne Road, a predominately residential area. The building is included on the Hartlepool List considered to be special local architectural or historic interest. The property is not, however, listed as a building of national importance.

3.2 The application seeks consent for the erection of a detached, two storey, four bedroom dwelling. The dwelling is to be access from Westbourne Road and is to benefit from a detached double garage to the side/rear.

3.3 The rear part of the garden is the subject of an outline application for two dwellings which also appears on today's agenda (H/2012/0265).

3.4 The applicant has provided amended plans to incorporate a revised design on the basis of original comments from the Council's Conservation Officer.

Publicity

3.5 The application has been advertised by two rounds of consultation by way of neighbour letters (17), press advert and site notice. To date, there have been 7 letters of objection.

3.6 The concerns raised include:

- a) Overlooking
- b) Impact on trees
- c) Unjustified – applicant has six empty properties in the town
- d) Parking issues
- e) Materials and design must be in keeping
- f) Utility capacity issues
- g) Wildlife affected
- h) Concerned about future use of existing property
- i) Existing building should be converted
- j) Loss of light
- k) Visual impact

3.7 The period for is ongoing and expires before the meeting.

Copy Letters D

Consultations

3.8 The following consultation replies have been received:

HBC Neighbourhood Services – Comments awaited.

HBC Traffic and Transport – No highway or traffic concerns.

HBC Engineering Consultancy – No objections. Comments awaited on amended plans.

HBC Public Protection – No objections.

Northumbrian Water – No objections. Comments awaited on amended plans.

Hartlepool Water – No objections. Comments awaited on amended plans.

Cleveland Police – No objections. Comments awaited on amended plans.

Planning Policy

3.9 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Hsg5: A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility,

range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

3.10 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of development, the effect on the residential amenity of neighbouring properties by way of overlooking, overshadowing, dominance and outlook, the impact on the character of the surrounding area and the locally listed building, the impact on trees and on highway safety.

3.11 The consultation period for the amended plans is ongoing and expires before the meeting. A number of consultee's responses are awaited. It is therefore considered prudent to provide a comprehensive update to follow, addressing any neighbour and consultation responses received.

RECOMMENDATION – UPDATE TO FOLLOW

34 WESTBOURNE ROAD



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 31/08/12

Drg No: H/2012/0258

No: 4
Number: H/2012/0265
Applicant: Mr Mike Galley Diocesan Office Auckland Castle Bishop
Auckland County Durham DL14 7QJ
Agent: Ashdown Architects Ltd. Mr Brian Ashdown First Floor,
Aykley Vale Chambers Aykley Vale Durham Road
Durham City DH1 5NE
Date valid: 21/05/2012
Development: Outline application with all matters reserved for the
erection of 2 detached dwellings.
Location: 34 WESTBOURNE ROAD HARTLEPOOL

The Application and Site

4.1 The site to which this application relates is part of the large garden area to the side of the Stranton Vicarage, a Victoria semi-detached dwelling located on Westbourne Road, a predominately residential area. The building is included on the Hartlepool List considered to be special local architectural or historic interest. The property is not, however, listed as a building of national importance.

4.2 The application seeks outline planning permission for the erection of two detached dwellings on part of the garden land of the property to the side/rear. All matters (landscaping, appearance, scale, access and layout) are reserved. The front part of the side garden area is the subject of a separate application also on today's agenda for the erection of a detached dwelling (H/2012/0258).

Publicity

4.3 The application has been advertised by way of neighbour letters (17), site notice and press advert. To date, there have been 4 letters of objection.

4.4 The concerns raised include:

- a) Access for emergency vehicles
- b) Turning circle to exit the site
- c) Over-development of site
- d) Traffic problems on Westbourne Road
- e) Additional noise
- f) Wildlife affected
- g) Concerns over future use of the existing vicarage
- h) Existing building should be converted
- i) Church has six empty properties in the town, no further required
- j) Parking, street is already congested
- k) Materials and design must be in keeping
- l) Type of properties not shown on plans
- m) Utility disruption will be exacerbated

4.5 The period for publicity has expired.
Copy Letters E

Consultations

4.6 The following consultation replies have been received:

Engineering Consultancy – Request a planning condition requiring the submission of detailed drainage strategy incorporating sustainable drainage.

Head of Public Protection – No objections.

Northumbrian Water – No comments.

Traffic and Transportation – The two properties will require two parking spaces. It should be possible to enter and leave each property in a forward gear. Two dwellings are more than 30m from the highway. Under the Council's Design Guide and Specification the maximum distance from the public highway to the point of refuse collection is 25m.

Planning Policy

4.7 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Planning Considerations

4.8 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of development, the effect on the residential amenity of neighbouring properties, the impact on the character of the surrounding area and the locally listed building, the impact on trees and on highway safety.

Principle of Development

4.9 The site is located within the limits to development. Policy Hsg5 of the Local Plan (2006) states that planning permission will not be granted for proposals which would lead to the strategic housing requirement being significantly exceeded. The site is classed as a windfall site in that it has not been previously allocated for housing and as such the principle of residential development in this location is acceptable. Policy Hsg9 of the Local Plan (2006) states that proposals for new residential development will be allowed subject to a number of considerations including, the scale of the development and the impact on occupiers of new and existing development. Paragraph 49 of the National Planning Policy Framework (2012) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Residential Amenity

4.10 The site boundaries are 8m from the rear of 6 Burn Valley to the north, 7.5m from the existing vicarage, in excess of 40m from the properties on the opposite side of Westbourne Road, 15m from 36 Westbourne Road and 20 from 42 Westbourne Road. The application is outline and siting, design and layout are reserved matters. As such any reserved matters application would need to demonstrate that minimum separation distances can be achieved – 20m between habitable windows and 10m window to non-habitable/gable.

4.11 The proposal would introduce further residential development into a predominately residential area. As such in principle it is unlikely the development will have a significant impact on the amenity of the neighbouring properties.

Surrounding Area/Locally Listed Building

4.12 It is considered that the proposed development is appropriate within the context of the surrounding residential area. 34 Westbourne Road is an identified heritage asset for the purposes of the National Planning Policy Framework (NPPF) being included on the Local List. Westbourne Road itself has a relatively distinctive character and design deriving on the north side of the road, characterised in some instances by the spacious layout of individually designed dwellings set in landscaped grounds with surrounding boundary enclosures.

4.13 Section 7 of the NPPF indicates that good design is a key aspect on sustainable development and should contribute to positive making places better for people. Paragraph 58 states that development should respond to local character.

As such the development has the potential to detract from the character and appear incongruous by introducing two dwellings to the rear, contrary to the character of the north side of Westbourne Road and potentially impacting upon the setting of the locally listed building.

4.14 However, paragraph 132 of the NPPF states that when considering the impact of a proposed development on a designated heritage asset, weight should be given to the asset's conservation. *"The more important the asset, the greater the weight should be"*. Paragraph 134 states, *"where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."*

4.15 Finally, paragraph 135 states:

"The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset."

4.16 As such the level of harm upon the heritage asset from the proposed development must be weighed against the significance of the asset. In this instance weight must be given to the existing examples of dwellings or large outbuildings to the rear of properties on Westbourne Road. For example, 42 Westbourne Road is a dwelling (currently used for a care facility) which is located to the rear of 36-40 Westbourne Road. Indeed, 34 Westbourne Road has a large outbuilding to the rear of the property which detracts to an extent from the expansive open character of the property. There are also properties (46 and 48 Westbourne Road) located to the rear of properties on the frontage of Westbourne Road. Also, 30 Westbourne Road and Barmpton House fully extend the full depth of the site.

4.17 Appropriate layout and design of the two dwellings can be dealt with at reserved matters to ensure that the dwellings do not detract significantly from the setting of the locally listed building. Whilst the development does have the potential to detract from the character of 34 Westbourne Road, having regard to the examples of similar development within the local context and regard to the balance of scale of harm and significance of the asset set out in paragraph 135 of the NPPF, on balance it is considered the development in this instance is acceptable.

Trees

4.18 There are trees on the site covered by Tree Preservation order no. 142 and 140. Any development around these trees will need to avoid injuring them or placing them in a position that is going to cause a future nuisance. Any reserved matters application that comes forward will need to take into account the recommendations set out in BS5837: Trees in relation to design, demolition and construction. Adhering to the British Standard will ensure that the minimum distance between the tree and building is maintained and that the appropriate protection is given to the trees during

the development work. As such it is considered prudent to attach a condition requiring tree protection measures to be implemented.

Highway Safety

4.19 Concerns have been raised by local residents regarding the potential impact upon parking and traffic levels on Westbourne Road and these are acknowledged. However, it is considered that the resulting traffic movements from two dwellings are unlikely to be of a scale that would significantly compromise the capacity of Westbourne Road.

4.20 Each dwelling will be required to provide two off-street car parking spaces, a matter which can be dealt with by way of condition, the design and layout of which will be dealt with in a reserved matters application. It is considered that this should sufficiently negate any potential parking upon the main highway of Westbourne Road.

4.21 The Council's traffic and Transportation section have raised no highway or traffic concerns. They have indicated that sufficient refuse storage will need to be provided within 25m of the highway. A suitably worded condition is therefore proposed.

4.22 Whilst access is a reserved matter, an indicative access is shown which shows that the two properties could be adequately accessed from Westbourne Road. This should also allow sufficient access for emergency vehicles. Any vehicles within the site will need to leave in a forward gear. Sufficient space to do so within the site will need to be taken into account at the reserved matters stage.

Other Issues

4.23 Concerns have been raised regarding wildlife. The Council's Ecologist has raised no issues. Any noise or disturbance resulting from the development stage is a matter for the Council's Public Protection section under Statutory Nuisance legislation.

4.24 In terms of concerns regarding the future use of the existing vicarage, that is essentially not material to the determination of the application although it should be noted that any future material change of use of the property from its existing residential use may require a planning application. The status of other properties owned by the applicant within the town is not material to the determination of this application.

4.25 Concerns have been raised that the type of properties has not been shown. It should be noted that the application is submitted in outline, which simply seeks to establish the principle of residential development on site, allowing details of design, layout, scale and landscaping to be reserved for a later application.

Conclusions

4.26 With regard to the relevant Hartlepool Local Plan (2006) policies, the relevant elements of the National Planning Policy Framework (2012) and the relevant planning considerations discussed above, on balance, the proposal is considered acceptable and therefore recommended for approval subject to the conditions below.

RECOMMENDATION – APPROVE subject to the following conditions

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
3. The site to which this permission relates is shown on plans F10/L(--)-01, F10/L(9-)-01 and F10/L(9-)-02 received by the Local Planning Authority on 21 05 12.
For the avoidance of doubt.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property, in the interests of the health and wellbeing of the protected trees on site and in the interests of the adjacent heritage asset.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property, in the interests of the health and wellbeing of the protected trees on site and in the interest of the adjacent heritage asset.
6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in

accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
8. No development shall commence until a detailed drainage strategy incorporating SuDS has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved drainage strategy.
To ensure the site is developed in a satisfactory manner.
9. Prior to the commencement of development, a scheme for the provision of two parking spaces per dwelling shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and retained as such for the lifetime of the development hereby approved unless an alternative scheme is agreed in writing by the Local Planning Authority.
In the interests of highway safety.
10. Prior to the commencement of development, a scheme for the provision of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. The refuse storage shall be sited no more than 25m from the highway (Westbourne Road). Thereafter the development shall be carried out and retained in accordance with the approved details.
In the interests of highway safety.
11. The outline permission hereby granted shall relate to the provision of not more than 2 dwellings.
For the avoidance of doubt.

34 WESTBOURNE ROAD



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 31/08/12

Drg No: H/2012/0265

No: 5
Number: H/2012/0252
Applicant: Mr Paul Hopper c/o agent
Agent: Steve Hesmondhalgh and Associates LLP
 108 Borough Rd Middlesbrough TS1 2HJ
Date valid: 17/05/2012
Development: Engineering works to provide level surface to use site for car boot sales and erection of a 2m high perimeter fence (part retrospective)
Location: LAND ADJACENT TO THE MAYFAIR CENTRE TEES ROAD HARTLEPOOL HARTLEPOOL

The Application and Site

5.1 The application site is located immediately to the south of the Mayfair Centre at the south end of Seaton Carew.

5.2 The site which is on the west side of the Tees Road is close to industrial units/uses in the Tofts Farm and Hunter House estates and forms part of the original buffer zone between the industrial uses and the open space and leisure uses at the south end of Seaton Carew. It also acts as buffer with nature conservation sites on the east side of Tees Road (Seaton Snooks).

5.3 Immediately to the south of the site is a narrow road (approx 4m in width) which joins the industrial estate to Tees Road. This is intended for emergency use only and not for general everyday use.

5.4 The application states that the works involve engineering works in conjunction with the resurfacing of an existing hard standing, the change of use of the land to allow car boot sales and the erection of a 2m high security fence.

5.5 The design and access statement also states that the site has historically been put to various uses over the last few years including car parking in association with the previous landfill uses in the area and overspill parking for the Mayfair Leisure Centre.

5.6 The site has recently been cleared and levelled. Road planings have been laid to provide a suitable surface for the proposed use for car boot sales. 2m high palisade fencing has been erected around the entire boundary of the site. There are gates on the north and east boundaries (close to the Tees Road).

5.7 The application also proposes a change of use of the site to allow car boot sales.

5.8 Vehicular access to the site is indicated on the northern boundary from the existing car park in the Mayfair Centre and onto the emergency access road immediately to the south of the site.

Publicity

5.9 The application has been advertised by way of neighbour letters (8) and site notice. A petition of support for the continuance of the Sunday Car Boot Sale at or near to its present location was submitted with 314 names, it should be noted that these are not separate addresses.

The period for publicity has expired.

Copy Letter C

Consultations

5.10 The following consultation replies have been received:

Economic Regeneration – Initially had no objections, however as the applicant now proposes to use roads leading to the adjacent industrial estate concerns have been raised by the Economic Regeneration team regarding the potential constraints the use of these roads could have on the current and future business operations and needs on the adjacent industrial estate.

Engineering Consultancy – awaited

Public Protection – no objections

Traffic and Transport - The road leading up to the Industrial Estate is part of the adopted highway and forms an emergency access route for the Industrial Estate, it was never intended for it to be used extensively particularly the junction with Tees Road.

There are no marked parking bays on this road and any form of unregulated parking may result in inappropriate parking which may result in the emergency access being blocked or more difficult to negotiate. There are no turning areas on this stretch of road near to the compound which will result in vehicles performing U turns / 3 point turns haphazardly along the road which in turn would compromise road safety.

The applicant should provide a separate parking area conforming to the standards of the HBC Design Guide and specification. Parking restrictions should be provided at the developer's expense to discourage parking in any unsuitable areas.

The Tees Road junction is unsuitable for anything but minor use and the provision of a right turn lane would be required if this proposal was to go ahead. This would likely require some localised widening of the carriageway to accommodate this.

Planning Policy

5.11 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GN3g: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

Planning Considerations

5.12 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the adopted Hartlepool Local Plan 2006 and the National Planning Policy Framework (NPPF), the impact of the works on the visual amenities of the area, on neighbouring uses in terms of compatibility, ecology and the impact on highway safety and parking.

Principle of Development

5.13 The NPPF states that proposed development which accords with an up to date local plan should be approved and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

5.14 At the heart of this framework is a presumption in favour of sustainable development. In terms of conserving and enhancing the natural environment the Local Planning Authority should protect the green infrastructure network and decide whether the proposal would be an acceptable use of the land, consider the impact of the use and identify and protect areas of tranquillity.

5.15 Policy GEP1 seeks to protect General Environmental Principles. It states that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

5.16 Policy GE7 seeks to protect Main Approaches. It states that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

5.17 Current Council Policy GN3 (Protection of Key Green Spaces) states that planning permission will only be given for developments which relate to the use of land within these key green spaces as parkland or other amenity, recreational or landscaped open space, for churchyards, cemeteries or allotments, or for wildlife purposes..... The alterations which have been made to this site clearly do not fall within any of these descriptions and as such would not be in accordance with Local Plan Policy.

5.18 The applicant states that the land has in the past been used for overspill parking for the Mayfair Centre and for the nearby landfill sites. The site, until it was recently scraped and levelled for the car boot sales, had for a number of years been overgrown and not distinguishable as a car park. This can be seen on aerial photos which appear to show the use for parking to have been abandoned, these will be displayed at the Planning Committee.

5.19 It is considered important to retain all areas of green space in the borough. This particular area together with the land at Golden Flatts has been retained for many years to provide a buffer to major industrial development and as such the proposed use and the physical works (hard surface and fencing) would be contrary to Council and National Policy.

Visual Amenity

5.20 The physical site works have been complete for some time now and in terms of visual amenity the cleared site and shiny palisade fencing appear industrial in character and out of keeping with this part of the Tees Road area which for the most part has an open green appearance.

5.21 The new fencing can be seen from the main road and the previously mentioned emergency access road and would appear in stark contrast to the area in general.

5.22 The Seaton Meadows site which lies immediately to the south of the application site is allocated for quiet recreational uses and will be landscaped and planted once work has finished on the site.

5.23 It is considered that the industrial appearance adjacent to the Mayfair which has recently been approved for a unique sports facility on the main approach road into Hartlepool would have a negative effect on the visual amenity of the area. Whilst it is acknowledged that there are industrial units within the area, these are sited to the west, set back significantly from the main approach and screened to a large degree by landscaping.

5.24 It is considered that the works that have been carried out on the application site introduce an 'alien' feature into the street scene at this point and are therefore inappropriate and unacceptable in terms of appearance.

Change of Use

5.25 Whilst it is appreciated that until recently car boot sales were carried out at the Mayfair Centre, a major planning application has recently been approved at this adjacent site for a unique sports facility which if commences would result in a large golf dome erected on the existing Mayfair car park. The application proposed to rely on the use of this car park for visitors to the car boot sales. It should be noted that the Mayfair site is now in different ownership and therefore no dedicated parking is now proposed to accompany this use.

5.26 The use of the application site for car boot sales is not considered to be in accordance with the aspirations for this area for quiet leisure pursuits. Whilst it is unlikely that the proposed use would have a significant impact on neighbouring uses at Tofts Farm and Hunter House in terms of noise and disturbance, this type of use would result in large numbers of visitors with vehicles (sellers and buyers) at any one time. This would not be in keeping with objectives of the development plan for the long term use of the area.

Ecology

5.27 The Councils ecologist has commented that the use of this site for car boot sales is unlikely to create any increase in disturbance on the Seaton Common component of the Teesmouth & Cleveland Coast SPA as this activity would be of a similar nature to that which already exists on the adjacent Mayfair Centre car park. However, if permitted, a small amount of landscape on the Tees Road end of the site to soften its visual impact from the road would be required.

Highway Safety

5.28 The Councils Highway Engineer has commented on the proposal and would require the provision of a right turn lane into the site from Tees Road together with some road widening at the access point. Parking provision within the site should be one space per stall/pitch for sellers and 3 spaces per stall/pitch for customers together with some cycle parking.

5.29 The applicant has been asked to provide a site layout and parking scheme for the site. This has been declined as the applicant has now stated that all parking will be on the roads leading up to the adjacent industrial estate it is presumed the applicant also intends to use the emergency access road which links the Tees Road with the industrial estate to the west, given this runs along the southern boundary of the site. Access to the site will be directly from the Tees Road.

5.30 The Councils Highway Engineer has expressed serious concerns with this element of the application. The use of the narrow road which has no footpaths and no passing points is not considered to be acceptable in terms of highway safety. As previously mentioned the road is intended for emergency access between the Tees Road and the industrial estates. Should the main access into Tofts Road East become impassable, this road would provide an alternative route for emergency vehicles.

5.31 Concerns regarding the use of the adjacent roads leading to the adjacent industrial estate have also been raised by the Economic Regeneration team in relation to the potential constraints the use of these roads could have on the current and future business operations and needs on the adjacent industrial estate.

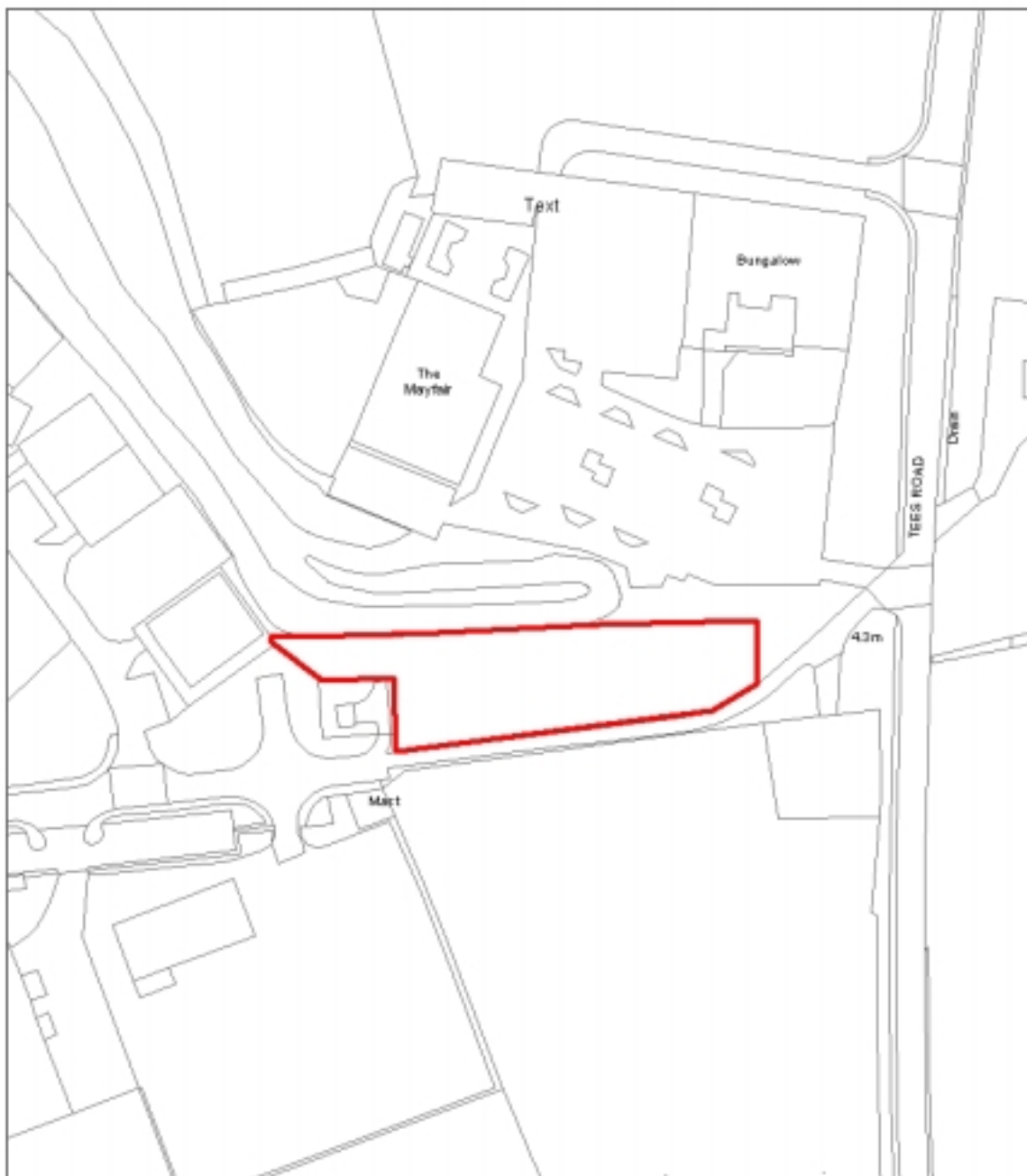
Conclusion

5.32 In view of the above the use of the site for car boot sales and the works that have been carried out are considered to be contrary to policy and would be detrimental in terms of highway safety.

RECOMMENDATION – Refuse

- 1 It is considered that the use of the emergency access road which links the industrial estate to Tees Road for parking would be unacceptable in terms of highway safety contrary to policy GEP1 of the adopted Hartlepool Local Plan 2006.
- 2 The application site is located within an area of key green space (buffer area south of Seaton Carew) and as such it is considered that the loss of part of this key green space would be to the detriment of the visual amenities of the area contrary to policies GEP1, GEP7 and GN3d of the adopted Hartlepool Local Plan 2006.

MAYFAIR CENTRE



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:1000

Date : 31/08/12

Drg No: H/2012/0252

No: 6
Number: H/2012/0200
Applicant: Mr M Ashton Dalton Piercy Road HARTLEPOOL TS27 3HY
Agent: Sean McLean Design The Studio 25 St Aidans Crescent BILLINGHAM TS22 5AD
Date valid: 18/04/2012
Development: Erection of a detached dwelling (amended plans received)
Location: Ashfield Caravan Park Ashfield Farm Dalton Piercy Road Dalton Piercy HARTLEPOOL

The Application and site

6.1 Ashfield Farm is located approximately 1km to the north east of Dalton Piercy. The site adjoins a paddock along its eastern boundary, also in the applicant's ownership. The overall site is part of a cluster of holdings which are being used for various commercial and rural related enterprises. The site is accessed from Dalton Piercy Road via a track some 300m in length.

6.2 The application seeks consent for the construction of a permanent workers dwelling to replace the static caravan which was granted temporary consent in 2009. The proposed dwelling will support the operation of the caravan and camping park, the caravan storage facility and the sheep rearing businesses.

6.3 The proposed dwelling has been amended to reduce its scale following concerns raised by Officer's. The proposed dwelling is 'L' shape with a main frontage of approximately 10.5m and a maximum depth of 13m. The eaves to the main dwellinghouse at their maximum height will measure 5m at the eaves with a maximum roof height of 7.7m. The proposed dwelling consists of four bedrooms, a lounge, kitchen, dining room and utility room.

6.4 The supporting information submitted with the application states that the four bedrooms are a necessity for the applicants as they have two teenage children of opposite sex living at home and an elderly relative in their care. The supporting information further states that the scheme has been sited to minimise the effect on the appearance of the open countryside and the building designed to blend in with its surroundings. The proposed building will have a traditional appearance of brick and slate effect roof.

Planning History

6.5 The application site is an operating touring caravan and camping site, which was approved by Members on the 8th August 2006. This was approved with some 13 conditions including that the site be restricted to the months of March to October and the requirement for the erection of an acoustic fence. An application to provide a licensed clubhouse on the site was refused by Members on the 1st August 2007, however this was allowed on appeal on 13th December 2007, subject to conditions.

6.6 An application was granted on the 5th March 2009 to vary a planning condition to allow the caravan and camping park and clubhouse to be open between 1st April and 31st January. Permission was also sought and granted within the same application to remove a condition to provide an acoustic fence.

6.7 On the 26th January 2010 planning permission was granted to change the use of a sheep paddock to provide storage for touring caravans as well as the provision of a residential caravan.

6.8 On 22nd December 2010 planning permission was granted for the erection of a single storey extension to the existing clubhouse measuring some 6m x 14m. In addition, permission was also granted which varied conditions attached to a previous approval to allow the consumption of food and drink on land surrounding the clubhouse.

6.9 On the 10th April 2012 planning permission was granted to vary conditions attached to a previous approval H/2010/0625 to allow the operational period of the caravan and camping park and the clubhouse from ten months to twelve months of the year (all year round).

Publicity

6.10 The application has been advertised by way of neighbour letters (11), site notice and press advert. To date, there has been one letter no objection and one letter of comments received.

6.11 The concerns raised is:

1. I have no objection in principle to either of the two (Ashfield Caravan Site and Abbey Hill Fishponds) proposed developments, but I would urge that, wherever appropriate, any new development be screened by large amounts of indigenous tree/shrub planting. Furthermore, it would be helpful all round if the criteria by which the Council granted approval for a new dwelling in the countryside were to be published and subject to public comment.

6.12 The period for publicity has expired.

Copy Letters B

Consultations

6.13 The following consultation replies have been received:

Northumbrian Water – No objections

Economic Development – Economic Development and Tourism Section has no objections to the above application for the erection of a detached dwelling. The dwelling would allow the owners to have permanent residence at the Caravan Park which can only improve customer service and security on site.

Tees Archaeology – There are no known archaeological sites in the area indicated. I therefore have no objections to the proposal and have no further comments to make.

Conservation Officer – A landscaping scheme which includes details of proposed native hedgerow planting to the perimeter of the site has been submitted in support of the application. I would consider the submitted details acceptable and would raise no objections to the proposed development.

Dalton Piercy Parish Council – The Council has expressed concerns previously about whether the restrictions placed on the site during previous applications are being adhered to. The planning departments follow up to these concerns showed that to be true but not in a ‘major’ way. They ask that what restrictions are put in place are strictly enforced. The Council cannot understand why property prices in Dalton Piercy come into the equation. If a site needs 24 hour occupation for security reasons and admin purposes then having a house in Dalton is not practical, this ‘reasoning’ has been used before in applications sited on Dalton Back Lane. Incidentally, there are at least two properties still for sale at approximately £160,000.

Environment Agency – The non-mains drainage form does not have any details of the treatment plant to be used, or percolation test value, to enable us to confirm the suitability of a soakaway and size required to be installed.

These aspects may not have been finalised at this stage of the application and therefore the Environment Agency has no objection to the proposals as submitted subject to a condition.

Engineering Consultancy – Having studied the Environment Agency response and requested condition, I think that they have made an error in their condition and where they refer to storm drainage; I believe that they mean foul drainage. Nevertheless a planning condition will be required covering storm drainage, as the preferred method of disposal of surface water has been identified as being to watercourse and this discharge will need to be restricted to a 1 year Greenfield Run-off rate. Accordingly the applicant will need to provide detailed drainage design.

Public Protection – No objections

Group Accountant - These accounts are prepared by a professional accountancy firm so we can take some assurance that they represent a true view of the business however they do not appear to have been subject to independent audit which limits assurances a little, however I’m not sure whether independent audit is a requirement for such a small business anyway.

Based on the information provided the Profit and Loss Statement shows an approximate 45% increase in sales, this seems unusual given the state of the economy but if this business is indeed thriving as indicated it would seem they are in a strong position. Looking at the balance sheet they do have a large loan and the Director’s are also effectively part funding the business as can be seen by the line “Director’s Current Accounts.” The indication is that the loan is short term, if this is the case then they may have difficulty refinancing in the current economic climate

(similarly if the director's putting in personal finances it's possible they may come under personal financial strain). The business is clearly repaying it's loans as the balances of these have reduced in the year.

They do have negative capital but this appears to be reducing with the increase in profits. So long as the current sales levels continue then the business should be able to continue to service its debt and remain in business. However I do not have enough information to comment further on whether the sales are sustainable.

Traffic and Transportation – No major highway implications with the scheme

Planning Policy

National Planning Policy Framework

6.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The following paragraphs in the NPPF are relevant to this application:

Para	Subject
14	Presumption in favour of sustainable development
55	Sustainable development in rural areas
187	Solutions rather than problems
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

Regional Spatial Strategy

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies (RSS) with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the Government's intention to abolish RSS when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

Notwithstanding the current RSS situation the proposals, due to their small scale, would not be subject to any policies contained in the RSS.

Local Plan 2006

The following Local Plan 2006 policies are relevant to this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Hsg9: Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

Rur12: States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational

requirements agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Local Plan 2012 (Submission)

The 2006 Local Plan is in the process of being replaced by the 2012 Local Plan. Currently the 2012 Local Plan is at Submission stage (the final stage prior to adoption) and has been through significant public consultation to reach this stage. As a result the policies in the 2012 Local Plan hold significant weight when determining planning applications.

The following Local Plan 2012 policies are relevant to this application:

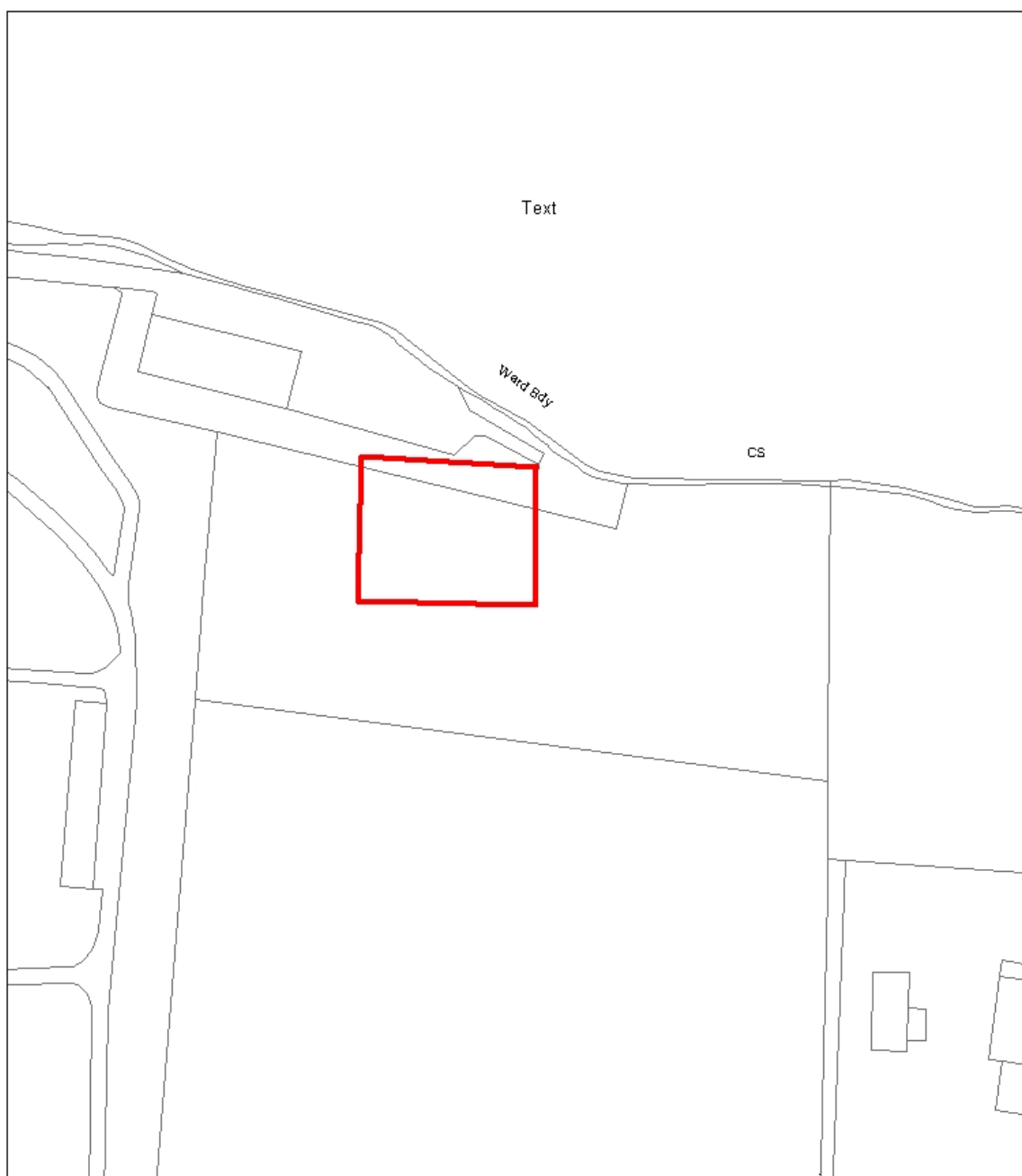
Policy	Subject
LS1	Locational Strategy
ND4	Design of New Development
HSG3	New Dwellings Outside of Development Limits
RU1	The Rural Area

Planning Considerations

6.15 The main planning considerations are considered to be policy, design, impact on the visual amenity of the area, drainage and highway safety. A comprehensive report will be provided to members in the form of an update report which covers all of the planning considerations

RECOMMENDATION: Update report to follow.

ASHFIELD CARAVAN PARK



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:0000

Date : 31/08/12

Drg No: H/2012/0200

No: 7
Number: H/2012/0156
Applicant: Mr BRENDON COLAROSS I Engineering Consultancy
 Hanson House HARTLEPOOL TS24 7BT
Agent: HARTLEPOOL BOROUGH COUNCIL Mr BRENDON
 COLAROSS I HBC ENGINEERING CONSULTANCY
 HANSON HOUSE HANSON SQUARE HARTLEPOOL
 TS24 7BT
Date valid: 03/04/2012
Development: Construction of new sea defence works and replacement
 promenade including access ramps and steps (Area MA
 13-1B-E)
Location: LAND AT THE FRONT SEATON CAREW HARTLEPOOL

Background

7.1 This application relates to the second phase of the Seaton Carew Coastal Strategy (SCCS) which was recommended for approval by the Environment Agency's Large Projects Review Group in December 2011. Works relating to the first phase of the strategy are now complete, having received planning permission in 2011 (H/2010/0680).

7.2 The Seaton Carew Coastal Strategy comprises a series of coastal processes, environmental and economic studies which have been carried out by the Council in consultation with key stakeholders to develop a coastal strategy for the area from Newburn Bridge to the Tees Estuary. The strategy identifies strategic options to achieve recommended policies for the coast as set out in the North East Shoreline Management Plan (SMP) 2 (2007). The SMP2 (2007) is a document produced for the North East Coastal Authorities Group (NECAG) which sets out risks associated with coastal evolution and presents a policy framework to address these risks over an area stretching from the River Tyne to Flamborough Head. The recommendation from the SMP2 (2007) for the Seaton Carew management area is to 'hold the line' in the short, medium and long term (up to 100 years).

The Application and Site

7.3 The site to which the application relates is located within management area MA13.1B – E which forms a section of coastal protection structures which commence due south of the Station Lane access ramp and stretch to the Northumbrian Water Ltd Headworks facility adjacent to the southern end of the Seaton Carew coach park.

7.4 The site contains four distinct management areas (B-E). MA13.1B and C comprise defences which were built circa 1916 and 1938 respectively. MA13.1B contains approximately 300m of low height revetment walls supporting concrete parapet walls. This area also contains a vehicle slipway access to the beach at the north and two sets of pedestrian access steps to the beach. MA13.1C consist of

approximately 200m of revetment walls supporting concrete parapet walls. This area also includes a vehicle slipway to the beach and two sets of access steps to the beach. Both areas contain construction defects and signs of exposed reinforcement within the wall. Low beach levels at these sections have caused the wall foundations to become exposed.

7.5 Section D consists of vehicle access slipway and section of sloped stone pitched revetment topped with concrete measuring approximately 65m in length. Condition is relatively good, however, low beach levels result in scour around the shall toe of the concrete slope.

7.6 Section E consists of approximately 150m of concrete wall with shallow foundations. Undermining of the foundations has caused the northern end of the wall to fail. A temporary rock armour toe was recently placed at the northern end of the wall to prevent further undermining but it is not a permanent solution.

7.7 The application proposes a new seawall. The parapet sections of the various existing seawalls are to be demolished and stockpiled to be reused as fill with the lower sections of wall and foundations remaining in situ. A new foundation is to be constructed and a new upgraded concrete faced reinforced earth seawall incorporating a wave return would be constructed, extending from the Station Lane Ramp to the Coach Park to the south. At the southern end the new sea wall will curve slightly seawards and will taper down to the beach level in front of the existing dunes.

7.8 The ramp access to the north is to be filled up to the promenade level and an access route from the existing gate to the new ramp will be hard surfaced.

7.9 New paving will be provided to the promenade. New 3m wide concrete beach access steps will be provided adjacent to the Longscarr Centre.

7.10 The existing ramp to the south of the car park will be filled up to the promenade level and paved to tie in with the resurfaced promenade. A new 3m wide concrete pedestrian access ramp is to be provided to the beach with a gradient of 1:21.

7.11 Reclaimed land behind the new sea wall alignment will be included to expand the existing area of open space and will be soft landscaped using suitable coastal grass and wildflower species. The promenade will be widened adjacent to the coach park, before 3m wide concrete access steps are provided to the beach. The existing ramp at the coach park again will be filled to the promenade level. A new 5m wide sand verge/equestrian access route segregated from the promenade by low-level timber railing will be provided to the south along with a new 5m wide concrete access ramp to the beach.

7.12 Construction is anticipated to begin in April 2013, although facilitating works upon the beach have already begun. Works are to be complete by November 2013. Public access will be restricted along the promenade during construction of the various sections of the works with appropriate diversions in place. Sectional closure of the promenade will be managed using measures to restrict access to working areas as required for health and safety reasons.

7.13 In accordance with regulation 5 of the Town and Country (Environmental Impact Assessment (EIA)) (England and Wales) Regulations 1999 (as amended), the Local Planning Authority adopted a screening opinion (H/2010/0361) which concluded that the proposed works were considered to fall within Schedule 2 development and that subject to the consideration of Schedule 3, the works constituted EIA development.

7.14 An EIA scoping opinion was issued on (H/2011/0015) which stated that the following potential impacts should be assessed as part of an Environmental Statement:

- Landscape and visual amenity;
- Heritage;
- Biodiversity and ecology;
- Water quality;
- Rights of way.

7.15 The applicant has submitted an Environmental Statement in support of this application in accordance with the provisions of the EIA regulations (1999) and having regard to the initial scoping opinion issued by the LPA.

Publicity

7.16 The application has been advertised twice by way of site notice, press advert and neighbour letters (66). To date, there have been 2 letters of no objection.

7.17 The period for publicity has expired.

Consultations

7.18 The following consultation replies have been received:

Northumbrian Water – No objections.

Environment Agency – No objections.

Natural England – SPA/Ramsar site: Unlikely to have a significant environmental effects subject to a condition restricting works between November March. SSSI: No likely significant environmental effects subject to conditions.

Tees Valley Wildlife Trust – No comments received.

Crown Estates – No comments received.

Teesmouth Bird Club – No objections.

RSPB – No objections.

National Planning Casework Unit – Comments awaited.

MMO – No comments received.

HBC Economic Development – No objections.

HBC Ecologist – No objections.

HBC Head of Public Protection – No objections.

HBC Landscape Architect – No significant landscape and visual impact issues.

HBC Property Services – No comments received.

HBC Traffic and Transportation – No highway or traffic concerns.

Planning Policy

7.19 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GN3: Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

HE1: States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE2: Encourages environmental improvements to enhance conservation areas.

Rec9: States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

To5: Identifies this area for small scale commercial/leisure purposes associated with the beach. Development should respect the quiet nature of The Green and the surrounding esplanade gardens.

WL1: States that development likely to have a significant adverse effect on an international nature conservation site will be subject to the most rigorous examination and will be refused unless there is no alternative solution or there are imperative reasons of over-riding public interest for the development. Where development is permitted, the use of planning conditions or obligations will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL2: States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL5: States that development likely to have an adverse effect on a local nature reserve will not be permitted unless the reasons for development outweigh the harm to the substantive nature conservation value of the site.

WL7: States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

Planning Considerations

7.20 The main issues for consideration in this instance is the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies as set out above, including the principle of development, the impact on visual and residential amenity, landscape and visual impact, the impact on the character and appearance of the Seaton Carew Conservation Area, ecology and biodiversity, coastal impact, drainage and water quality, flood risk, air quality, traffic and transportation, cumulative impact, noise and vibration, and public access.

Principle of Development

7.21 The National Planning Policy Framework (NPPF, 2012) states that Local Planning Authorities should adopt proactive strategies to mitigate and adapt to

climate change, taking full account of flood risk, coastal change and water supply and demand considerations. It is therefore considered that the provision of new flood defences in this location is acceptable in principle in terms of the prevention of flood risk in accordance with NPPF principles. In terms of the policies of the Hartlepool Local Plan 2006 the development is also considered acceptable. Detailed considerations are discussed below.

Residential Amenity/Landscape and Visual Impact

7.22 In terms of the proposed new sea wall, it is unlikely that the works will be visible from the closest residential properties which are in excess of 60m away from the frontage. The existing sea wall will remain as is for the most part. The only visual alteration will be the parapet above the new sea wall, the infilling of the ramps and the hard and soft landscaping works to the promenade.

7.23 There is the potential for amenity impacts from the construction phase in terms of potential noise and disturbance. Given the distance between the site and the closest residential properties, subject to a condition restricting construction works to daytime hours only, it is considered unlikely that the construction works will have a significant impact on residential amenity.

7.24 In terms of visual impact, it is considered that the construction phase of the proposed scheme is likely to be the element of the proposal most likely to give rise to visual impacts in terms of the temporary site compounds, construction plant and temporary lighting, the full details of which can be satisfactorily dealt with by suitably worded planning conditions. Those areas within which the construction works are likely to be most visible are to the west, particularly on the promenade area and to the east on Seaton Carew beach. It is considered that their impact will be of a temporary nature and it is considered therefore that the construction works are unlikely to have a significant adverse impact on visual amenity.

7.25 In terms of the visual impact of the defence works upon completion, the majority of the works are similar in visual terms to the existing defences. Furthermore, the infilling of the ramp ways, whilst increasing the height of the existing level, will only increase to the same height as the remainder of the promenade and therefore will be in keeping with the existing promenade feature. In light of the above it is considered unlikely that the works will have a significant impact on the visual amenity of the area.

7.26 The proposals recognise the site is largely within a Conservation Area and note that appropriate materials will be used. The alignment of the new wall also addresses a number of long term access issues involving the fragmentation of the existing promenade in terms of physical connectivity and usable space.

7.27 In visual impact terms, the works are likely to result in a significant improvement from the current situation.

7.28 The surrounding landscape is a mix of coastal and urban elements, with rural elements largely to the south. In the absence of the proposed scheme, the landscape is likely to change dramatically with coastal erosion. It is considered that

given the temporary nature of construction works, it is unlikely they will have a significant impact on the landscape. Furthermore, given the extent of the works, when viewed against the existing sea defence, it is considered that the scheme itself is unlikely to have a significant landscape impact.

Conservation

7.29 Policy HE1 of the adopted Local Plan (2006) states that proposals for development in Conservation Areas will only be approved where it can be demonstrated that the development will preserve or enhance that character and/or appearance of the area. It is considered that the proposed scheme is likely to enhance the character and appearance of the Seaton Carew Conservation Area. A condition requiring materials to be submitted for agreement prior to development i.e. paving, railings, lighting and seating, will ensure that the works are appropriate within the context of the Conservation Area. The design and appearance of the works are considered appropriate with the setting and in keeping with the character and appearance of the Conservation Area.

7.30 It is considered that the works will have a moderately adverse impact on the setting of the Bus Station (Grade II Listed Building). Appropriately designed and implemented environmental measures are considered appropriate to mitigate effects with the potential to produce an enhanced outcome. Mitigation is proposed to the setting of the Bus Station through environmental improvements to reinforce its connections with the wider Seaton Carew Conservation Area.

Highways

7.31 The only potential highways impacts in respect of the scheme will arise from the construction phase and associated vehicle movements. It is indicated that vehicle movements are to be few, indeed it is indicated that they will be less than 30 movements per day. The Council's Traffic and Transportation section have raised no concerns with the proposals. It is considered therefore that the proposals are unlikely to have a significant impact on highway safety.

Flood Risk

7.32 The proposed scheme is unlikely to give rise to flood risk concerns. Indeed the scheme will contribute towards the reduction in the risk of flooding of Seaton Carew from coastal flooding. On that basis the scheme is considered acceptable in respect of flood risk. The Environment Agency have raised no objections to the scheme.

Air Quality

7.33 It is considered that the proposal is unlikely to have a significant impact in terms of air quality and dust. However, it is considered prudent in this instance to impose a condition requiring measures to reduce vehicle and plant exhaust emissions to be agreed and implemented as part of a construction management plan. Further, it is indicated that stockpiles of materials during the construction phase will be covered to prevent wind blown material. It is considered that this can be adequately controlled by a suitably worded planning condition.

Water Quality and Drainage

7.34 Potential receptors in terms of water quality are surface water in terms of the North Sea and groundwater in terms of a superficial layer of beach deposits of sand and gravel, raised marine deposits of sand, silt and clay. The deposits are classed as a secondary A aquifer. This superficial drift is underlain by solid geology comprising Sherwood Sandstone which is a principal aquifer. There is one licensed abstraction within 2km radius of the scheme, and thirteen discharges within 2km. The North Sea in this location is considered important for recreation and biodiversity and groundwater for water supply at Seaton Carew Golf Course. The loss of the promenade and erosion of the land behind it in the absence of the scheme would have a significant detrimental impact on a water quality.

7.35 In terms of drainage, at present any overtopping water is drained directly back to the sea, with highways drains also being present along the frontage. It is considered that the proposed scheme will reduce overtopping to the benefit of the existing drainage systems. Details of the disposal for foul water include it being tankered away for disposals. Details are to be agreed with the Environment Agency. It is indicated that there is a sewer close to the application site. Northumbrian Water has raised no objections to the scheme. Any damage case by construction would be a private matter and is not material to the consideration of this application. In terms of any drainage implications the proposal is considered acceptable.

Coastal Impact/Cumulative Impact

7.36 The proposed scheme is in accordance with planned measure for combating coastal erosion set out in the Shoreline Management Plan 2 (2007). The policy in this instance is to 'hold the line'. The proposed scheme is in line with the policy set out in SMP2. It is considered that the proposed works will contribute towards protecting Seaton Carew from coastal erosion. Furthermore, the works will ensure that the coast line is retained in its current form.

7.37 There are implications arising from coastal squeeze in two respects – biodiversity/ecology and recreation. Issues in respect of biodiversity are discussed below. In terms of recreation, coastal squeeze will result, in the long term, in a loss of beach, mainly as a result of coastal erosion, squeezing the beach against the sea wall. Any loss of habitat due to coastal squeeze would be of the beach above the 100 year projected high tide level and not of intertidal areas. It is considered, that given the necessity of the works in the interests of resisting coastal erosion, the proposal is considered acceptable.

Ecology and Biodiversity

7.38 The site lies outside of the Teesmouth and Cleveland Coast SPA and Ramsar site and the Seaton Dunes SSSI. However, regard must be had to the potential impacts on biodiversity given the proximity to the designations, the proximity to local wildlife designations of the Long Scar and Little Scar LGS and Carr House Sand LWS, the Seaton Dunes LNR and the potential use of the site for wildlife.

7.39 No adverse impacts on ecology or biodiversity are anticipated, indeed it is anticipated that there will be minor enhancements in the form of protection at the southern end around the dunes. Furthermore, the proposal to create 0.57ha of coastal grassland and the provision of appropriate signage aimed at reducing disturbance to breeding, passage and wintering birds will enhance habitats and nature conservation in this location. Both Natural England and the Council's Ecologist have raised no concerns with the proposals, indicating that it is unlikely the proposal will have significant environmental impacts in ecological terms.

Public Access

7.40 The construction phase of the proposal will result in the beach and promenade being closed to the public during the works. However, closure will be only on a temporary basis during construction. Once the works are implemented public access will remain, indeed the works to strengthen the defences will help safeguard and promote increased usage of the area for public access.

Conclusions

7.41 With regard to the relevant planning policies, and the relevant material planning considerations as discussed above, the proposals are considered acceptable and recommended for approval subject to the comments of the National Planning Casework Unit and the conditions below.

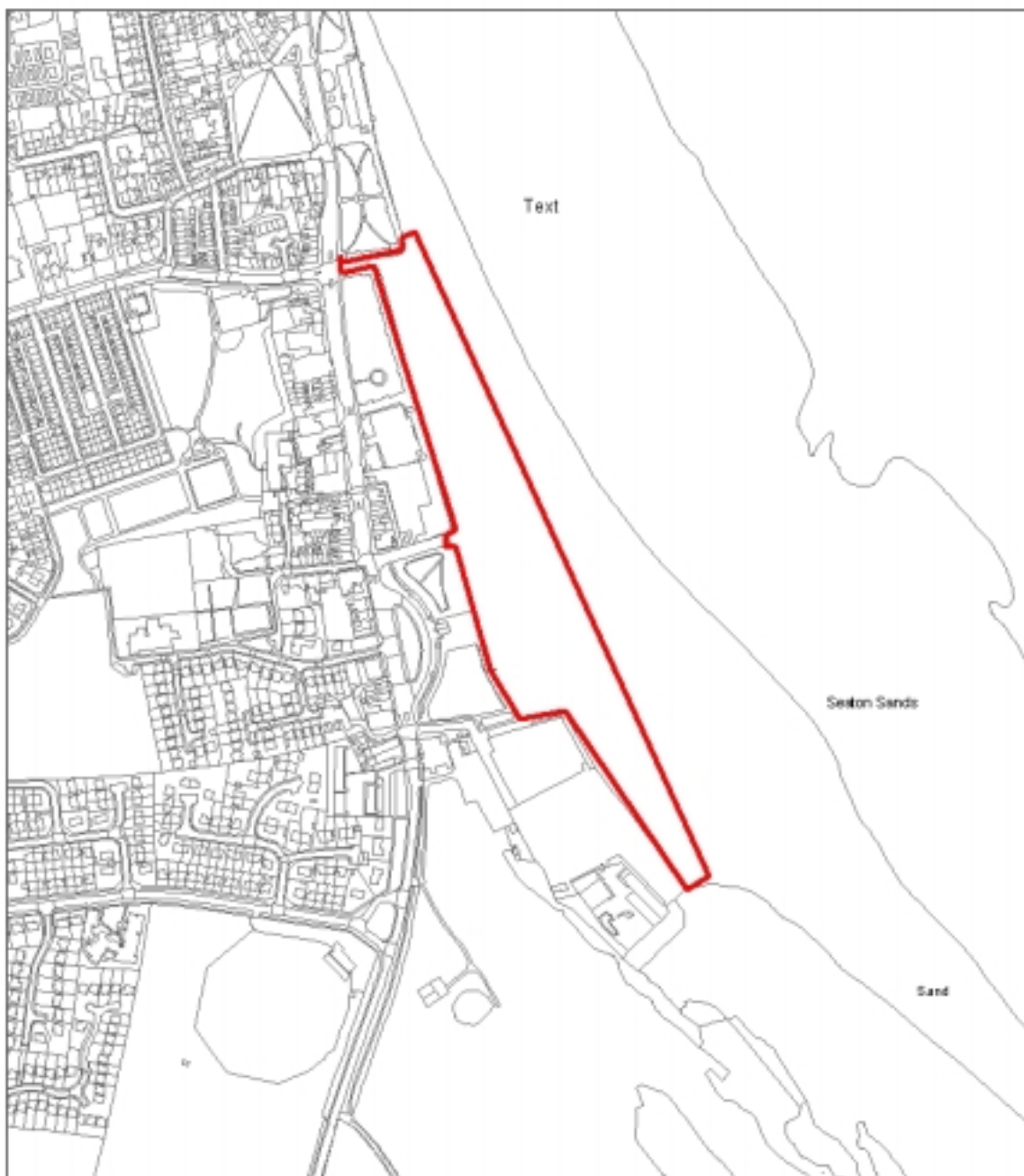
RECOMMENDATION – Minded to APPROVE subject to the comments of National Planning Casework Unit and the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents: 'Outline of Proposed Works' received by the Local Planning Authority on 21 August 12; 'PR416/01/LP' and 'PR416/01/EL' received by the Local Planning Authority on 29 March 12; 'Environmental Statement' and 'Environmental Statement and Appendices' received by the Local Planning Authority on 3 April 12; 'Environmental Statement Addendum' received by the Local Planning Authority on 11 June 12; and, 'Design and Access Statement' received by the Local Planning Authority on 26 March 12. For the avoidance of doubt.
3. Construction of the development hereby approved shall be carried out during the months of April to October inclusive only and at no other time unless otherwise agreed in writing by the Local Planning Authority.
In the interests of biodiversity.
4. The construction of the development hereby approved shall only be carried out between the hours of 08.00 and 18.00 Mondays to Fridays inclusive, 08.00 and 16.00 Saturdays and at no other time on Sundays or Bank Holidays
In the interests of the amenities of the occupants of neighbouring properties.

5. Prior to the commencement of development, a Construction Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - (1) the parking of vehicles of site operatives and visitors;
 - (2) loading and unloading of plant and materials;
 - (3) storage of plant and materials used in constructing the development;
 - (4) the erection and maintenance of security hoarding;
 - (5) wheel washing facilities;
 - (6) measures to control the emission of dust and dirt during construction;
 - (7) turning on site of vehicles;
 - (8) the location of any site huts/cabins/offices;
 - (9) the phasing of construction and subsequent access routes for HGV's, including estimated number of movements and duration together with the installation of temporary signage as appropriate on the highway network to direct construction traffic;
 - (10) details of timescales for closure of the beach and promenade to the public;
 - (11) details of proposed temporary lighting;
 - (12) details of isolated drainage systems for foul water to prevent discharge to surface or groundwater;
 - (13) details of containment measures for fuels, oils and chemicals;
 - (14) plans to deal with accidental pollution.To ensure the site is developed in a satisfactory manner.
6. Prior to the commencement of the development hereby approved, details of public information signage to raise awareness of the importance of the beach to birds, including size, design and siting of the signage, shall be submitted to and agreed in writing in the Local Planning Authority. Thereafter the signage shall be erected prior to the commencement of development and retained as such for the lifetime of the development hereby approved unless otherwise agreed in writing by the Local Planning Authority.
In the interests of biodiversity.
7. Final and large scale details of all external materials including paving and edging materials, details of replacement railings, details of lighting and seating, cross sections of the proposed wall and piers to the proposed steps shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity and the character and appearance of the Conservation Area.
8. No development shall commence until a detailed scheme for the creation of 0.57ha of coastal grassland has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be implemented in accordance with the agreed details prior to the completion of

the development hereby approved.
In the interests of biodiversity.

LAND AT THE FRONT, SEATON CAREW



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:5000

Date : 02/08/12

Drg No: H/2012/0156

No: 8
Number: H/2012/0331
Applicant: Ms Julie Reed Civic Centre Victoria Road HARTLEPOOL TS24 8AY
Agent: Hartlepool Borough Council Mr Colin Bolton Property Services Division Bryan Hanson House Hanson Square Lynn Street HARTLEPOOL TS24 7BT
Date valid: 03/07/2012
Development: Demolition of nursery and erection of a single storey extension to provide foundation unit and provision of fencing and pedestrian gate
Location: West Park Primary School Coniscliffe Road HARTLEPOOL

The Application and Site

8.1 The site to which this application relates is West Park primary school located within a predominately residential area.

8.2 The school is accessed from Coniscliffe Road for visitors and pupils with the access to the rear of the school for staff, including parking from Duchy Road.

8.3 Duchy Road is the access road to the neighbouring High Tunstall Farm, it is also the access road for the caretakers bungalow at the rear of the school site.

8.4 The proposal seeks to demolish the existing detached nursery school building located on the east side of the school building and erect a single storey attached extension on the rear of the existing school building, the proposal includes the addition of a new entrance gate, internal fencing to the existing playground and the relocation of the existing nursery canopy to be positioned on the west side of the school.

8.5 The application is presented to Members as it relates to an application relating to the Council's own land and there is an objection to the scheme.

Publicity

8.6 The application has been advertised by neighbour notifications (20) and a site notice. To date there has been one letter of objection received raising the following concerns:

- Parking and access to the site, capacity will be increased
- Parents park on yellow lines and block drives, the increase in vehicles will make this worse
- Current access and parking situation is insufficient and the proposed extension will increase capacity of the traffic flow.
- Safer parking for parents and children should be provided and parking restrictions tightened and enforced.

Copy letter F

The period for publicity has expired.

Consultations

8.7 The following consultation replies have been received:

Engineering consultancy – I note that the proposal involves a part demolition and erection of a new structure (foundation unit). Given this is a Hartlepool Borough site, there is not a requirement for the applicant to submit a Section 80 Demolition notice in accordance with the Building Act. However, for the main demolition, the applicant must ensure that a type three intrusive asbestos survey is carried out prior to commencing. As a minimum, the applicant must ensure that safe management systems (fulfilling health and safety/CDM requirements) are in place prior to commencing with the demolition. There are no land contamination concerns however an informative should be added detailing information in the event of land contaminates being found

Landscape & Conservation – The proposed development will result in the loss of four trees from this site and although these are not significant trees in terms of stature within the landscape context they should be replaced within the school grounds to maintain the same level of tree cover here. No objection subject to a landscaping scheme which can be achieved by condition.

Ecology – The building has PVC cladding all around it, which appears to have no suitable gaps for bats and the risk of bats roosting in the building is therefore considered to be low. As such a bat survey would not be required prior to determination but as it is very difficult to rule out the possibility that a bat may take up temporary residence in almost any building it would be prudent therefore for an informative to be added detailing what action should be taken in the event of bats being found.

Public Protection – No objection

Traffic & Transportation – No objection

Planning Policy

8.8 The following policies in the adopted Hartlepool Local Plan 2006 are relevant to the determination of this application:

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees,

landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

Planning Considerations

8.9 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies with particular regard to the potential impact of the proposals on the amenity of neighbouring properties and highway safety.

8.10 The proposed new nursery extension will link into the existing reception classes (infant). A direct link between the nursery and the reception classes is fundamental, being seen as beneficial in terms of early years education needs. The design of the extension is similar to the existing school and therefore it is not considered that the extension will have an adverse impact on the surrounding area.

8.11 It is proposed to use an area that is set out as a 'trim trail' to accommodate an outside play area for the nursery. This area is not currently used and is in need of replacement or upgrading, it is considered the removal of this area will not impact upon the amenity of the school. There are 4 trees which will need to be removed from this area, the Council's Arborist raises no objection to the removal of the trees subject to an adequate condition requiring further landscaping and tree and shrub planting to compensate for their loss.

8.12 It is proposed to provide a new pedestrian access gate from Coniscliffe Road and associated access paths to the new nursery building. A low fence is proposed around the existing tarmac playground which will restrict parents accessing this area when visiting the nursery to collect pupils. It is considered that this element is unlikely to create any significant impact upon the street scene of the residential properties opposite the school.

8.13 The school operates a School Travel Plan with the objective of reducing the congestion and the number of cars parked inconsiderately outside the school. The school provides adequate parking for staff.

8.14 Concerns raised regarding the proposal having an impact on the current issues of traffic and parking congestion have been considered by Traffic and Transportation who raises no objection providing there is no increase in numbers of children going to the nursery school, it has been confirmed that there are no changes proposed to pupil numbers.

8.15 It is acknowledged that there will be some disruption to residence living close to a primary school especially at peak times at the start and end of the school day it would be difficult to sustain an objection on the grounds of increase in traffic movement given that there is to be no change in pupil numbers going to the school.

8.16 However there are other statutory powers that can deal with highway issues.
It is considered that the proposed works will benefit the school and enable the nursery to be more integrated into the school.

8.17 It is considered unlikely that the proposed works would have a detrimental impact upon the street scene or the residential properties.

Conclusion

8.18 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations set out above, the proposal is considered acceptable subject to the conditions below.

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 28 June 2012 Dwg No(s): 743/35/1000 (Existing Plan), 743/35/1001 (Existing Elev (part), 743/35/2003 (Proposed External Works), 743/35/2001 (Proposed Elev) 743/35/1003 (Location Plan) and amended plans received on 2 July 2012 Dwg No(s) 743/35/2000 Rev A (Proposed Plan), 743/35/2004 Rev A (External Works Details), and photographs of existing fence and gate details, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval

of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

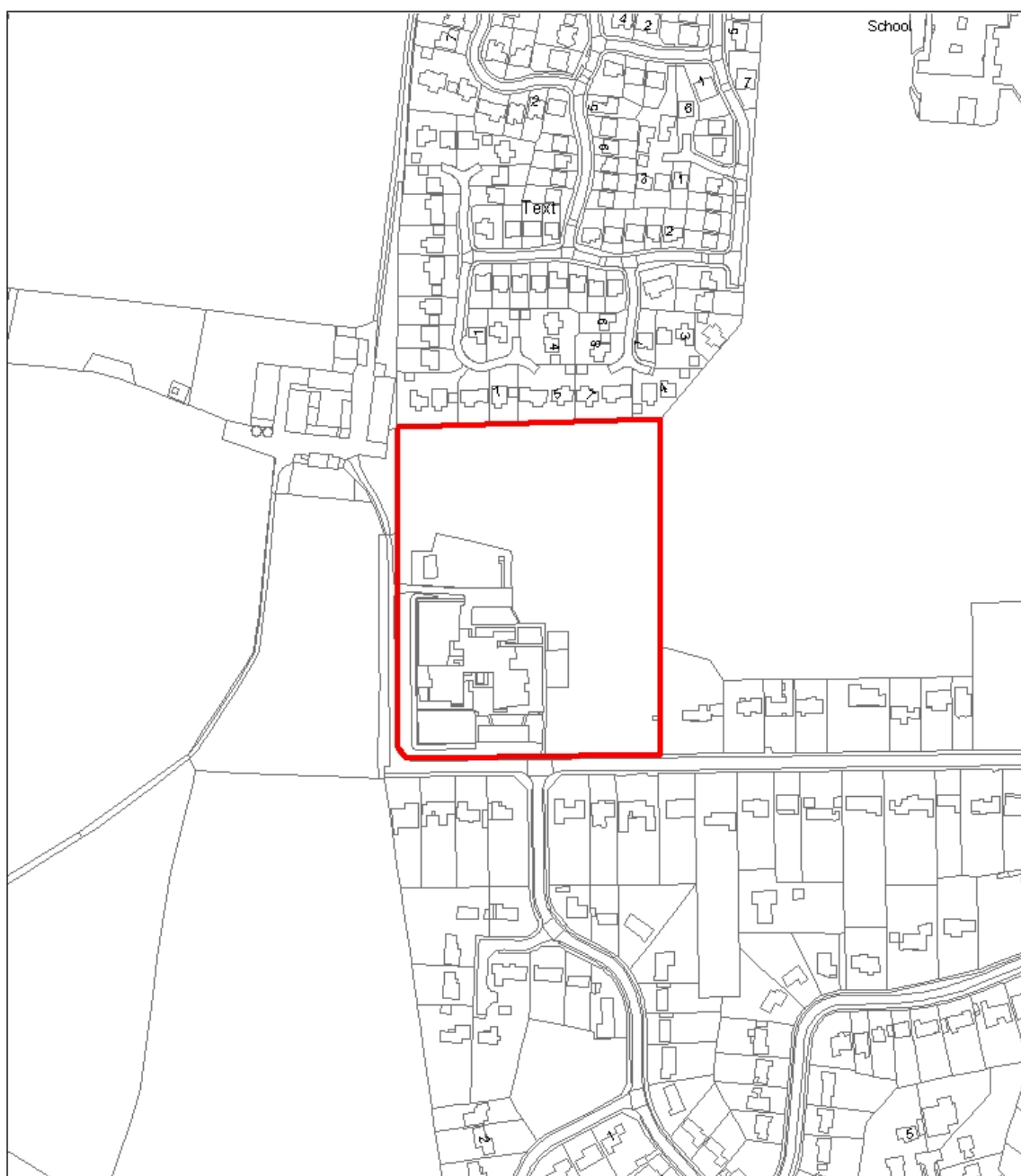
5. Prior to the demolition of the existing nursery building a scheme for making good the land and a method of restoring the land to its former use shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details.

In the interests of visual amenity.

6. Prior to the use of the hereby approved extension the existing nursery building shall be demolished in accordance with condition 5, unless otherwise agreed in writing by the Local Planning Authority.

In the interests of highway safety.

WEST PARK PRIMARY SCHOOL



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale: 1:0000

Date : 31/08/12

Drg No: H/2012/0331

No: 2
Number: H/2012/0334
Applicant: Chase Property Developments c/o Agent
Agent: Savills (Commercial) Limited Mr Trevor Adey Belvedere
12 Booth Street MANCHESTER M2 4AW
Date valid: 24/07/2012
Development: Change of use from bowling alley (Use Class D2) to retail
(Use Class A1) and alterations to entrance
Location: Unit 5 (UK Superbowl) Teesbay Retail Park Brenda Road
HARTLEPOOL HARTLEPOOL

Background

2.1 This application appear on the main agenda at item 2.

2.2 The recommendation was left open as the applicant had been asked to clarify various matters.

Consultations

2.3 Economic Development : Economic Development and Tourism would be willing to support change of use of the existing facility if the current business is not sustainable as this would support an alternative use and therefore help to support the economy in Hartlepool. The Superbowl does sit within a retail park and therefore the change of use befits its location. However the UK Superbowl is a leisure facility which can be enjoyed by both visitors and residents alike and provide a good addition to the mix of facilities in Hartlepool. The planning application is from the owner of the site and not the business and therefore to support a change of use it is essential to determine whether the business is indeed going to close as it would be disappointing to lose this facility. It would lead to visitors and residents going elsewhere to participate in bowling and therefore have a detrimental effect on the economy.

Planning Considerations

2.4 The main planning considerations are considered to be policy and in particular the impact of the development on the vitality and viability of the town centre.

POLICY

2.5 The application site is an existing unit within an existing retail park.

2.6 The most relevant policy (Com 7) of the extant Hartlepool Local Plan 2006 identifies the site for mixed uses comprising non food retail, leisure and business uses. The applicant has not indicated the proposed retail use and whether this would involve food or non food uses. Notwithstanding this given the previous outline approval(H/2009/0390), which considerably relaxed restrictions on the type of

retailing allowed on the site, in principle the proposal to change the use of the unit to retail is considered acceptable subject to conditions.

2.7 In terms of the impact of the development on the vitality and viability of the town centre it is acknowledged that the retail park benefits from an outline permission for substantial additional retail development on the site (H/2009/0390). This includes new build units. The latter permission is subject to a condition which requires not less than 2498 square metres of floorspace (gross) within the retail park to be used for Class D2 leisure purposes (this would include a bowling alley use). The viability and future of the existing bowling facility however is in question and the applicant is proposing to effectively swap the retail floorspace which would be provided if the outline permission were implemented for the existing D2 floorspace. In light of the fact that existing and proposed space will swap uses and the “net” amount of “approved” retail space on Teesbay as a whole will not increase it is not considered that any argument that the development will effect the vitality and viability of the Town Centre could be sustained. In order to ensure that there is no additional impact arising and in the interests of consistency the conditions relating to retail uses and floorspaces imposed on the outline approval (H/2009/0390) can be repeated.

2.8 It is unfortunate that the leisure facility will close however given the current trading position it seems likely that this may happen in any case. Notwithstanding this given the fact that retail uses are acceptable in this location in policy terms it is not considered in any case that the application could be resisted on the grounds of the loss of the bowling facility.

Visual Amenity

2.9 The proposed alterations to the front of the building are in line with a recently approved scheme for improvements to the facade of the other units. It is considered that the alterations proposed would be an improvement to the ‘tired’ fascia.

RECOMMENDATION

APPROVE subject to the following conditions.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (11080D-105-P04, 11080D-112-P01, 11080D-110-P02, 11080D-112-P02) and details which had been received by the Local Planning Authority at the time the application was made valid on 24th July 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

4. No individual retail unit within the building, shall have a gross floor area of less than 465 sq. m (gross), unless otherwise agreed in writing with the Local Planning Authority.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres
5. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, a minimum of 6,480 sq. m (gross) of the existing and any future proposed retail floorspace shall consist of units of not less than 929 sq. m (gross).
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.
6. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not more than 8,851 square metres (gross) of retail floorspace, existing and any future proposed, shall be used for the sale of food, other than ancillary cafe sales, confectionary, hot snacks or meals or any other food which may be agreed in writing with the Local Planning Authority.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.
7. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not less than 2,498 square metres (gross) of floorspace shall be used for Class D2 leisure purposes.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.
8. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, not less than 6,480 square metres (gross) of the existing and any future proposed retail floorspace shall be used for the sale of the following range of comparison goods: DIY, home improvement goods, electrical and gas goods, garden materials and goods, furniture/soft furnishings and floor coverings and automotive and cycle products.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.
9. In the retail park as a whole, incorporating the application site and the other land in the applicant's control identified by an enclosing red and blue line respectively on drawing 11080D-110-P02, the total amount of retail floorspace shall not exceed 23,838 square metres (gross) unless otherwise agreed in writing with the Local Planning Authority.
In accordance with the previous outline permission on the retail park site (H/2009/0390) in the interests of the vitality and viability of the town centre and local centres.

No: 3
Number: H/2012/0258
Applicant: Mr Mike Galley Diocesan Office Auckland Castle Bishop
Auckland County Durham DL14 7QJ
Agent: Ashdown Architects Ltd. Mr Brian Ashdown First Floor,
Aykley Vale Chambers Aykley Vale Durham Road
Durham City DH1 5NE
Date valid: 21/05/2012
Development: Erection of a detached four bedroomed dwelling house
Location: 34 WESTBOURNE ROAD HARTLEPOOL

Background

3.1 This application appears as item 3 of the main agenda. The recommendation was left open as publicity on the revised plans was ongoing. Publicity has now expired. One letter of objection has been received raising concerns of overlooking, overshadowing, impact on trees, access issues and noise.

Planning Considerations

3.2 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies, with particular regard to the principle of development, the effect on the residential amenity of neighbouring properties by way of overlooking, overshadowing, dominance and outlook, the impact on the character of the surrounding area and the locally listed building, the impact on trees and upon highway safety.

Principle of Development

3.3 The site is located within the limits to development. Policy Hsg5 of the Local Plan (2006) states that planning permission will not be granted for proposals which would lead to the strategic housing requirement being significantly exceeded. The site is classified as a windfall site in that it has not been previously allocated for housing and as such the principle of residential development in this location is acceptable. Policy Hsg9 of the Local Plan (2006) states that proposals for new residential development will be allowed subject to a number of considerations including, the scale of the development and the impact on occupiers of new and existing development. Paragraph 49 of the National Planning Policy Framework (2012) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

Residential Amenity

3.4 The main relationships for consideration in this instance are those with the main property of 34 Westbourne Road, and the property to the west, 36 Westbourne Road. Regard is also to be given to those properties opposite and to the rear.

3.5 The property is sited nearly 17m from the side elevation of the existing Vicarage. It is considered that the separation distance is acceptable having regard to the guidelines set out in the Hartlepool Local Plan (2006).

3.6 The side elevation of the property closest to 36 Westbourne Road is to be 5.5m from the boundary. The side elevation of no. 36 is 12m from the shared boundary. There is a single access road between the two properties which serves 42 Westbourne Road to the rear. 36 Westbourne Road is a single storey property with a high boundary fence to the side. There are habitable windows in the side elevation of the property. Whilst there are habitable windows in the side elevation of the proposed property at first floor, these are secondary windows, the applicant has indicated they would be prepared to install obscure glazing. On that basis the separation distance of 17.5m is considered acceptable, subject to the condition requiring obscure glazing in the side elevation.

3.7 The relationship with 36 Westbourne Road is considered acceptable. The separation distance is such that it is unlikely the proposed dwelling will impact by way of overlooking, overshadowing, dominance or outlook.

3.8 The separation distances to the properties on Westbourne Road to the south and those to the north on Burn Valley are in excess of 20m and are considered acceptable.

Surrounding Area

3.9 It is considered that the proposed development is appropriate within the context of the surrounding residential area. 34 Westbourne Road is an identified heritage asset for the purposes of the National Planning Policy Framework (NPPF) being included on the Local List. Westbourne Road itself has a relatively distinctive character and design deriving on the north side of the road, characterised in some instances by the spacious layout of individually designed dwellings set in landscaped grounds with surrounding boundary enclosures.

3.10 Section 7 of the NPPF indicates that good design is a key aspect of sustainable development and should contribute positively to making places better for people. Paragraph 58 states that development should respond to local character.

3.11 The design of the property has been revised to take on board comments from officers to add visual interest of the dwelling and to reflect the visual character of the locally listed building (the donor property) and Westbourne Road in general. It is considered that the design in its current form is acceptable and does not appear unduly uncharacteristic. The proposal incorporates solar pv panels to the front roof slope of the property. It is considered that the panels will not appear unduly out of keeping or incongruous within the area, and will appear in keeping with the proposed.

Trees

3.12 There are trees on the site covered by Tree Preservation order no. 142 and 140. Any development around these trees will need to avoid injuring them or placing them in a position that is going to cause a future nuisance. As such it is considered prudent to attach a condition requiring tree protection measures to be implemented.

Highway Safety

3.13 Concerns have been raised by local residents regarding the potential impact upon parking and traffic levels on Westbourne Road and these are acknowledged. However, it is considered that the resulting traffic movements from a single dwelling are unlikely to be of a scale that would significantly compromise the capacity of Westbourne Road.

3.14 The dwelling benefits from a driveway and garage. It is considered that this should sufficiently negate any potential parking upon the main highway of Westbourne Road.

3.15 The Council's Traffic and Transportation section have raised no highway or traffic concerns.

Other Issues

3.16 In terms of concerns regarding the future use of the existing vicarage, it is considered that this is not material to the determination of the application although it should be noted that any future material change of use of the property from its existing residential use may require a planning application. The status of other properties owned by the applicant within the town is also not material to the determination of this application.

3.17 There are no concerns with the proposal in respect of wildlife. The Council's Ecologist has raised no issues. Any noise or disturbance resulting from the development stage is a matter for the Council's Public Protection section under Statutory Nuisance legislation.

Conclusions

3.18 With regard to the relevant Hartlepool Local Plan (2006) policies, the relevant elements of the National Planning Policy Framework (2012) and the relevant planning considerations discussed above, on balance, the proposal is considered acceptable and therefore recommended for approval subject to the conditions below.

RECOMMENDATION - APPROVE

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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the

development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans 'E21/L(9-)02 (Rev B)', 'E21/L(2-)01 (Rev B)', 'E21/L(2-)02 (Rev B)', 'E21/L(--01)' and 'E21/L(9-)03 (Rev A)' received by the Local Planning Authority on 11 08 12, and 'E21/L(9-)01' received by the Local Planning Authority on 21 05 12.

For the avoidance of doubt.

4. Notwithstanding the submitted details, prior to the commencement of development, final details of the proposed boundary wall treatments and access amendments shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details.

In the interests of visual amenity.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next

available planting season.

In the interests of the health and appearance of the preserved tree(s).

9. The proposed window(s) facing 36 Westbourne Road shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s).
To prevent overlooking.
10. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevation of the extension facing 36 Westbourne Road without the prior written consent of the Local Planning Authority.
To prevent overlooking
11. No development shall commence until a detailed drainage strategy incorporating SuDS has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved drainage strategy.
To ensure the site is developed in a satisfactory manner.

No: 6
Number: H/2012/0200
Applicant: Mr M Ashton Dalton Piercy Road HARTLEPOOL TS27 3HY
Agent: Sean McLean Design The Studio 25 St Aidans Crescent BILLINGHAM TS22 5AD
Date valid: 18/04/2012
Development: Erection of a detached dwelling (amended plans received)
Location: Ashfield Caravan Park Ashfield Farm Dalton Piercy Road Dalton Piercy HARTLEPOOL

6.1 This application appears as item 6 on the main agenda. This update report will provide a comprehensive discussion of the material planning considerations relevant to the determination of this planning application. For the avoidance of doubt the relevant considerations are considered to be policy, design, impact on the visual amenity of the area, drainage and highway safety.

Principle of Development

6.2 The saved policies within the Local Plan do not generally support the provision of isolated new dwellings in the open countryside unless it can be demonstrated that they are essential for the efficient functioning of agricultural, forestry or other approved or established uses in the countryside, the enterprise to which they are required is economically viable and they are of a size commensurate with the established functional requirement and the siting, design, scale and materials used will not be significantly detrimental to the rural environment.

6.3 Policy HSG3 of the Local Plan 2012 (submission) holds significant weight and is the main policy relevant in the 2012 Plan with regard to the determination of the proposal and as a result officer's need to be satisfied that the proposals are in accordance with the criteria established in the policy:

- 1) The Council must be satisfied that there is a clearly an established functional need and it is essential for a full time rural worker to live permanently at or near the rural based enterprise.
- 2) The Council must be satisfied that the rural based enterprise is considered acceptable and has been established for at least 3 years and has been profitable for at least one of them and is currently financially sound and has a clear prospect of remaining so.
- 3) The Council must be satisfied that the need for a dwelling can not be met by another existing dwelling nearby.
- 4) The Council must be satisfied that the dwelling is of a size commensurate with the size/value of the rural based enterprise.

6.4 The criteria above is echoed by the adopted Hartlepool Local Plan 2006, it is considered that the proposal satisfies the criteria as outlined in the remainder of the report.

6.5 In addition to Local Plan Policy It is considered imperative that national guidance be considered in the determination of this application. Planning Policy Statement 7 (Sustainable Development in Rural Areas), in particular Annex A, provided the basis for the assessment of proposals for agricultural workers dwellings. The aforementioned document was deleted following the publishing of the National Planning Policy Framework (NPPF), published on 27 March 2012. The Framework sets out the Governments planning policies for England and how these are expected to be applied.

6.6 When considering NPPF paragraphs 14, 187, 196 and 197 which are the relevant paragraphs in the NPPF relating to this proposal as highlighted in the main report, there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development.

6.7 NPPF paragraph 55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside.

6.8 The proposals are for a family employed in a business that requires a countryside location and they are required to be on the site to operate the business 24 hours a day. It is considered that 'essential' can mean the need for a worker to be on hand day and night to provide essential assistance at short notice or to deal quickly with emergencies. As a result the proposals are considered to be in accordance with NPPF paragraph 55 and therefore in accordance with the overall objectives of the NPPF.

Essential and Functional Need

6.9 The application has been supported by the submission of a Planning Statement including an assessment on the functional need for the proposed dwellinghouse. The justification is summarised below:

1. There is a requirement for 24 hour management of the site. Customers can arrive at varying times depending on where they are travelling from and to and this can be at any time of the day.
2. If there wasn't a permanent presence on the site it would require one of the applicants to drive from their current dwelling in Elwick to the site when required by customers.
3. Although the site has a good record in terms of safety and disturbance there is always the potential for an emergency such as a fire breaking out or a disturbance between customers.
4. Thefts from storage facilities are common. A theft of copper pipe from caravans stored on the site occurred recently.
5. The sheep rearing business also has a requirement for 24 hour presence particularly during lambing season.
6. The static caravan on site has now become inadequate for the applicants needs.
7. The owners are full time workers with no other form of employment.

8. The accounts submitted demonstrate the business is financially sound.
9. There are no other dwellings on the application site and the nearest available dwellings are in Dalton Piercy.

6.10 Based on the justification outlined above, the need for a dwelling relates primarily to the security of the site, the wellbeing of the visitors residing on the site and in general the 24 hour management requirement of the caravan park. Members previously accepted that there is an essential need for a worker to be available to deal with any comings and goings of visitors and potential incidents which may arise. It is therefore accepted that there is a requirement for a worker to live at Ashfield Farm as the applicant has over a number of years established an essential need for a permanent dwelling at the site. The applicant received planning consent in January 2010 for the provision of a residential caravan on the site. Officers are satisfied that the applicant has resided in the caravan for the last 33 months overseeing the essential management of the site 24 hours a day.

6.11 Having assessed the current housing market in the immediate vicinity to the site officers are satisfied that there are no other existing dwellings for sale nearby which would accommodate the functional need of the business. At the time of writing the report there are several properties for sale in Dalton Piercy, however irrespective of asking prices it is not considered that the location of the houses for sale would adequately satisfy the needs of the business operation.

6.12 It is prudent to state in the context of this report that the businesses operating on the site are considered to be viable with a reasonable chance of remaining so. The Council's Accountant has viewed the accounts submitted in support of the application and has stated that it would seem as though the business is thriving and is in a strong position.

6.13 It is therefore accepted by Officers that the proposal satisfies the criteria of Policy HSG3 of the emergency Local Plan 2012 and Policy Rur12 of the adopted Hartlepool Local Plan 2006.

Impact on the Character of the Area

6.14 The siting of the proposed dwelling would be within the confines of the existing farm. The proposed dwelling will be sited in close proximity to the existing barn and clubhouse located on site. Given the close proximity of the existing structures on site it is not considered that the proposed dwelling will appear prominent in the wider area. The position of the proposed dwelling is located in a relatively low lying area of the wider application site. On balance, the proposed design and scale of the dwelling is considered to be acceptable. The proposed dwelling will have a traditional appearance and it is considered that it will assimilate itself into the wider area. The dwelling proposed is a four bedroom two storey house. The scale of the dwelling has been reduced following concerns raised by officers. It is considered that the scale of the property is commensurate with the needs of the businesses operating on the site. Moreover, the scale of the property is comparable to other new dwellings approved in the wider countryside supporting rural businesses. It is unlikely that the propose dwelling would have any detrimental impact upon the

amenities of neighbouring properties in terms of overlooking or loss of privacy given its isolated located.

Drainage

6.15 The non-mains drainage form does not have any details of the proposed treatment plant to be used. The Environment Agency has raised no objections to the proposed development subject to a drainage condition. In addition the Council's Engineering Consultancy Section has considered the proposed plans and has raised no objections subject to a condition requiring detailed drainage plans and information for foul and surface water to be submitted to and agreed.

Highway Safety

6.16 Access to the site is taken from Dalton Back Lane. The Council's Traffic and Transportation Section have viewed the proposed plans and have raised no objections to the proposal stating that the traffic generated from the development would have a minimum impact on the highway network.

Landscaping

6.17 The Council's Arborist has viewed the proposed development. A landscaping scheme has been submitted which includes details of proposed native hedgerow planting to the perimeter of the site. The Council's Arborist considers the proposed detail to be acceptable.

Occupancy

6.18 The need for the proposed detached dwelling in the countryside is to ensure that the existing rural businesses are adequately managed and operated in the long term. Given this, Officers would insist that a rural occupancy condition is attached to any permission (citing all the elements of the business(s) used to justify the new dwelling). The condition is considered to be required to ensure that the isolated dwelling will remain in the long term integrally attached to the ongoing business(s) in the rural area.

Other Matters

6.19 Concerns have been raised by Dalton Piercy Parish Council regarding the restrictions placed on the site during previous applications not being adhered to. It is considered that these concerns are made with regard to the clubhouse at the site being used as a public house. As per the previous applications it is prudent to state in response to the concerns that there is a condition imposed on the licensed clubhouse restricting the use of the premises to only resident occupants of the touring caravans and tents on the site at any particular time. The Local Planning Authority will continue to monitor the site and will investigate any complaints which are received with regard to the use of the clubhouse by non residents of the site. With regard to the concerns raised by the Council in terms of property prices in Dalton Piercy the Local Planning Authority in the determination of applications of this ilk have to determine if the functional requirement of a dwelling at the site could be

fulfilled by another dwelling in the immediate area. It is not considered that the functional requirements of the business could be met by the current properties for sale in the area.

Conclusion

6.20 The proposal is considered acceptable and is recommended for approval subject to conditions.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 18/04/2012 (Drg.No.1242/LP), the amended plans received on 16/08/2012 (Drg.No.1242/EL 'A', Drg.No.1242/FP 'A', and Drg.No.1242/SP 'A') and the amended plan received 21/08/2012 (Drg.No. 1242/ESP 'A'), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The occupation of the dwelling hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the businesses of the caravan and camping site, the caravan storage facility and the sheep rearing facility operated on the holding (Ashfield Caravan Park, Ashfield Farm), as defined by the blue line on the drawing entitled Location Plan (Drg.No.1242/LP) received by the Local Planning Authority on 18th April 2012, or a dependent of such a person residing with him or her, or a widow or widower of such a person.
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry or an appropriate rural enterprise.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To prevent pollution of the water environment and in order to ensure that the

site is adequately drained.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the open countryside
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garages or any other buildings or enclosures shall be erected within the curtilage of the dwellinghouse hereby approved as identified by the red line shown on the approved drawing (Site Plan - Drg.No 1242/SP'A') received by the Local Planning Authority on 16/08/2012 without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the open countryside
8. All planting, seeding or turfing comprised in the approved details of landscaping (as per approved plan: Drg.No.1242/ESP 'A') shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
9. Notwithstanding the submitted plan (Drg.No.1242/ESP 'A') details of all walls, fences and other means of boundary enclosure showing the extent of the fence to the perimeter of the dwellinghouse shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
10. The curtilage of the dwellinghouse hereby approved shall be as indicated by the red line shown on the approved drawing (Site Plan - Drg.No. 1242/SP 'A') received at the Local Planning Authority on 16/08/2012. The curtilage shall not be extended without the prior written consent of the Local Planning Authority.
For the avoidance of doubt and in the interests of the visual amenity of the area.
11. The mobile home shall be removed from the site/ holding within six months of the commencement of the development.
In order to ensure that the mobile home is removed from the site/holding.

PLANNING COMMITTEE

12 September 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:

- 1 A Councillor complaint regarding an advertisement noticed in the Hartlepool Mail about the holding of regular car boot sales at a primary school on Eskdale Road has been investigated. Activities of this type come within the provisions of the Town and Country Planning (General Development) Order 1995 (GPDO), whereby the use of land within the curtilage of a building for a market or car boot sale requires planning permission. In this instance an application would not have been straightforward and this information was forward to the schools site supervisor. Notwithstanding this, consent would also have been needed from the landlord i.e. the Council. Parties concerned have been advised to cancel the car boot sales in question also the school was reminded of their duty to consult the council should any future events be planned to be held at the school in question and this was also conveyed to the other schools in the borough.
- 2 A complaint regarding an untidy site proposed for future housing development on Monmouth Grove has been investigated. The complaint concerned shrubs over hanging the footpath and has been forward to the highways Division for attention.
- 3 A neighbour complaint regarding the change of use of a former showroom to Dance Studio on Victoria Street. The showroom was granted consent in 2008 subject a condition, amongst others, limiting the occupation to an A1 use only. A dance studio use is D1 requiring planning permission.
- 4 A neighbour complaint regarding a business being run from a residential property on Goathland Drive.

- 5 A neighbour complaint regarding a scarp recycling business being run from a residential property on Alma Street including horses also kept at the property.
- 6 A neighbour complaint regarding the erection of a garden retaining wall to the rear of a property on Millston Close.
- 7 Officer monitoring recorded the erection of a large summerhouse in the yard area of a residential property on Falmouth Grove.
- 8 Officer monitoring recorded a change of use of land for construction plant training, siting of portable buildings and creation of bund and parking area on vacant industrial land on Sandgate Industrial Estate, Mainsforth Terrace.
- 9 A neighbour complaint regarding the incorporation of highway land into the front garden of a property on Whinchat Close.
- 10 Residents' complaints regarding the demolition of rear yard walls, encroachment to increase the yards size and the carrying out of a car repair business at two neighbouring properties on Kendal Road.
- 11 A neighbour complaint regarding the erection of a summerhouse in the rear garden of a property on Ventnor Avenue.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

12 September 2012



Report of: Assistant Director (Regeneration & Neighbourhoods)

Subject: APPEAL AT 16 SISKIN CLOSE
APP/HO724/D/12/2179157
INFILL EXTENSION (LINK) BETWEEN EXISTING
DOUBLE GARAGES, CONVERSION OF GARAGES
AND TO BUILD NEW DOUBLE GARAGE

1. PURPOSE OF REPORT

To advise Members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.

2. BACKGROUND

The planning application was refused under delegated powers in consultation with the Chair of the Planning Committee. The appeal was allowed. A request for an award of costs by the appellant was dismissed.

A copy of the Inspector's decision is attached.

5. RECOMMENDATION

That Members note the decision.



Appeal Decision

Site visit made on 6 August 2012

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 August 2012

Appeal Ref: APP/H0724/D/12/2179157

16 Siskin Close, Hartlepool, Cleveland TS26 0SR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Carole Mitchell against the decision of Hartlepool Borough Council.
 - The application Ref H/2012/0212, dated 19 April 2012, was refused by notice dated 27 June 2012.
 - The development proposed is an infill extension (link) between existing double garages, conversion of garages and building of new double garages.
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Application for Costs

1. An application for costs was made by Mrs Carole Mitchell against Hartlepool Borough Council. This application is the subject of a separate decision.

Decision

2. The appeal is allowed and planning permission granted for an infill extension (link) between existing double garages, conversion of garages and building of new double garages at 16 Siskin Close, Hartlepool, Cleveland TS26 0SR in accordance with the terms of the application, Ref H/2012/0212, dated 19 April 2012, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the following approved plans: submitted 1:100 scale drawings dated December 2001 Sheets 3 and 4.
 - (3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - (4) The extension hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 16 Siskin Close.

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Preliminary Matters

3. The appeal site has a complex planning history, with two previous applications having been refused. However, planning permission has been recently granted (under ref. H/2012/0003) for the erection of a single storey extension to the front of the property linking the existing detached double garage to form a granny annexe and the erection of a new double garage. I am advised that the approved garage would be located some 4.5 metres from the common boundary with 13 Pintail Close, but the drawings are not before me. It would appear that the current appeal proposal differs from the previous proposal only in respect of the location of the proposed double garage relative to the common boundary but, again, I have no way of verifying this. Whilst acknowledging that the previous approval represents a fallback position for the appellant – and the approved scheme is now substantially constructed – the whole proposal, as shown on the submitted plans, is before me and I have considered it accordingly.
4. The appellant has offered to consider modifications to the appeal proposals, including the heightening of the boundary fence, lowering the roofline and the provision of planting, although no plans showing these have been submitted. I am obliged to consider the plans, as submitted, and formally considered by the Council, and cannot take into account such amendments.
5. The appellant also argues that the appeal proposal – or the garage element of it – represents “permitted development”. This can only be determined through the submission of an application for a certificate of lawfulness, which is not before me. The appeal proposal is the subject of a validated planning application, which has been refused and is now the subject of an appeal. Again, I have considered it accordingly.

Main Issue

6. The main issue is, therefore, the effect of the proposal on the living conditions of occupiers of 13 Pintail Close, in terms of outlook and light.

Reasons

7. The appeal property occupies the northern end of a cul-de-sac in a modern estate of mainly large detached properties. The property to the north (13 Pintail Close) occupies the southern end of the adjacent cul-de-sac and the frontage of this property breaks forward slightly from its southern neighbour. The properties are separated by a close-boarded timber fence, about 1.7 metres in height, along the common boundary. The original garage at the appeal property is located within one metre of this boundary fence, some 9.5 metres from the front elevation of the property. The approved permission, referred to above, involves the conversion of this structure to provide living accommodation and the erection of an infill link connecting the structure to the existing front elevation of the dwelling, again running within 1 metre of the common boundary. The appeal proposal would result in a further garage structure in the same alignment, but extending a further 6.2 metres along the boundary.
8. Although located to the south of 13 Pintail Close, the additional garage structure is single storey and, in my view, would not add significantly to any

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overshadowing of the neighbouring garden, above that resulting from the existing approved scheme, which is largely in place. Nor would it result in any significant loss of light received through windows of living accommodation in the adjacent dwelling. I am also satisfied that, given the slight setting away from the boundary, the visual breaking up of the side elevation and its single storey height, the proposal would not be overbearing nor dominate the outlook from the neighbouring property to any significant degree.

9. In its reason for refusal, the Council cites Policies GEP1 and Hsg10 from the Hartlepool Local Plan (Local Plan). The former is a general policy, which states that the Council will, among other things, take into account the effect of a proposal on the amenities of occupiers of adjoining or nearby properties, including visual intrusion. Policy Hsg10 relates specifically to residential extensions, which should not significantly affect the amenities of occupiers of adjacent properties through overlooking, overshadowing or by creating poor outlook. Although the Local Plan was adopted in April 2006, it is not clear whether it was adopted in accordance with the Planning and Compulsory Purchase Act 2004. Nevertheless, it represents current development plan policy and, in accordance with the advice in paragraph 215 of the National Planning Policy Framework (NPPF), I give the above policies significant weight, as they are consistent with the NPPF, which identifies one of the core principles of planning as the need to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
10. On the main issue, therefore, I conclude that the proposal would have no significant adverse effect on the living conditions of occupiers of 13 Pintail Close, in terms of outlook or light and would, therefore, comply with the requirements of Local Plan Policies GEP1 and Hsg10.
11. In terms of detailed design, the appeal proposal would be sympathetic to the design of the host dwelling and would assist in creating a sense of visual enclosure at the head of the cul-de-sac, thereby contributing positively to the street scene. This reinforces my conclusion that the appeal should succeed.
12. The Council has suggested a number of conditions in the event of the appeal being allowed. In addition to the standard time limit condition controlling commencement of the development, I accept that conditions requiring the development to be carried out in accordance with the approved plans and using matching materials are necessary for the avoidance of doubt and to secure a satisfactory standard of development. I shall impose conditions accordingly.
13. The approved plans show the en-suite window in the rear elevation to be obscure-glazed and, as this window is located largely below the height of the common boundary fence, I see no justification for imposing a condition requiring this form of glazing. Circular 11/95 *The Use of Conditions in Planning Permissions* advises that permitted development should only be removed in exceptional circumstances and I do not consider that a case has been made out in this instance for imposing a condition removing such rights. However, having regard to the advice given in paragraph 98 of the Circular, I accept that the use of the extension as a separate dwelling would raise planning issues, requiring further consideration. It is intended that the extension should be used as a "granny" annexe and I consider that a condition requiring it to be used solely as ancillary accommodation is necessary. I shall impose such

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condition, using the recommended wording of Model Condition 47 in Appendix A to the Circular.

14. Subject to the aforementioned conditions, for the reasons stated above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

G E Snowden

INSPECTOR

PLANNING COMMITTEE

12 September 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: FERNBECK, DALTON BACK LANE, HARTLEPOOL

1. Purpose of Report

- 1.1 To seek members consent for the discharge of a section 106 agreement relating to the occupation of a dwellinghouse currently being erected at Fernbeck, Dalton Back Lane under the provisions of planning permission H/2011/0294.

2. Background

- 2.1 In December 2011 Planning Permission was granted for the erection of a two storey dwellinghouse at Fernbeck to serve the livery business on the site.
- 2.2 In line with practice at the time the permission was granted subject to the completion of a legal agreement restricting the occupation of the dwelling to a person solely, or mainly working or last working at the livery business on the site, or a widow or widower of such a person and to any resident dependents and tying the dwelling to the site.
- 2.3 A planning condition was also imposed similarly restricting the occupation of the dwellinghouse. This advised "The occupation of the dwelling hereby approved shall be limited to a person solely or mainly, or last employed prior to retirement, in the commercial livery business located on the holding (Fernbeck), as defined on drg. no. 1183/LP'O' received by the Local Planning Authority on the 9th June 2011 or a dependent of such a person residing with him or her, or a widow or widower of such a person."
- 2.4 A recent appeal decision on the adjacent site has caused the authority to reconsider its approach in such cases and current legal advice and guidance is that planning conditions rather than a legal agreement should be used to restrict occupancy in such cases. In light of this in subsequent cases the Planning Authority has relied solely on a planning condition.
- 2.5 A request has been received from the applicant to discharge the section 106 agreement. The applicant has advised that he has progressed with the works

however he needs to secure a small mortgage to complete the development. It is understood and that mortgagees have been reluctant to lend when they became aware of the legal agreement.

- 2.6 In light of the current practice and guidance and the extant planning condition which essentially serves the same function. It is considered that the discharge of the legal agreement is acceptable.

3 RECOMMENDATION

- 3.1 That authority be granted to discharge (remove) the section 106 agreement completed in connection with Planning Permission H/2011/0294.

PLANNING COMMITTEE

12 September 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: FINDINGS OF THE UPDATED TEES VALLEY STRATEGIC HOUSING MARKET ASSESSMENT

1. PURPOSE OF REPORT

- 1.1 To update Members on the findings of the Tees Valley Strategic Housing Market Assessment (TVSHMA) and to advise on the implications with regard to the new Local Plan policies in determining planning applications.

2. BACKGROUND

- 2.1 The TVSHMA was updated in 2012. The previous assessments were carried out in 2007 on a Hartlepool local level, then at a Tees Valley level in 2009. The TVSHMA was undertaken by Arc4 on behalf of Hartlepool Borough Council, Middlesbrough Borough Council, Stockton Borough Council and Redcar & Cleveland Borough Council and provides part of the evidence base for the emerging Local Plan, the Council's overall housing strategy and also provides evidence with which to consider planning applications.

3 TVSMA FINDINGS

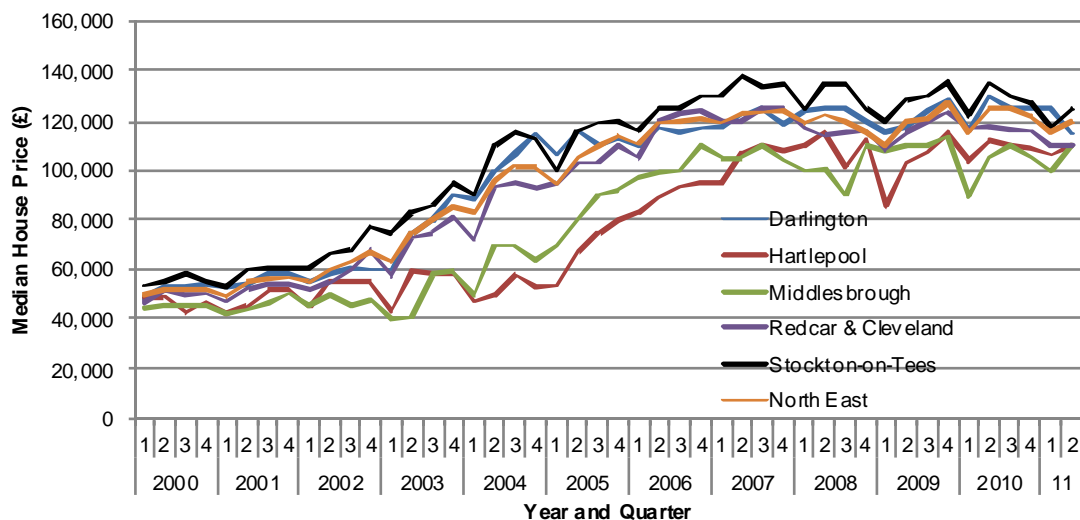
Tenure Profile

- 3.1 The dwelling stock in the Borough is primarily owner occupied however compared to our Tees Valley colleagues Hartlepool has a higher percentage of private sector rented stock in the Borough.

Tenure	Hartlepool	Middlesbrough
Owner Occupied	62.4%	62.4%
Private Rented	11%	9.3%
Affordable	26.6%	28.3%

House Prices

3.2 House prices have dramatically risen since 2000 to a peak in 2007/8. Since then they have reduced marginally. This has positive implications for affordability in the Borough since the last SHMA in 2007.



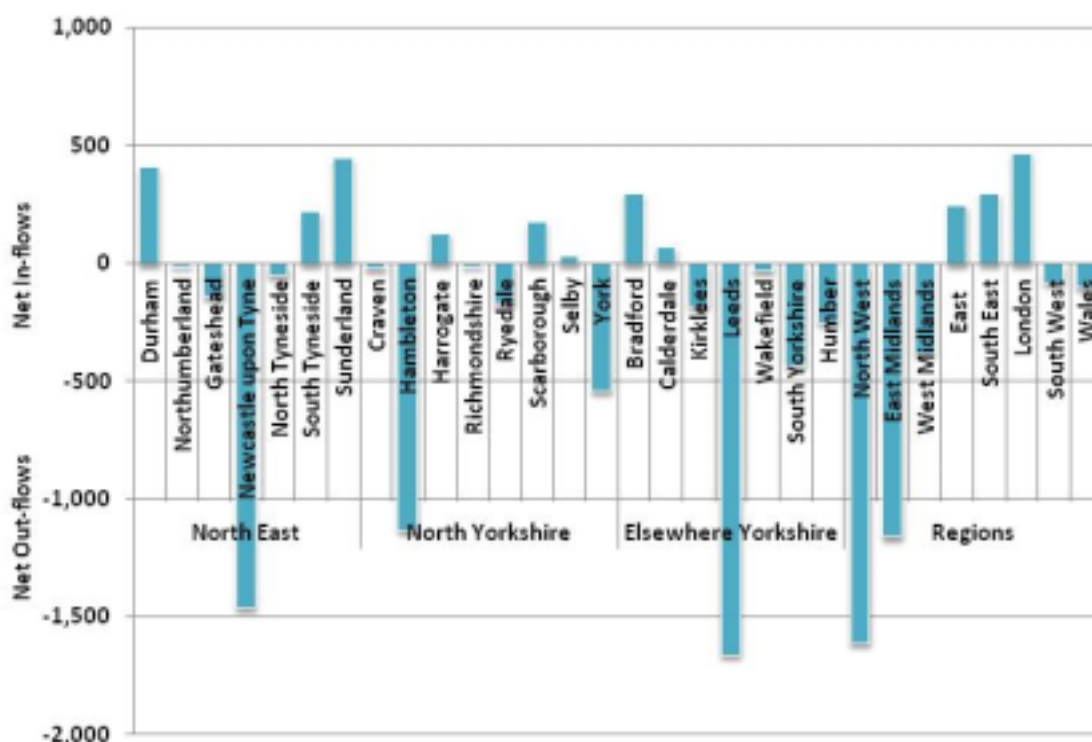
House Prices and Affordability (Lower Quartile)

3.3 Other than Middlesbrough, Hartlepool is the most affordable part of the Tees Valley, primarily due to the higher income compared to others. Again this has a positive impact on affordability since the last SHMA in 2007.

Location	House Price	Gross Income	Income to House Price Ratio
Newcastle	£100,000	£15,935	6.3
Stockton	£87,000	£17,322	5
Redcar	£79,995	£16,089	5
Hartlepool	£77,000	£17,230	4.5
Middlesbrough	£70,000	£16,260	4.3

Population Migration from Tees Valley

3.4 People tend to leave the Tees Valley for economic reasons and move to such places like Leeds, Newcastle etc but also for a better housing offer such as Hambleton. Hartlepool has in migration from Durham, Sunderland and South Tyneside but the overall trend is that people are leaving the Tees Valley.



Population Change

- 3.5 By the end of our Local Plan period Hartlepool is predicted to see a significant increase in people aged 60+ which will put pressure on local services. This is matched with the reduction in the 40 to 59 year old bracket, which form part of the economic driver bracket in the Borough.

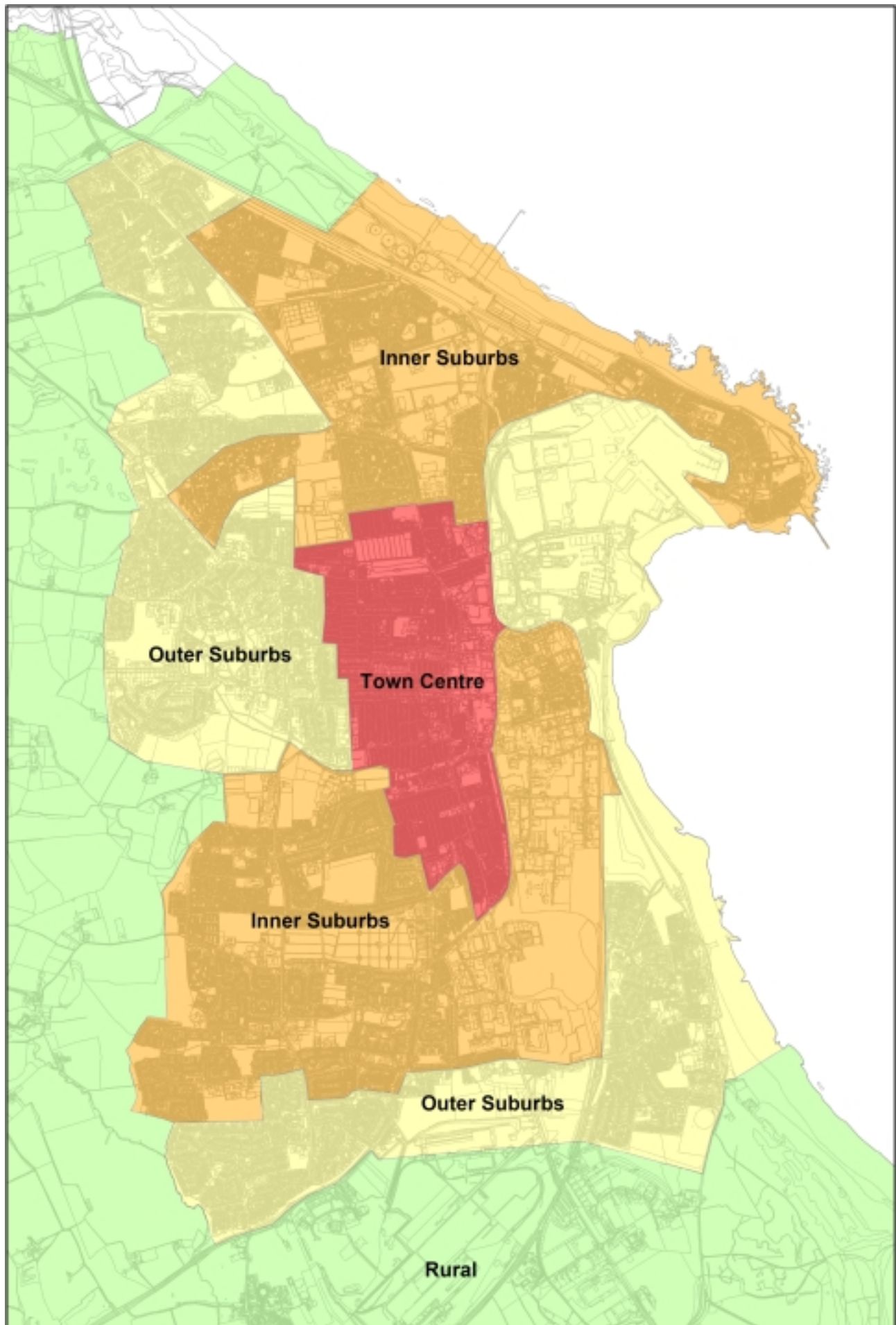
Age	2011	2026	Change %
<15	84.7	89	+3%
15-39	147.6	149.6	-0.1%
40-59	129	113.7	-10.1%
60-74	72.4	85.2	+19.6%
75>	38.5	56	+67%

Newly Forming Household Aspiration

- 3.6 Aspiration reflects what newly forming households (including those intending to move in the next 5 years) would “want” in the future for their next or first property. In Hartlepool The most popular is for 3 bed semi detached, followed by 3 bed terraced, then 2 bed properties.

Property type	Bedrooms				
	One	Two	Three	Four or more	Total
Detached house		1.4	2.4	4.5	8.3
Semi-detached house	0.0	13.4	17.9	0.5	31.8
Terraced house		12.8	14.6	0.9	28.4
Bungalow	0.8	1.5	0.2	0.2	2.7
Maisonette	1.5				1.5
Flat/apartment	15.6	11.6			27.2
Total	17.9	40.7	35.1	6.2	100.0

Hartlepool Housing Sub Areas



General Private Market Imbalance

- 3.7 In general there is a demand for (house types) detached houses and bungalows, (bedrooms) 3 and 3+ bed and (tenure) owner occupied dwellings. There is an over provision of flats and terraced housing. Therefore ideally the Council should be asking developers to provide for the housing demand across the Borough and remedy the imbalance in supply.
- 3.8 The table below illustrates the imbalance in supply across the Borough broken down by sub-area. For instance, if the Council was considering a residential application in the inner suburbs it should ideally be looking for private market 3, 3+ bed detached/semi detached dwellings, ideally with some bungalows to be provided. Similarly the Council should be trying to reduce the future supply of private rented dwellings and smaller 1 and 2 bed dwellings.

Category		Inner Suburbs	Outer Suburbs	Rural	Town Centre	Hartlepool Borough
Tenure	Owner Occupied	Demand	Demand	Balanced	High Demand	Demand
	Private Rented	Balanced	Balanced	Balanced	Balanced	Balanced
Property Size	One	Balanced	Over supply	Balanced	Over supply	Balanced
	Two	Balanced	Balanced	Balanced	Balanced	Balanced
	Three	Demand	Demand	Balanced	Demand	Demand
	Four or more	Demand	Demand	Balanced	Balanced	Demand
Property Type	Detached	High Demand	Demand	Balanced	High Demand	High Demand
	Semi	Demand	Balanced	Balanced	Demand	Balanced
	Terraced	Balanced	High Demand	Over supply	Balanced	Balanced
	Flat	Demand	Over supply	Balanced	Balanced	Balanced
	Bungalow	High Demand	High Demand	Balanced	High Demand	High Demand

- 3.9 On large sites that are strategic in nature (such as Wynyard or the South West Extension) it will not prove prudent to advocate a house type/tenure based solely on their sub area location. In this instance the Council must strike a balance between the immediate sub area and the overall imbalance in supply.

Overall Affordable Housing Need

- 3.10 In Hartlepool there is an overall need for 88 affordable dwellings each year. When matched against the total net annual dwelling target of 320 dwellings, this equates to a “need” delivery of 27.5%. Therefore ideally, the Council should be asking for a target of 27.5% on each application.
- 3.11 However, there is evidence stating that only a target of 10% is economically viable and any affordable housing above this threshold should be negotiated through economic viability. As a result Policy HSG5 in the 2012 Local Plan advocates a minimum target of 10% on all sites.

District	General		Older	
	Smaller 1/2 bedroom	Larger 3+ bedroom	1/2 bedroom	TOTAL
Hartlepool	103	-43	29	88
Middlesbrough	218	-43	15	189
Redcar and Cleveland	192	-99	4	97
Stockton on Tees	466	48	46	561
TV4	979	-137	94	935

Sub Area Affordable Housing Need

- 3.12 The overall need for 88 affordable dwellings is broken down by sub area within the Borough. The table below identifies how the affordable need is distributed spatially across the sub areas.

District	Sub-area	General		Older	
		Smaller 1/2 bedroom	Larger 3+ bedroom	1/2 bedroom	TOTAL
Hartlepool	Inner Suburbs	-172	-34	26	-180
	Outer Suburbs	90	-4	-5	81
	Rural	13	12	1	27
	Town Centre	172	-18	6	160

Inner Suburbs Affordable Housing Need

- 3.13 There is no general affordable housing need in the inner suburbs due to the existing affordable and/or cheaper private housing. Therefore, any general affordable housing provision secured on sites in the sub area should be delivered off-site through a commuted sum. The only situation where on-site affordable housing should be considered in this sub area would be where the provision is for older person's accommodation type dwellings.

Outer Suburbs Affordable Housing Need

- 3.14 There is an overall affordable need in the sub area for approximately 25%; obviously dependant upon economic viability. Any provision should be delivered on-site and be in the form of smaller 1-2 bed affordable dwellings.

Rural Affordable Housing Need

- 3.15 There is an overall affordable need in the sub area for approximately 8%. There is a general need for all affordable house types in the sub area, with particular need for 1, 2, 3 and 3+ bedroom dwellings. There may be a case for suggesting that rural developments could provide off-site contributions.

Town Centre Affordable Housing Need

- 3.16 The town centre sub area reflects the greatest affordable housing need for approximately 50%. The predominant need is for smaller 1-2 bedroom affordable dwellings with some provision being made for older person's accommodation type dwellings.

- 3.17 Notwithstanding the affordable housing need, the town centre area is probably the worst environment for economic viability. Therefore most developments will only realistically be able to provide 10% as a maximum, in some cases it would be debatable whether any affordable housing could be provided.

Overall Borough Affordable Housing Approach

- 3.18 On sites that are strategic in nature, such as Wynyard or the South West Extension it will not prove prudent to advocate affordable housing need based solely on their sub area location. In this instance the Council should strike a balance between the immediate sub area and the overall Borough affordable housing need; ideally for strategic sites we should be looking to meet the Borough affordable housing need.

4. KEY CHANGES SINCE THE LAST STRATEGIC HOUSING MARKET ASSESSMENT IN 2007

- 4.1 Overall, the findings of the new TVSHMA are broadly similar to the previous 2007 SHMA. The only key change between the two assessments is the overall affordable housing target.

- 4.2 The new affordable housing target for Hartlepool of 88 net annual additional affordable dwellings is significantly lower than previous target of 393 gross and 244 net additional affordable. Notwithstanding the significant new affordable housing provided since 2007, the lower affordable housing target is primarily due to improved relative affordability and revised household formation estimates. This is detailed in the subsequent paragraphs.

Relative Affordability

- 4.3 Affordability has significantly improved due to a reduction in private market dwelling prices since 2007 and the stability of wages in the Tees Valley and Hartlepool. Therefore more people in the Tees Valley and in Hartlepool can now access properties at lower and median house prices.

Household Formation Estimates

- 4.4 Newly forming household's estimates form the baseline figure of how many households need additional housing each year, regardless of actual population increases and decreases. Once an annual household formation baseline estimate is established the test of affordability is applied to that figure. Therefore the larger the assumed baseline estimate; the larger eventual affordable need would be.

- 4.5 In the new TVSHMA a lower rate of new household formations over the next 15 years has been assumed. The 2007 SHMA used national household formation estimates, of 1.7%, whereby it assumed households would increase by 1.7% annually. The new TVSHMA assumes a locally derived, more realistic Tees Valley estimate of 0.8% annual. This approach is more locally robust and significantly alters the planned physical amount of newly forming households coming onto the housing need statistics.

Affordable Housing Tenure

- 4.6 The affordable housing need with regard to tenure split was previously 80% Social Rented and 20% Intermediate tenure. The new TVSHMA advocates a tenure split of 70% Social Rented and/or Affordable Rented and 30% Intermediate tenure.

Summary

- 4.7 With a lower assumed household formation rate, improved affordability and additional affordable housing provided since 2007, the overall affordable housing need in the Tees Valley and in the Borough of Hartlepool has significantly reduced.

5. RECOMMENDATION

- 5.1 Members are requested to note evidence and findings contained the Tees Valley Strategic Housing Market Assessment.

6. CONTACT OFFICER

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