

PLANNING COMMITTEE AGENDA



15 August 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 18 July 2012

4. ITEMS REQUIRING DECISION

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
1. H/2012/0074 Plot A Overlands Worset Lane, Hartlepool (page 1)
 2. H/2012/0209 Benknow le Farm, Benknow le Lane, Hartlepool (page 8)
 3. H/2012/0354 Shu-Lin Elwick Road, Hartlepool (page 15)
 4. H/2012/0287 Monmouth Grove, Hartlepool (page 23)
 5. H/2012/0275 Land at Jones Road, Hartlepool (page 38)
 6. H/2012/0222 Eden Park Self Drive Hire Seaton Lane, Hartlepool (page 46)
- 4.2 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.3 Appeal at 44 Lister Street, Hartlepool (A PP/H0724/A/12/2178005)
– *Assistant Director (Regeneration and Planning)*

- 4.4 Appeal at Land adjacent to 28 Nine Acres, Hart (APP/H0724/A/12/2178486)
– *Assistant Director (Regeneration and Planning)*
- 4.5 Appeal at 16 Siskin Close, Hartlepool (APP/H0724/D/12/2179157)
– *Assistant Director (Regeneration and Planning)*
- 4.6 Appeal at 15 Worset Lane, Hartlepool (APP/H0724/D/12/2177935)
– *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, Hart Industrial Tools, White Hart Court, Hart (*Paras 5 and 6*) – *Assistant Director (Regeneration and Planning)*
- 7.2 Complaint File to be Resolved – Pill Box Middle Warren (*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 – 12 September 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 12 September 2012 at 9.00 am

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

18 July 2012

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Marjorie James, Alison Lilley, Geoff Lilley, George Morris, Jean Robinson, Linda Shields, Paul Thompson and Ray Wells

In accordance with Council Procedure Rule 4.2 Councillor Mary Fleet was in attendance as substitute for Councillor Carl Richardson and Councillor Sirs was in attendance as substitute for Councillor Simmons.

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader
Jason Whitfield, Planning Officer
Tony Macnab, Solicitor
Adrian Hurst, Principal Environmental Health Officer
Steven Wilkie, Landscape Architect Team Leader
Angela Armstrong, Principal Democratic Services Officer

192. Apologies for Absence

Apologies for absence were received from Councillors Jonathan Brash, Robbie Payne, Carl Richardson and Chris Simmons.

193. Declarations of interest by Members

Councillor Keith Fisher declared a personal interest in minute 195 item H/2012/0123, Councillor Ray Wells declared a personal interest in minute 195 items H/2010/0496, H/2012/0253 and H/2012/0207, Councillor Brenda Loynes declared a prejudicial interest in minute 195 item H/2012/0207 and indicated she would not participate in the discussions on that item, but would address the Committee as a Ward Councillor, Councillor Paul Beck declared a prejudicial interest in minute 195 item H/2012/0123 and indicated he would not participate in the discussions on that item, but would address the Committee as a Ward Councillor and Councillor Paul Thompson declared a prejudicial interest in minute 195 item H/2010/0496 and would not participate in the discussions on that item, but would address the Committee as a Ward Councillor.

194. Confirmation of the minutes of the meeting held on 20 June 2012

Confirmed.

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

Number:	H/2010/0496
Applicant:	ALAB ENVIRONMENTAL SERVICES MR A JACQUES, ABLE HOUSE, BILLINGHAM REACH INDUSTRIAL ESTATE, BILLINGHAM
Agent:	AMANDA STOBBS, AXIS, WELL HOUSE BARNS, CHESTER ROAD, BRETTON
Date received:	23/08/2010
Development:	Proposed vertical extension and revised restoration of Seaton Meadows landfill
Location:	SEATON MEADOWS LANDFILL SITE, BRENDA ROAD, HARTLEPOOL
Decision:	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 potential short term environmental issues which might arise from removal of the overtipped waste would not outweigh concerns expressed by the Committee. Planning Permission was therefore Refused.

REASONS FOR REFUSAL

1. The Tees Valley Joint Minerals & Waste Core Strategy DPD (2011) advises that there is sufficient capacity for the landfilling of municipal solid and commercial and industrial waste to 2021 and that there is therefore no need for additional landfill capacity. The proposal would therefore be contrary to the Tees Valley Joint Minerals & Waste Core Strategy DPD (2011) and contrary to PPS 10 Planning for Sustainable Waste Management (2005).
2. It is considered that the proposed development, by reason of the height, mass and form of the resultant landform would have an

incongruous appearance in this location and therefore have a detrimental impact on the character and appearance of the area contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006) and PPS 10 Planning for Sustainable Waste Management (2005).

The Committee considered representations in relation to this matter.

- Number:** 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:** **The item was withdrawn from the Planning Committee agenda to allow Members to carry out a site visit**
- Number:** H/2012/0076
- Applicant:** G O'Brien and Sons Ltd
Cleadow Lane, East Boldon
- Agent:** R & K Wood Planning LLP, Mrs Katie Wood, 1
Meadowfield Court, Meadowfield Ind. Est.,
Ponteland, Newcastle upon Tyne
- Date received:** 13/02/2012
- Development:** Variation of conditions of planning permission H/2006/0621 in order to extend the life of the site until February 2013 and removal of conditions 7 and 12 in respect of boundary fencing and landfill gas monitoring
- Location:** LAND ON WEST SIDE OF CORONATION DRIVE
HARTLEPOOL
- Decision:** **Minded to APPROVE subject to the completion of a deed of variation to the existing legal**

agreement under S106 of the Planning Act and final wording of conditions delegated to the Planning Services Manager, including alteration to condition 21 to ensure retention of boundary fencing between the site and the railway line

CONDITIONS AND REASONS

1. Unless otherwise agreed in writing by the Local Planning Authority and subject to the following conditions the development hereby permitted shall cease and all restoration works detailed within the planning application supporting statement and plans NT03400 (Fig3), NT03400 (Fig 6d), NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c), NT03400 (Fig 11c) received by the Local Planning Authority on 13 02 12 shall be completed on or before 20 February 2013. The site shall by this time have been cleared of all plant, machinery and any other structures used in the operations.
The granting of a longer permission could unnecessarily inhibit the restoration of the site to the detriment of local amenities.
2. The site shall be used only for the deposit of non-putrescible, no hazardous construction waste and no noxious sludge, chemicals or toxic forms of waste shall be deposited thereon.
For the avoidance of doubt.
3. The deposit of waste shall cease at a height whereby the subsequent spreading of capping material and soil will result in the finished contours as indicated on plans NT03400 (Fig 6d), NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c), NT03400 (Fig 11c) received by the Local Planning Authority on 13 02 12.
To ensure the satisfactory restoration of the site.
4. Dust suppression measures, received by the Local Planning Authority on 02 08 10 and agreed in writing by the Local Planning Authority on 06 10 10, shall be retained at all times on site during the operational life of the site.
In the interests of the amenities of the area.
5. The operations authorised by this permission shall only be carried out between the hours of 0700 to 1800 hours Mondays to Fridays, 0700 to 1200 hours on Saturdays and on no time on Sundays or Bank Holidays.
In the interests of the amenities of the area.
6. Unless otherwise agreed in writing by the Local Planning Authority, a comprehensive scheme for handling foul and surface water drainage generated as a result of the development shall be submitted to and approved in writing by the Local Planning Authority within 1 month of the date of this permission. The approved details shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority and retained as such for the life of the development hereby approved.
To ensure that proper means are provided for the disposal of foul sewage and surface water and to protect the integrity of the railway.

7. Notwithstanding the submitted details, a detailed scheme for landscaping and tree and shrub planting shall be submitted to, and approved by, the Local Planning Authority within 3 months of the date of this permission. The scheme must specify 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 to the satisfaction of the Local Planning Authority upon completion of the development.
In the interests of visual amenity.
8. Any trees or shrubs required to be planted in association with the development hereby approved and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted.
In the interests of visual amenity.
9. Any restored area within the application site which is affected by surface ponding or by local settlement shall be in filled and regard to an even contour as required by the restoration scheme or, with the prior approval of the Local Planning Authority, be rectified by additional drainage works.
In the interests of visual amenity and the maintenance of the playing pitches.
10. Within 1 month of the date of this permission, details of all storage arrangements for all imported material shall be submitted to and approved in writing by the Local Planning Authority. The details shall include the areas for storage, maximum storage heights and the duration of the proposed storage. Thereafter no material shall be kept on site outside the agreed area of period of storage.
In the interests of visual amenity.
11. Unless otherwise agreed in writing with the Local Planning Authority no material shall be tipped within 5 metres of the railway boundary and the restored tip shall rise at a slope of no more than 1 vertical to 3 horizontal from the 5 metre stand-off.
In the interests of railway safety.
12. A wheel washing facility shall be retained on site for the operational life of the development and be available for use at all times in accordance with the details received by the Local Planning Authority on 02 08 10 and agreed in writing by the Local Planning Authority on 06 10 10. To prevent waste material being carried onto the highway.
13. Unless otherwise agreed in writing by the Local Planning Authority the development shall progress in full accordance with the phasing plan NT0300 (Fig 3). The site shall be progressively restored and subject to aftercare measures as each phase of the development is completed in accordance with the details in condition 1.
In the interests of the amenities of the area.
14. Slope gradients on the site shall at no time exceed those shown on sectional drawings NT03400 (Fig 8c), NT03400 (Fig 9c), NT03400 (Fig 10c) and NT03400 (Fig 11c).
In the interests of slope stability.

15. Notwithstanding the submitted details, unless otherwise agreed in writing by the Local Planning Authority, final details of screen bunding to the south and eastern boundaries of the site shall be submitted to and agreed by the Local Planning Authority within 2 months of the date of this decision. The agreed details shall be implemented in accordance with a timescale to be agreed in writing by the Local Planning Authority within 2 months of the date of this decision.
In the interests of visual amenity.
16. There shall be no incineration or burning of waste materials on site.
In the interests of the amenities of the area.
17. Notwithstanding the proposed restoration scheme shown on plan NT03400 (Fig 6d), final details of the specification and route for the footpath through the site shall be submitted to and agreed with the Local Planning Authority prior to the commencement of development. Unless otherwise agreed in writing by the Local Planning Authority, the approved footpath shall be thereafter implemented on or before 20 February 2013.
In the interests of the amenities of the area.
18. Notwithstanding the proposed restoration scheme shown on plan NT03400 (Fig 6d), final details of the specification for the proposed car park shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of the development of the car park. Unless otherwise agreed in writing by the Local Planning Authority, the approved car park shall thereafter be implemented on or before 20 February 2013.
In the interests of the amenities of the area.
19. If in the opinion of the Local Planning Authority, the working should become abandoned or the operations hereby approved should cease for a period of 6 months, the site shall be restored by the operator in accordance with an agreed restoration scheme or any other such scheme as may be submitted to and agreed in writing with the Local Planning Authority.
To ensure satisfactory restoration of the site in the interests of visual amenity.
20. Prior to the development being commenced a detailed aftercare programme including species and planting and timescale for implementation shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of securing the aftercare of the site.
21. Within 3 months of the date of this decision, a survey of the existing boundary fence adjacent to the railway line which identifies any damage to the fence and sets out a scheme and timetable for any required remedial works shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter any remedial works required will be carried out in accordance with the agreed details.
In the interests of railway safety.

The Committee considered representations in relation to this matter.

Number: H/2012/0123

Applicant: Bellway Homes Ltd (North East)
Mr S Litherland, Bellway House, Kingsway North,
Team Valley

Agent: Bellway Homes Ltd (North East), Mr S Litherland,
Bellway House, Kingsway North, Team Valley

Date received: 05/03/2012

Development: Application for approval of reserved matters for the
erection of 49 dwellings together with associated
access, roadways, parking and landscaping
(REDUCED UNITS AND AMENDED LAYOUT)

Location: Area 9, Middle Warren, HARTLEPOOL

Decision: **Minded to APPROVE subject to the completion
of a deed of variation to the existing legal
agreement under S106 of the Planning Act**

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans S4083 (Rev A) 02 05 12 and L5676 (Rev A), S3633 (Rev D), S3628 (Rev A), S4106, S3635 (Rev D), S3625 (Rev B), S3629 (Rev D), S3655, S3832, L6578 (Rev E), S3656 (Rev A), S3613 (Rev C), L5147 (Rev A), and S3604 received 05 03 12.
For the avoidance of doubt.
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. 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.
4. Unless otherwise agreed in writing by the Local Planning Authority details of existing and proposed site levels and finished floor levels of the houses hereby approved shall be submitted to and approved in writing by the Local Planning Authority before construction of any of the houses commences. The development shall thereafter be carried out in accordance with the approved details.
In the interests of the amenities of the occupiers of nearby houses.
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. If within a period of five years from the date of the planting of any tree that tree, or any tree planted as a replacement for it, is removed, uprooted, destroyed, dies, or becomes in the opinion of the Local Planning Authority seriously damaged or defective, another tree of the same species and size as that originally planted shall be planted at the same place, unless the Local Planning Authority gives its written consent to any variation.
In the interests of visual amenity.
7. Unless otherwise agreed in writing by the Local Planning Authority none of the dwelling houses hereby permitted shall be occupied until traffic calming measures on Merlin Way have been implemented in accordance with details first submitted to and approved in writing by the Local Planning Authority.
In the interests of highway safety.
8. The developer shall give the Local Planning Authority 2 weeks written notification of the intention to commence works on site.
For the avoidance of doubt.
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), 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.
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), 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.

The Committee considered representations in relation to this matter.

Number: H/2012/0253

Applicant: MR DAVID TAIT
GREENBANK, STRANTON

Agent: MR DAVID TAIT, HOUSING HARTLEPOOL,

GREENBANK, STRANTON

Date received: 29/05/2012

Development: Listed Building Consent to renew bay window with UPVC

Location: WEST LODGE, THE PARADE, HARTLEPOOL

Decision: The Planning Committee considered the officer report and recommendation, the Committee considered representations in relation to the proposal and after consideration and discussion took the view that the visual appearance of UPVC materials on this listed building in the context of the conservation area would not be visually intrusive. The Committee also considered that the living conditions currently experienced by the occupiers of the property would be improved through use of this material. In light of these considerations the application for Listed Building Consent was Approved.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29 May 2012.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

Number: H/2012/0207

Applicant: Mr W Cox
East Lodge, The Parade, HARTLEPOOL

Agent: Mr W Cox, East Lodge, The Parade, HARTLEPOOL

Date received: 17/05/2012

Development: Listed Building Consent to replace side and rear single glazed windows with double glazed windows and replacement side door

Location: EAST LODGE, THE PARADE, HARTLEPOOL

Decision: The Planning Committee considered the officer report and recommendation, the Committee considered representations in relation to the proposal and after consideration and discussion took the view that the visual appearance of UPVC materials on this listed building in the context of the conservation area would not be visually intrusive. The Committee also considered that the living conditions currently experienced by the occupiers of the property would be improved through use of this material. In light of these considerations the application for Listed Building Consent was Approved.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 April 2012 and 16 May 2012.
For the avoidance of doubt.

The Committee considered representations in relation to this matter.

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

Members were informed of 10 ongoing complaints which were being investigated. Developments would be reported to a future meeting if necessary.

Decision

The report was noted.

197. Any Other Items which the Chairman Considers are Urgent

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

198. Any Other Business – Tunstall Court, Grange Road

The Chair referred to minute 186 of the Planning Committee minutes held

on 20 June 2012 and confirmed that the relevant legal agreement had been received within the timescale stated.

Decision

Members noted the update.

199. Any Other Business – Site Visits

The Chair referred to the site visit in minute 195 item H/2012/0074 and advised that this would take place on the morning of the next planning committee. The Chair also advised that a Member of the Planning Committee had requested a site visit for another application (Benknowle Farm) to be presented before Members at the next committee and suggested that this could be carried out on the morning of the next Planning Committee.

Decision

Members agreed that the site visit to Benknowle Farm would take place on the morning of the next Planning Committee on 15 August 2012 leaving the Civic Centre at 9.00am from the rear of the Civic Centre. Members also agreed that the first site visit would be to Benknowle Farm as clarification to those Members who would make their own way to the site.

The meeting concluded at 1.39 pm

CHAIR

No: 1
Number: H/2012/0074
Applicant: Mr Jamie Barnecutt C/O 23 Park Road HARTLEPOOL TS247DW
Agent: Howson Developments Steve Hesmondhalgh Thorntree Farm Bassleton Lane Stockton TS17 0AQ
Date valid: 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

Background

1.1 The application has been referred to Planning Committee at the request of a Member. The application was withdrawn from the last Planning Committee agenda to allow Members to carry out a site visit prior to determination.

The Application and Site

1.2 The application site is located to the north side of Worset Lane and to the west of Hart Lane in an area of self build plots. The site which is the last remaining plot in this area is roughly L-shaped and is bounded on 3 sides by large detached houses. To the west is the High Throston Golf Course.

1.3 The site is accessed by a private drive from Worset Lane which passes no 14 and 15 Worset Lane. The ground level of the site is lower than its neighbours to the north and east.

1.4 The proposal involves the erection of a large 2 ½ storey house with detached annex. The accommodation provided includes:

- Living room, garden room, dining room, kitchen/breakfast room, family room, hall, cloaks and utility on the ground floor.
- Four double bedrooms with four ensuite bathrooms and separate bathroom on first floor
- Two bedrooms both with ensuite in roof space
- Gymnasium and cinema in separate 2 storey building with games room above (annex)
- Three car garage (attached to annex).

1.5 The height of the main house is between 9.6m and 10m high, the annex is 8.5m in height and the garage 6.1m high. The property which is of modern design has been sited with its main entrance elevation facing south. The western side of the building which faces onto the golf course also has the appearance of a main

elevation with a large number of main and secondary windows. There are also main windows in the north and east elevations facing onto neighbouring properties.

1.6 The design includes a 2 storey glazed entrance, a 'turret' feature to the living room/main bedroom and balconies to south and west elevations. There are dormer windows to the west. This is an amended scheme to that originally submitted.

1.7 The main drive way swings across the front of the site and would provide parking and turning for a number of vehicles.

Background

1.8 Outline planning consent was granted in 2002 for 3 self build plots on the site of the former 'Overlands' dwelling which was demolished. A number of full applications were subsequently submitted and Plots B and C have been completed for some time. Plot A (the current site) has remained undeveloped despite a number of planning approvals.

1.9 Planning consent for a large detached dwelling was refused in October 2005 (H/2005/5576) on the grounds that the proposed house would be excessive in scale and bulk. The subsequent planning appeal was allowed and consent granted by the Planning Inspectorate.

1.10 A further full planning consent (H/2007/0047) was approved for the erection of a large detached house with attached double garage in 2007. This application lapsed in 2010.

Publicity

1.11 The application has been advertised by way of neighbour letters (4) and site notice. To date, there have been 4 letters of no objection to the original scheme and 1 letter of no objection to the amended scheme. Neighbours were also consulted on the amended plans.

The period for publicity has expired.

Consultations

1.12 The following consultation replies have been received:

Head of Public Protection – no objections

Engineering Consultancy – comments awaited

Traffic and Transport – no highway or traffic concerns

Northumbrian Water – no objections

Hartlepool Water – no objections

Tees Archaeology – no objections**Planning Policy**

1.13 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

1.14 The main planning considerations in this case are the appropriateness of the proposals in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the design of the dwelling and its impact on neighbouring properties and the street scene in terms of visual amenity. Highway safety will also be considered.

1.15 In terms of policy the residential development of the site is considered to be acceptable in principle. The site has had the benefit of a number of planning consents for dwellings and is located within the urban area in a residential area. There are houses to the north, east and south of the site. This is the last self build plot in the area.

Siting and design

1.16 In terms of siting, the proposed dwelling and annex/garages have been designed to fit into the shape of the site and take full advantage of the area of land on offer. The buildings have been sited close to all boundaries in order to maximise

the potential for the applicant to have a large house, annex and garages with south facing gardens and extensive drive way.

1.17 In terms of relationship with neighbouring properties, current Council guidelines require minimum separation distances of 10m where the front and back elevation of proposed dwellings would face a blank gable wall and 20m between principal elevations.

1.18 In this particular case, as previously mentioned the new dwelling and annex is sited close to all boundaries and does not meet the above criteria for separation distances with the surrounding houses, some of which have main windows in side elevations, and due to their size, design and location the proposals would have a detrimental impact on the amenity of many of the adjacent properties.

1.19 The house to the north, 4 Waterside Way has a number of windows in the side elevation including dining room, family room and 2 bedrooms. These are within 1m of the common boundary and would be a maximum of 6.5m from main windows in the north elevation of the new dwelling which falls short of the separation distances stated in Council guidelines. The windows in the new dwelling are dining room and kitchen on the ground floor, with secondary and main bedroom windows at first floor, there are also bathrooms, cloaks and utility.

1.20 It is considered that this relationship is poor and the new dwelling would have a significant impact on 4 Waterside Way in terms of visual intrusion - overlooking, loss of privacy, loss of sunlight and daylight and dominance. This is particularly relevant as the new dwelling lies due south of this neighbouring property. In turn, the existing property (4 Waterside Way) would have a similar impact on the new dwelling (other than in terms of direct sunlight).

1.21 The house to the north east of the application site, 11 Worset Lane also has a number of windows in the side and rear elevations which would be affected by the new development although to a lesser degree. The distance between the new dwelling and this house is approx 13.4m; the distance of the side elevation of the new dwelling from the boundary is between 2.8m and 3.7m. Whilst the impact on main windows is not considered to be critical in this instance, the rear garden of this neighbouring property would be closely constrained by the new house and annex given their size and location on the southern and southwestern boundary.

1.22 With regard to the two storey annex and garages, this building would be located in the south east corner of the site, close to boundaries with both 11 Worset Lane and with 12 Worset Lane. The distances here range between 0.9m and 2m from the common boundaries.

1.23 The two storey annex at 8.5m in height (height of a modern semi detached house) would be located along the south boundary of 11 Worset Lane and, particularly in combination with the proposed house, would have a significant impact on both daylight and sunlight to the rear garden and potentially windows in the rear elevation of this dwelling.

1.24 The cumulative impact of the development (main house and annexe) on 11 Worset Lane would be unacceptable in terms of its impact on the living conditions of the occupiers of this property.

1.25 Whilst the annex would be close to the common boundary with 12 Worset Lane, this part of the development is not considered to have a significant impact on this existing property, the nearest part of this being the garage.

1.26 The proposed 3 car garage element of the scheme however which is 6.27m high is located due west of the side elevation of 12 Worset Lane where there are 2 main windows (ground floor and first floor). The distance between these properties at this point would be 3.5m. Although there is a difference in levels of approx 1m between the application site and 12 Worset Lane (the application site being the lower) and there is a 1.8m high close boarded timber fence, the relationship here is again considered to be poor.

1.27 The new garage building is due west of this main window in the west elevation of 12 Worset Lane and whilst the roof slopes away from the boundary, it is considered that the garage would have a significant impact on this neighbouring property in terms of dominance, visual intrusion, loss of outlook, loss of light (daylight and sunlight) to the detriment of the occupiers of that property. Further the distance from the apex of the new garage roof would itself be less than 7m from the side elevation of 12 Worset Lane.

1.28 It is unlikely that the proposed development would have a significant impact on the house immediately to the south of the site, 15 Worset Lane.

1.29 There is a recent appeal decision (27 July 2012) at 15 Worset Lane which is also on this agenda for the house immediately to the south of the application site, involved the erection of a first floor garden room above the existing garage. This extension would have resulted in a structure 8.6m in height close to the boundary, due south of the application site.

1.30 The Inspectors decision to dismiss the appeal revolved around the impact of the extension on the application site (Plot A Overlands) even though he did not know how the site would be developed. He stated that the extension would *'definitely cause overshadowing to the southern part of the plot and could appear over-dominant. It would also impose a significant constraint on the way the plot would need to be developed to avoid harming the amenity of future occupiers. The appeal proposal would therefore conflict with the objectives of policies GEP1 and Hsg10 of the Hartlepool Local Plan and is unacceptable'*.

1.31 Taking this decision in comparison to the current proposal, it would suggest that relationships as described above between the proposed development at Plot A Overlands and its neighbours, particularly Nos. 11 and 12 Worset Lane and 4 Waterside Way, would be similar to those described in the appeal and would therefore reinforce the opinion that the proposed development is unacceptable in terms of the impact on adjacent properties.

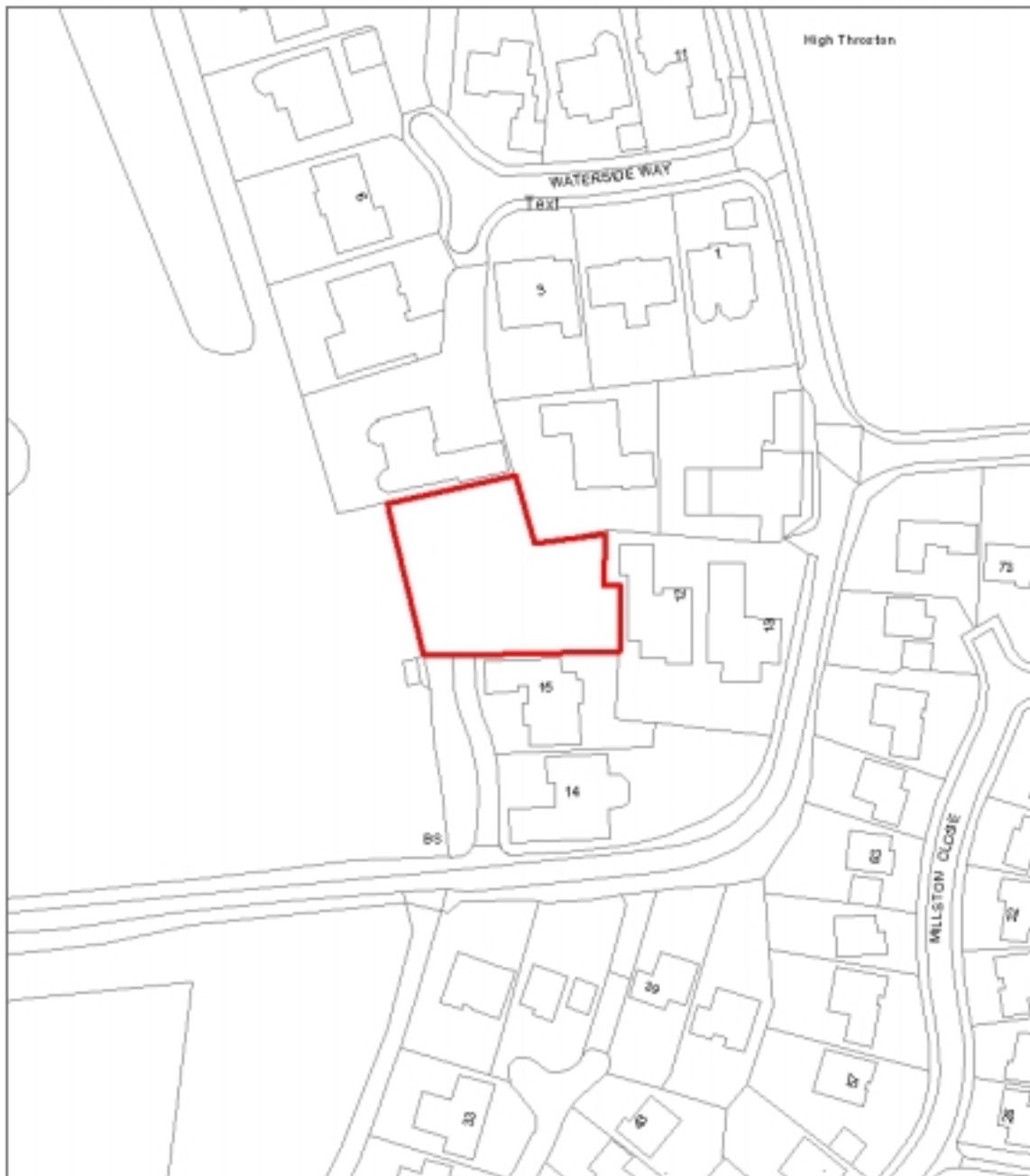
1.32 It is considered the relationships with neighbouring properties to the north, north east and east in the proposed scheme are significantly worse than in previously approved schemes on the site (which have now lapsed) which showed more generous separation distances, given the recent appeal decision it is considered that officer's views are endorsed and the proposed development would represent an unacceptable form of development.

1.33 The applicant has declined to consider further amendments to the scheme in order to attempt to address the difficulties in terms of the current relationships and wishes the application to be considered as submitted. In view of the above considerations and particularly the impact of the development on the living conditions of the occupiers of neighbouring properties, the proposed development is recommended for refusal.

RECOMMENDATION - REFUSE

1. In the opinion of the Local Planning Authority the proposed development by reason of its design, size and position within the site would have a detrimental impact on the living conditions of the occupiers of neighbouring properties (4 Waterside Way, 11 Worset Lane and 12 Worset Lane) in terms of privacy, dominance, overshadowing and visual intrusion contrary to policies GEP1 and Hsg 9 of the adopted Hartlepool Local Plan 2006.

PLOT A OVERLANDS



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

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

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Scale: 1:1000

Date : 4/7/12

Drg No: H/2012/0074

Drawn: GS

No: 2
Number: H/2012/0209
Applicant: Mr Fred Sturrock Managers House High Throston Golf Club HARTLEPOOL TS26 0UG
Agent: Allen & Hunt Ltd Miss Dianne Critchlow Narlow Works Thorpe Ashbourne DE6 2AT
Date valid: 11/05/2012
Development: Erection of an agricultural building extension (retrospective application)
Location: BENKNOWLE FARM BENKNOWLE LANE HARTLEPOOL

The Application and Site

2.1 The application site is farmland located on the west side of the A19 trunk road at the far end of Benknowle Lane, a narrow lane which serves a handful of properties. The main access to the field where the barn is sited, is from Coal Lane to the north.

2.2 The existing barn with the canopy which is the subject of this planning application is located at the eastern boundary of one of the applicant's fields, on the site of a long established barn which was removed and replaced with the current structure.

2.3 The adjacent property, also known as Benknowle Farm comprises a dwelling house of some antiquity with a range of outbuildings (some in ruins). There is a large barn immediately to the south of the house. The main house is currently being extended.

2.4 The barn which was recently erected in the adjacent field to the west of the house is sited approx 23.5m from this dwelling house. A canopy and hard standing have been added to the south end of the barn. The canopy which is constructed in materials similar to the barn is open on the east and south elevations covering a floor area of 12m by 9m and is just over 9m in height.

2.5 The applicant has stated his intention to use the canopy to house a mobile grain dryer to deal with produce from his arable farm (barley, seed rape and wheat). He has also stated that he is willing to plant trees or provide landscaping if necessary to screen the canopy and the existing barn.

2.6 It should be noted that as the grain drying machine is mobile and can be moved from place to place, planning consent would not be required for this equipment. This type of dryer or any other mobile machinery could be used on the land without any consent in terms of planning permission.

2.7 The current application relates to the canopy and hard standing which have been erected without planning consent. The existing barn does not need planning consent.

Background

2.8 The planning control of agricultural buildings is often confused by complex legal requirements which mean that some agricultural structures require conventional planning consent, some are subject to the prior notification procedure, others are permitted development and yet others may not be development at all.

2.9 Prior notification procedures were introduced to the planning system in 1992. This system means that the erection, significant extension or significant alteration of agricultural buildings is subject to a notification procedure whereby a written description of the works is to be provided to the Local Planning Authority. The Authority is then allowed 28 days to consider whether their prior approval is needed for the works.

2.10 In this particular case the Council considered the plans and details for the erection of the replacement barn and at that time no further applications for planning consent were deemed to be necessary.

Publicity

2.11 The application has been advertised by way of neighbour letters and site notice. To date, there have been 7 letters of objection and 3 letters of comments from NHS Trust, Fens Medical Centre and Child and Adult Services.

2.12 The concerns raised are:

- a) Benknowle Farmhouse has been residential for 25 years
- b) The procedures for the barn may not have been fully adhered to in this case
- c) The huge dimensions of this building have totally destroyed the setting of the house
- d) The attractive open countryside (near a public footpath) has been destroyed
- e) The extension was built without permission
- f) The noise will have a severe impact on the quality of life for residents
- g) We can see the extension from the windmill – it dominates the house
- h) Noise and fumes
- i) Concerns about increase in traffic along Benknowle Lane
- j) The existing barn already overpowers the house and inhibits the free use of the garden
- k) Extension blocks light to house and garden
- l) Affects human rights to family life
- m) The applicant could have sited the barn elsewhere
- n) The applicant does not require a permanent structure
- o) The development may require an Environmental Impact Assessment.
- p) The applicant has not been truthful about his intentions
- q) Dust will blow directly into land and house and family room
- r) Will impact on the health of family particularly a disabled son who has chest problems
- s) The barn is an eyesore
- t) Over large and imposing
- u) Dust, fumes and noise from tractor and dryer

- v) Will affect health of Mr Garretts mother who looks after the children and has asthma
- w) Loud noises could create seizure activity for William (applicant's son) who has health problems and disabilities.

2.13 The period for publicity has expired. Copy letter D

Consultations

2.14 The following consultation replies have been received:

Public Protection – Public Protection does not wish to request any conditions be applied to the above application.

Whilst the process of grain drying and conditioning may produce dust and noise the canopy to some extent will reduce the impact on the adjacent property.

It is an understanding that the applicant's Barley, Seed Rape & Wheat crops are harvested once a year and that this dryer is used for a maximum of 10 days during this period.

Should any complaints be received regarding the operation of the dryer, suitable powers are available under the Environmental Protection Act 1990 to control any statutory nuisance.

Elwick Parish Council - Elwick Parish Council wishes to express an **objection** to the retrospective planning request for a canopy to the barn erected on Benknowle Farm. Benknowle Farm is no longer a working farm, and some of the land is now worked by another farmer, Mr. F. Sturrock, who has made this application.

Our objection is not to the erection of a canopy per se, but to the placement of said canopy which will directly affect the neighbouring householders, who live only 30 meters from the barn in the original Benknowle Farm house.

We understand that the canopy is to be used as a grain drying facility.

There was no consultation by Mr. Sturrock with the Parish Council before the erection of this extension to the barn; if there had been we should have recommended placing the canopy to the side of the barn furthest from Benknowle Farm house, thus reducing both the noise nuisance and interference with the view.

Planning Policy

2.15 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.

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.

Rur14: States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

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.

Planning Considerations

2.16 The main planning considerations in this case are the impact of the development in terms of the policies and proposals contained within the Hartlepool Local Plan, National Planning Policy Framework and on neighbouring residential property in terms of visual amenity, noise and disturbance and on the area in general.

2.17 In this particular case as the development has already been carried out the prior notification procedure cannot be used.

2.18 National Planning Policy Framework (NPPF) states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Proposed development that accords with an up to date local plan should be approved.

2.19 Section 3 (Supporting a prosperous rural economy) of the NPPF deals with the economic growth in rural areas and promotes the development and diversification of agricultural and other land based rural businesses.

2.20 Current Council Policy Rur7 of the adopted Hartlepool Local Plan 2006 states that a number of factors will be taken into account in determining applications for development in the countryside. These include the relationship of the development to other buildings in terms of siting, size and colour, visual impact on the landscape, compatibility of design within the setting, operational requirements of the agriculture and forestry industries, viability of farm enterprise and adequacy of road network amongst other things.

2.21 The existing barn and its new canopy are similar to many others in the rural areas of Hartlepool. Barns and other agricultural buildings can be readily seen from the A19 and many of the country lanes and roads crossing the borough. Again it must be re-iterated that the barn which is a substantial structure does not need planning consent.

2.22 Whilst the relationship of the existing barn and canopy with the house at Benknowle Farm may appear to be unusual, the house at some time in the past has been separated from the surrounding land.

2.23 The house which is accessed from a narrow lane directly from the A19 is as previously mentioned of some age and although fairly attractive has been altered and extended a number of times over the years. A large extension is currently under construction.

2.24 Main windows in the front elevation of the house face south onto a large barn which is part of the curtilage of this property together with a number of other outbuildings. The new barn and canopy lie to the west of the house separated by ruined buildings belonging to the farm house, fences and hedging and accessed from a farm track which runs south from Coal Lane (to the north of the site).

2.25 In terms of visual amenity, the canopy is more than 23m from the front of the house and being to the south west is unlikely to have a significant impact in terms of loss of light and overshadowing for most of the day. To make a comparison, the canopy would be a similar height to an average sized semi detached house. Current Council policy states that separation distances of 10m where a blank elevation faces onto an elevation where there are main windows should be provided. A separation distance of 20m should be provided between elevations where there are main windows. In this particular case the canopy, if it was a dwelling, would be well within the guidelines.

2.26 The canopy and associated hard standing are considered to be acceptable in terms of siting and design and would not appear to be out of keeping in a farm setting within the countryside.

2.27 In terms of noise and disturbance, additional information provided by the agent states that the dryer will be used for a few days during harvest time and not all year round. Whilst the grain dryer itself uses diesel to power the drying fan and bumer, the machinery is driven by a tractor.

2.28 It should be noted that the applicant who farms the land (arable) can use the grain dryer and any other farm machinery without any planning control. The fields surrounding the farmhouse have been farmed for many years using a variety of machinery such as ploughs and combine harvesters, all of which would be likely to produce certain amounts of noise and dust during the normal everyday activities in relation to farming the land and food production.

2.29 The Councils Public Protection Team has offered no objections to the retention of the canopy or its use for grain drying. Given the times required and duration of the procedures/activities it is not considered necessary or relevant to make any

restrictions on any planning approval. The agent has also confirmed that the applicant has also fitted a dust extractor to the grain dryer to minimise dust.

2.30 The Public Protection Team has also confirmed that any complaints received regarding the operation of the grain dryer, suitable powers are available under the Environmental Protection Act 1990 to control any statutory nuisance. It is clear planning practice that planning controls should not be used if specific controls are available elsewhere – Circular 11/95: The Use of Conditions in Planning Permissions.

2.31 The main access to the barn and canopy is from Coal Lane to the north of the site and not along Benknowle Lane. There will be no increase in traffic to and from the site as the applicant already uses the existing barn. The agent also states that the canopy will act as a shield from westerly winds to prevent dust blowing in the direction of the house. This is endorsed by the Council's Public Protection Team.

2.32 Whilst it is acknowledged and appreciated that members of the family at Benknowle Farm House have serious medical/health problems, as previously mentioned the mobile drying equipment could be used on neighbouring farm land adjacent to the barn without planning consent; it is the canopy which is before Members for consideration. The canopy has been erected to offer some protection to both the equipment and the neighbouring property.

In view of the above considerations approval is recommended to the retention of the canopy and its use for grain drying.

RECOMMENDATION - APPROVE

BENKNOWLE FARM



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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/2012/0209

No: 3
Number: H/2012/0354
Applicant: Mr Steve Cockrill Meadowcroft Elwick Road
HARTLEPOOL TS26 0BQ
Agent: The Design Gap Mr Graeme Pearson 40 Relton Way
HARTLEPOOL TS26 0BB
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

3.1 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.

3.2 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

3.3 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.

3.4 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).

3.5 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.

3.6 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 Meadowsides 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

3.7 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).

3.8 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.

3.9 The applicant subsequently appealed and the appeal was dismissed.

3.10 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.

3.11 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).

3.12 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).

3.13 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

3.14 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.

3.15 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”.

3.16 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

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

3.18 The period for publicity is still outstanding and will not expire until after the Committee meeting.

Consultations

3.19 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 – Comments awaited

Cleveland Fire Brigade – Comments awaited

Environment Agency – Comments awaited

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.

Standard conditions J169, J161 & J170 apply.

Neighbourhood Services – Comments awaited

Property Services – Comments awaited

Traffic and Transportation – Comments awaited

Planning Policy

3.20 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

3.21 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.

3.22 It is anticipated that the application will be recommended for refusal based on the impact on the adjacent listed building and the detrimental impact the development would have on the character and appearance of the Conservation Area, which is endorsed by the history of the site and planning appeal decisions.

3.23 However, given that a number of consultation responses are still awaited, the period for publicity is outstanding until after the committee meeting and a member of the Planning Committee has requested that a site visit be undertaken it is recommended that the application be deferred.

RECOMMENDATION – DEFER to enable Members to carry out a site visit prior to the determination of this application.



SHU LIN ELWICK ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

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

Scale: 1:1000

Date : 02/08/12

Drg No: H/2012/02354

No: 4
Number: H/2012/0287
Applicant: Mr Steven Bell Greenbank Stranton Hartlepool TS24 7QS
Agent: DKS Architects Mark Barlow DKS Architects The Design Studio, 22 Ellerbeck Court Stokesley Business Park Middlesbrough TS9 5PT
Date valid: 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

The Application and Site

4.1 The application site is a brownfield site having previously been used as a nursing home, of which the buildings have been demolished leaving a cleared site. The site is owned by Hartlepool Borough Council. The site is situated on Monmouth Grove in the predominantly built up area of the Throston Grange estate which comprises of mainly residential dwellings. Located at the centre of the estate the site benefits from the significant linear pedestrian route of Flint Walk, this helps the site connect to the various bus stops as well as providing a safe pedestrian route to many other community facilities including schools and local services.

4.2 Full planning permission is sought for the erection of 22 dwellings of which 11 will be offered for 'affordable rent' managed by Vela Group. The Housing and Communities Agency define affordable rent as follows:

Affordable rented homes will be made available to tenants at up to a maximum of 80% of market rent and allocated in the same way as social housing. Landlords will have the freedom to offer Affordable Rent properties on flexible tenancies tailored to the housing needs of individual households.

4.3 The proposed houses consist of 2 and 3 bedroom dwellings and will incorporate gardens, landscaping and off street parking. The site is bounded to the north by bungalows in Tenby Walk, to the south by properties in Flint Walk which encompass front gardens facing the application site. To the east of the site beyond the proposed entrance is Chepstow Walk and to the north is an area of open space with Conway Walk located beyond.

Publicity

4.4 The application has been advertised by way of neighbour letters (30), site notices (x4) and press advert. To date, there has been one email of concerns received.

4.5 The concerns raised relates to:

1. The retention of two trees adjacent to my parent's house. Do you know if a survey of the tree's has been completed as the report completed out by the previous proposed developer recommended removal of the tree's due to their poor condition.

4.6 The period for publicity has expired.

COPY LETTERS B

Consultations

4.7 The following consultation replies have been received:

Traffic and Transportation – The applicant has shown some street lighting columns in areas which will not become adopted Highway. A wayleave agreement will be required with the applicant if the street lighting columns are to be maintained by the Council.

The carriageway should be constructed in accordance with the HBC design guide and specification under a section 38 agreement or advanced payment code.

The provision of 38 parking spaces meets the Council's requirements of 2 spaces per property / 1.5 spaces per affordable.

Arboricultural Officer - The applicant has not submitted a tree survey report in support of this application, however a full tree survey report providing details of the position, type, size, structural condition and physiological condition of the existing trees at the site was submitted in support of a previous application and the details remain applicable.

Most of the trees were found to be in generally fair to good condition with 11 assessed as being category B (moderate quality and value), 6 category C (low quality and value) and 3 category R (Remove. Dead, dying or dangerous). (Note: the tree retention categories used were in accordance with the now superseded BS5837:2005).

This proposal, as with the previous one, involves the removal of the majority of the existing trees from the site in order to facilitate the development, with only four trees shown to be retained on the site layout plan, one of which is located adjacent to plot 13, one adjacent to plot 16, and two adjacent to plot 22.

Despite what is shown on the submitted site layout plan, in reality, due to site specific circumstances, it may be found on commencement of development works that it is impractical to retain and protect all but the two trees adjacent to plot 22.

The removal of the majority of the existing trees at the site is regrettable and will result in a loss of visual amenity in the short to medium term. Although a general indication of landscaping and new/replacement tree planting is shown on the site

layout plan, the applicant has failed to provide sufficient detail to allow a full assessment of the landscaping proposal therefore I would recommend that landscaping details be required by condition.

The existing trees to shown to be retained should be protected during the course of construction works by temporary protective fencing in accordance with BS5837:2012 'Trees in relation to design, demolition and construction - Recommendations', and as details of tree protection have not been submitted with the application, these will be required by condition.

Standard conditions J161, J169 and J170 apply

Public Protection – No objections

Northumbrian Water – No objections

Engineering Consultancy (Drainage) - With reference to the above application, I note that the applicant has stated that the preferred method of disposal of surface water flows is to existing sewer.

The Flood and Water Management Act 2010 discusses the need for a Suds Approving Body (SAB) to be established and led by the Council, this requirement may be enacted either in October 2012 or April 2013. This enactment would require that all new development (although there are tests of affordability) should have a sustainable drainage (SuDS) element incorporated in them in accordance with the National Standards for SuDS. Developers will be required to produce a detailed drainage strategy incorporating SuDS with the planning application for the SAB to consider. All being well, the SAB would then approve the drainage application (if it complies with the National Standards) and adopt any approved SuDS which serve more than 1 property.

At this point in time, the requirement has not been enacted and therefore I wouldn't request a drainage strategy to be provided up front. However I would request that a planning condition be imposed requiring the submission of a detailed drainage strategy, should planning permission be given.

Engineering Consultancy (Ground Contamination) - I have reviewed the 'Geo Environmental Engineering' report for the proposed development. Based on the review of this information, please could I request my standard land contamination condition for any approval

Parks and Countryside - There is a public byway running through the development area of the planning application. The designation of this public byway is: Public Byway No.22, Hartlepool.

When considering the development, the developer and/or its agent will need to firstly contact myself so that correct legal procedure can be followed when looking at the diversion of this public right of way.

Any diversion of a public right of way in relation to development needs to be commenced close to the start of the development. I therefore advise the developer or agent in contacting me as soon as possible

Economic Development – No objections to the proposed. Details of application have been copied other members within the Economic Development Team to consider possible employment opportunities.

Cleveland Police – No comments received

Neighbourhood Services – No comments received

Property Services – No comments received

Planning Policy

NATIONAL POLICY:

4.8 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.

REGIONAL POLICY:

4.9 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 Governments 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

4.10 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.

GEP9: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

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.

Tra16: The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Planning Considerations

4.11 The main issues for consideration in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the National Planning Policy Framework, the design and layout, the impact of the development on the surrounding area and on the amenities of nearby residents and highway safety considerations.

4.12 The principle of 22 dwellings on the site is considered to be acceptable in terms of land use policy should all other material planning considerations be satisfied.

Visual Amenity, Design and Layout

4.13 The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.14 The adopted Hartlepool Local Plan 2006 states that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Officers are in agreement that the provision of the site for residential development at the proposed amount i.e. 22 dwellings, is acceptable. Whilst the housing upon the site is dense and the separation distances in some instances are below the 20m guidance outlined in the Hartlepool Local Plan the site layout is considered to be acceptable in design terms. The reason for this justification is outlined below.

4.15 Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties, in terms of both scale and design, it is considered that the design, scale and massing of the proposed dwellings are acceptable. It is prudent to state that separation distances between properties located in close proximity to the proposed site upon Tenby Walk between principle elevations in some instances are as low as approximately 13.5m.

4.16 In terms of the separation distances between dwellings located upon the site, the proposed housing layout accords with the guidance outlined in the Hartlepool Local Plan in that all gable walls upon the site are sited 10m from the front or back of adjacent dwellings. As outlined above The Local Plan requests separation distances of 20m between principle elevations. The separation distances proposed on site are in some instances as low as approximately 17m.

4.17 Notwithstanding the existing relatively narrow separation distances between properties in close proximity to the site, particularly upon Tenby Walk, it is prudent to state that the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 makes provision for the erection of two-storey rear extensions with separation distances of 14m towards neighbouring properties. It is therefore considered that given such statutory provisions, The Local Planning Authority is unable to raise significant concerns to the separation distances proposed (approximately 17m). It is therefore considered that the aforementioned statutory provisions coupled with the existing separation distances between properties in the immediate vicinity justifies the proposed separation distances acceptable on this basis. Furthermore, it is considered that in overlooking terms, the proposals are acceptable and unlikely to have a significant effect in such terms.

4.18 It is considered that the layout of the 22 dwellings upon the site has been designed in such a way so to restrict the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it. It is considered that the scale of all 22 dwellings is proportionate to that of neighbouring properties and not overly large for the plots upon which they are located.

4.19 Concerns have been raised with the applicant regarding the proximity of clear glazed windows located in the front elevation at first floor level of the property located upon plot 5 and a neighbouring bungalow located outside of the site at 13 Tenby Walk. Officers have suggested a planning condition with regard to this requesting a scheme of obscurely glazed windows or a revised first floor layout to the property. The applicant is agreeable to such a condition being attached to any approval.

4.20 It is considered that the relationships between the properties adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed with regard to the front, side and rear of the neighbouring properties broadly comply with the guidance outlined in the Hartlepool Local Plan 2006 are considered acceptable given existing relationships in the area; in addition, an adequate amount of screening around the perimeter of the site will be retained and proposed in the form of railings and close boarded fencing. The layout of the site is considered to be acceptable and in terms of appearance will assimilate itself quickly into the wider streetscene. Whilst it is acknowledged that the design of the proposed housing is contemporary in appearance it is not considered that it will appear jarring in terms of its relationships with existing housing in the immediate area and will quickly assimilate into the wider area. Officers consider that the proposed design of the dwellings accords with the principles outlined within the NPPF and Local Policy. It is not considered that the proposal would create a significant impact upon the living conditions of any of the properties surrounding the site at a level whereby the Local Planning Authority could sustain a refusal.

4.21 It is considered prudent in this instance to remove Permitted Development (PD) rights for the proposed dwellings so to avoid any potential overlooking issues between neighbouring properties or any detrimental impact upon outlook, given the reduced separation distances.

Planning Obligations

4.22 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission. For instance where it is not appropriate for a developer to provide areas for open space or play equipment etc within a development site, the developer will be required to make a financial contribution to provide or maintain it elsewhere within the surrounding area.

4.23 In this instance the Council considers it reasonable to request the following developer contributions and obligations as part of a Section 106 legal agreement:

1. £250.00 per dwellinghouse towards off site play
2. £250.00 towards green infrastructure
3. the completion of a targeted training and employment charter, and;
4. the delivery of 11 affordable houses

4.24 It is prudent to state in the context of this report that the applicant has already raised concerns regarding the payment of £250 per dwellinghouse towards off site play and £250 per dwellinghouse towards green infrastructure. At the time of writing the report discussions are still ongoing and it is likely that an update will be verbally presented to members at the Committee meeting by the Planning Services Manager. For the avoidance of doubt, should the applicant not be willing to pay the aforementioned contributions requested by the council (total £500 per dwelling) because it would render the proposed scheme unviable, the onus will be on the applicant to submit a viability assessment so that the Council can assess the costs associated with the development so to ascertain if the scheme would indeed be unviable with the contributions requested by the Council.

Landscaping

4.25 Concerns has been raised by a resident regarding the retention of two trees upon the site and their condition. The proposed development involves the removal of the majority of the existing trees from the site in order to facilitate development, with only four trees shown to be retained.

4.26 The Councils Arborist considers that in reality due to the site circumstances it may be found on commencement of development that it is impractical to retain and protect all but the two trees adjacent to plot 22. The two trees the Arborist is referring to are the two the writer referred to in section 4.5 of this report. Given that the trees are in good condition it is considered prudent in the interest of visual amenity to try and retain them on site if possible.

4.27 Whilst the removal of the majority of the existing trees at the site is regrettable and will result in a loss of visual amenity in the short to medium term. Although a general indication of landscaping and new/replacement tree planting is shown on the site layout plan, the applicant has failed to provide sufficient detail to allow a full assessment of the landscaping proposal. It is therefore prudent to attach a condition

requiring a landscaping scheme be submitted to and approved by the Local Planning Authority. Furthermore to the trees to be retained, a condition requiring temporary protective fencing has also been proposed.

Ground Contamination

4.28 The Council's Engineering Consultancy Section has viewed the ground investigation report submitted with the application. Notwithstanding the report, the Engineers have requested that a condition be attached to any approval for the development requiring further information be provided outlining the nature of any contaminants present on site.

Drainage

4.29 The Council's Engineering Consultancy Section had originally requested a condition be attached to any approval requiring the submission of a drainage strategy. The Officer notified the Section that a Drainage Strategy had been provided as part of the submission. Upon viewing the strategy submitted the Engineers have raised no objection. The Drainage Strategy submitted is proposed to be conditioned as part of the approved plans. It is prudent to state with regard to the drainage of the site that Northumbrian Water has raised no objections to the proposed application.

Highways

4.30 The provision of 38 parking spaces meets the Council's requirements of 2 spaces per property and 1.5 spaces per affordable property. Traffic & Transportation have advised that they have no objections to the development.

4.31 The Officer has been advised that a public byway runs through the development area. Given this, an appropriately worded informative is proposed to be attached to any approval requiring the developer to contact the Council to ensure that the correct legal procedure is followed when looking at the diversion of the public right of way.

Conclusion

4.32 Having regard to the policies identified in the Hartlepool Local Plan 2006 above, the National Planning Policy Framework and in particular considerations of the effects of the development on the amenity of neighbouring properties in terms of overlooking, overshadowing and its appearance in relation to the surrounding properties, the streetscene and highway considerations the development is considered satisfactory and recommended for approval subject to the conditions set out below.

RECOMMENDATION – APPROVE subject to the completion of a legal agreement(s) securing developer contributions of £250.00 per dwellinghouse towards off site play and £250.00 towards green infrastructure, the completion a targeted training and employment charter, the delivery of 11 affordable houses and the following planning 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 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 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, parking areas and hardstandings 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'.

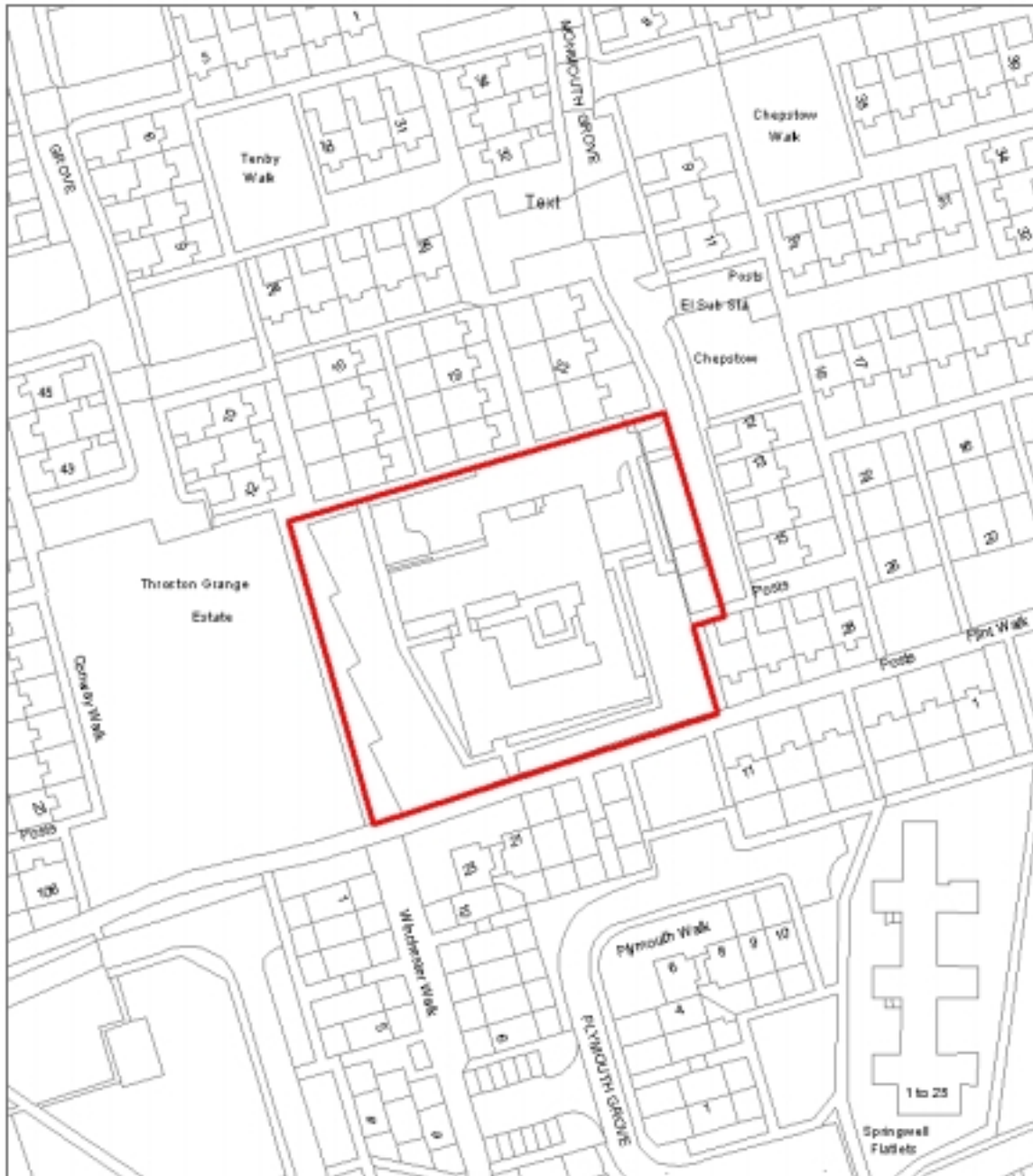
6. Extensions and other Development Affecting Dwellings.

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.



MONMOUTH GROVE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:1000

Date : 02/08/12

Drg No: H/2012/0287

No: 5
Number: H/2012/0275
Applicant: MR JOHN BUCHANAN REGENT CENTRE GOSFORTH
 NEWCASTLE UPON TYNE NE3 3TZ
Agent: SPACE GROUP MR KEITH HANDY SPACEWORKS
 BENTON PARK ROAD NEWCASTLE UPON TRYNE
 NE7 7LX
Date valid: 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

The Application and Site

5.1 The application site is located on the south side of Jones Road in an area which is predominantly residential. The site which is surrounded on all sides by houses was until recently the Hart Lodge care home. This has now been demolished and the site is vacant.

5.2 The application involves the erection of a new care facility set out in three distinctive elements arranged around a central courtyard garden and communal hub. This provides the opportunity for a transition from one type of care to another, with increasing levels of independence catered for.

5.3 The complex has been designed on a similar footprint to the previous care home with its main vehicular access from Jones Road to the north of the site. The H-shaped building is sited with a two storey north wing facing onto Jones Road, single storey wing facing Runciman Road to the south and joined by a multi functional central section ranging from three storeys in the north down to two storeys in the south. This central area will provide most of the community facilities. Three bungalows with gardens will be located at the west side of the site facing onto the houses on Horsley Place.

5.4 The development provides a range of accommodation including 20 ensuite single bedrooms, 15 single bedroom apartments, three single bedroom units (bungalows) and four x two bedroom units.

5.5 Extensive communal facilities will also be included in the development in the form of shared lounges, dining rooms, winter garden, therapy rooms, GP consulting rooms, hydrotherapy pool, fitness suite, sensory rooms, laundry, training and education suite, staff rooms and kitchens.

5.6 14 parking spaces have been provided within the site, 11 in the main car park and three accessed from Horsley Place in the south west corner of the site.

5.7 Individual gardens have been provided for some of the units along the north, south and east boundaries of the site. Landscaping and tree planting is included in

these areas. The proposal also includes a sensory garden linked to the internal winter garden, a kitchen garden and outdoor dining area.

5.8 The design of the scheme is modern and incorporates a wide variety of materials and finishes such as facing brickwork, render, cladding and roof tiles.

5.9 The estimated staffing levels at the busiest time ie 9am to 5pm are as follows:

- 10 care staff (on shifts)
- 1 cook and 1 assistant
- 1 cleaner
- 1 manager
- 1 assistant manager
- 1 admin officer

5.10 The applicant, Careline Lifestyles is a leading independent provider of nursing and residential care specialising in neurological, learning and physical disabilities for people over 18 years of age.

5.11 The range of care provided includes neurological conditions, acquired brain injuries, epilepsy, Parkinson's disease and dementia as well as physical and mental frailties.

Publicity

5.12 The application has been advertised by way of site notice, press advert and letters to neighbours (45). Three letters of objection have been received from residents in Horsley Place. The objections revolve around the following:-

- a) Major parking problems in Horsley Place
- b) Should be a through road built for residents of Horsley Place
- c) Residents have not been taken into account
- d) How high will new fencing be?
- e) Privacy issues
- f) Problems with youths throwing stones
- g) Local shops on Davison Drive are not suitable for wheelchair users
- h) The development is in the wrong place.
- i) The new fence could be an eyesore
- j) The trees could leave a dangerous mess on the paths
- k) The walkway could be made into an alley and attract youths and gangs of children
- l) If the site is going to be levelled off there will be a problem with the new bungalows obscuring view

Copy letter

Consultations

5.13 The following consultation replies have been received:

Neighbourhood Services – no response received

Economic Development – no response received

Traffic and Transport - The works to the access and drive crossings for parking bays for the independent living units needs to be carried out by a NRSWA approved contractor. There are no further highway or traffic concerns with this application.

Engineering Consultancy - With reference to the above application, I note that the applicant has stated that the preferred method of disposal of surface water flows is to existing sewer.

The Flood and Water Management Act 2010 discusses the need for a Suds Approving Body (SAB) to be established and led by the Council, this requirement may be enacted either in October 2012 or April 2013. This enactment would require that all new development (although there are tests of affordability) should have a sustainable drainage (SuDS) element incorporated in them in accordance with the National Standards for SuDS. Developers will be required to produce a detailed drainage strategy incorporating SuDS with the planning application for the SAB to consider. All being well, the SAB would then approve the drainage application (if it complies with the National Standards) and adopt any approved SuDS which serve more than 1 property.

At this point in time, the requirement has not been enacted and therefore I wouldn't request a drainage strategy to be provided up front. However I would request that a planning condition be imposed requiring the submission of a detailed drainage strategy, should planning permission be given.

Public Protection – no objections**Housing Services** – no response received

Northumbrian Water – No objection subject to a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

Hartlepool Water – do not anticipate any diversion works

Cleveland Police – no response received

The Chief Fire Officer – no response received

Planning Policy

5.14 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.

Hsg12: States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

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

5.15 The main planning considerations in this case are the appropriateness of the development in terms of the policies and proposals contained within the Hartlepool Local Plan 2006, the design of the scheme itself and the impact on neighbouring properties in terms of residential amenity, visual amenity and highway safety.

Policy

5.16 Whilst the site is located in a predominantly residential area and surrounded by dwellings, the last use of the site was for a care home. Therefore the principle of the development is considered acceptable. The site is also close to Hartlepool General Hospital and within walking distance of local bus routes, shops and services.

Siting and Design

5.17 As previously mentioned the new building has a similar footprint to the previous care home and has been imaginatively designed in order to provide an interesting mix of buildings on different levels using a range of modern and traditional materials.

5.18 One of the main aims of the scheme was to provide a functional building to meet the needs of the residents that would not give the impression of an institution or care home in this residential area. The main front and rear elevations which face onto dwellings have been set back and provided with landscaped front gardens.

5.19 As minimum separation distances between the new buildings and existing dwellings have been maintained, it is unlikely that the development would have a significant impact in terms of visual amenity – overlooking, loss of privacy, dominance and loss of light. Separation distances within the site have been reduced however as this is a single care home offering different elements of care and living it is considered acceptable.

5.20 Although parts of the new building are higher than the original care home, the highest part is towards the centre of the site and well distanced from residential properties.

Impact on Neighbouring Properties

5.21 With regard to the issues raised by one of the objectors regarding levels on the site, it would appear that now the site has been cleared, the land does fall towards the properties on Horsley Place. Should the land be raised at the western end of the site it is considered unlikely that the proposed buildings would have a significant impact on the visual amenities of the occupants of these dwellings. As previously mentioned, recommended separation distances have been met between the new build and existing residential properties. Further the new property opposite the objector's house would be a bungalow.

5.22 In terms of anti social behaviour, there is no evidence to support the fact that the proposed development would increase or encourage anti social behaviour in the area.

5.23 The issue of trees dropping leaves on footpaths is not something that would be dealt with as a planning issue. However the species of plants/trees would be looked at once the final details have been submitted as required by the proposed condition.

Highway Safety

5.24 The Council's Highway Engineer has commented on the scheme and has raised no objections in terms of access to the site, parking or other highway safety issues.

5.25 The amount of parking required for the development based on the number of staff would be 12 spaces. 14 spaces have been provided within the site. It should be noted that at the time of the officer site visit there were no cars parked on Jones Road adjacent or opposite the site.

5.26 Horsley Place is a small cul de sac which provides limited access to dwellings in this area. It is acknowledged that there may be existing parking problems for residents of Horsley Place due to the fact that there is no vehicular access to these six dwellings, however it is unlikely that visitors to the site would use Horsley Place for parking and as the parking spaces proposed exceed the required amount it would be difficult to sustain an objection on these grounds.

5.27 The current proposal does however include three parking spaces for the three bungalows on the west side of the site. These are within the application site and are located adjacent to the turning head in the cul de sac. Again the Highway Engineer has no objections to the siting of these spaces.

5.28 In view of the above considerations, approval is recommended.

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. 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.

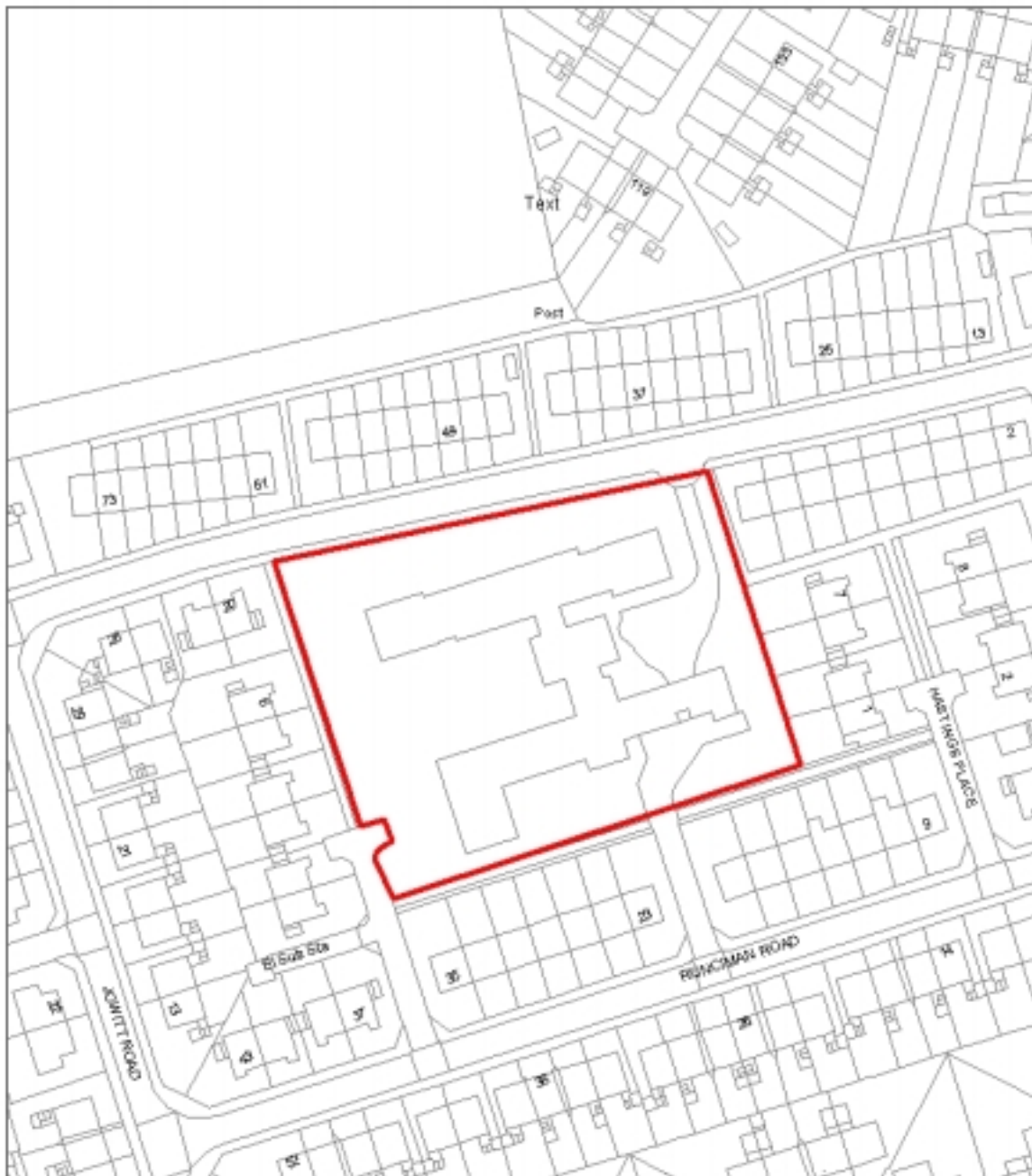
Thereafter the development shall be carried out in accordance with the approved details.

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.



LAND AT JONES ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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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/2012/0275

No: 6
Number: H/2012/0222
Applicant: Mr Keith Hair Eden Park Self Drive Hire, Seaton Lane
 HARTLEPOOL TS25 1JG
Agent: The Design Gap Mr Graeme Pearson 40 Relton Way
 HARTLEPOOL TS26 0BB
Date valid: 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

The Application and Site

6.1 The site to which this application relates is a rectangular site, currently occupied by a commercial vehicle hire business, operating from a single storey building on the site.

6.2 To the north of the site is Sovereign Park industrial site, to the east and west is mature planting which forms part of a wider landscape buffer. Also to the west and to the south are residential properties located on Seaton Lane, those properties to the west being a relatively isolated pair of semi-detached properties, the only ones on the north side of Seaton Lane within this area.

6.3 The application seeks outline planning consent for the erection of 7 dwellings. Access, appearance, layout and scale are reserved. Approval is sought for landscaping.

6.4 Although the application is in outline, the applicant has provided an indicative layout and design, showing two-storey properties, comprising of two pairs of semis, either side of a block of three terraced properties. Again, whilst it is a reserved matter, the plans show that the properties are capable of suitable access provision, in this instance by two separate accesses, one serving the western three properties, another serving the eastern four onto Seaton Lane.

6.5 The site has a relatively detailed planning history. It has been subject to two previous appeals for residential development, both of which were dismissed. In the most recent of those cases, the Inspector dismissed permission for 16 flats, concluding that the development would not relate well to the industrial land to the north and would either unduly constrain the development of the industrial land or result in significant harm to the living conditions of future occupiers of the dwellings in terms of noise and disturbance.

6.6 It was also concluded that the presence of highway trees adjacent to the site would make it difficult for drivers leaving the site to see and be seen by drivers

proceeding in an easterly direction along Seaton Lane. As such it was concluded there would be adverse effect on highway safety.

6.7 Notwithstanding that, the most recent application on the site (H/2006/0755) was approved for four detached houses. Officers on that occasion recommended refusal on a number of grounds, including the constraints on future development of Sovereign Park, the detrimental impact on residential amenity and the loss of trees. Permission was granted on 30 March 2007, lapsing without implementation in March 2010.

Publicity

6.8 The application has been advertised by site notice and neighbour notification (10). One letter of objection has been received.

6.9 The concerns raised include:

- Access issues/highway safety issues;
- Exacerbating existing highway issues.

6.10 One letter of no objection and two letters of support have been received, reasons for support include:

- Site would benefit from quality, affordable housing;
- Would compliment current houses and enhance approach into the heart of the village;
- It would be good for the area.

6.11 The period for publicity has expired.

Copy Letters A

Consultations

6.12 The following consultation replies have been received:

HBC Economic Regeneration – Concerned regarding the potential expansion of housing sites adjacent to key employment sites. The area offers Hartlepool's key industrial growth opportunity, creating private sector investment and job creation. The proliferation of residential development is likely to be detrimental to the surrounding industrial uses and may represent a key risk in business investment decisions in the locality and deter inward investment and indigenous business growth. At the same time the conflict between residential and existing industrial use may well mean in the long term that additional operational restrictions may come into play to protect the residential amenity.

HBC Engineering Consultancy – Request that the applicant considers disposal of surface water to the nearby watercourse. Endorse NWL's request for a planning condition to be imposed requiring the submission of a detailed drainage strategy,

should planning permission be given. Would welcome discussion with the Developer regarding sustainable drainage.

HBC Public Protection – Verbally has concerns, detailed response awaited.

HBC Traffic and Transportation – No highway or traffic concerns.

Cleveland Police – No objections.

Northumbrian Water – No objection subject to a condition requiring a detailed scheme for the disposal of surface water to be approved prior to the commencement of development.

Planning Policy

6.13 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.

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.

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.

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.

Ind4: States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

Planning Considerations

6.14 The main planning considerations in this instance are the appropriateness of the proposal in relation to the relevant Hartlepool Local Plan (2006) policies with particular regard to the principle of the development, the effect on the adjoining industrial land, the potential impact on the amenity of neighbouring and future occupiers, the impact on trees and the impact on highway safety.

Principle of Development

6.15 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, the impact on occupiers of new and existing development.

Relationship with Sovereign Park

6.16 Historically, applications for residential development on this site were twice previously refused on grounds that the proximity to the nearby Sovereign Park industrial site would either constrain development there or would result in detriment to the living conditions of local residents.

6.17 Sovereign Park Industrial Estate to the north is substantially undeveloped at present, however, does form a longer term allocation within the adopted Local Plan (2006) and has also been carried forward to the Core Strategy (Submission Draft) (2012) where it is recognised as a potentially suitable location for B1, B2 or B8 industrial development, B2 and B8 uses subject to a constraint about possible impact on neighbouring uses.

6.18 It is considered that notwithstanding the previous approval on the site, that previous reasons for refusal remain relevant. Indeed the number of dwellings now proposed has increased by almost 50% from that which Members approved in 2006.

6.19 Residential development on the north side of Seaton Lane is extremely limited, with only a single pair of semi detached properties remaining to the west of the site. Much of the land immediately to the north of Seaton Lane has been subject to landscaping work in the form of substantial landscape buffer.

6.20 In the previous appeal decision (H/2005/5379) the Inspector, in dismissing the application for 16 apartments on the site, concluded that notwithstanding a small number of isolated dwellings, further residential development would be inappropriate in this location. He said that although the main focus of the Local Plan was to encourage Use Class B1 i.e. offices / light industry on the adjacent industrial estate, the proposed development may hinder otherwise acceptable proposals for development within Use Classes B2 and B8 on land to the north of the site. The Inspector observed that a grassed mound adjoining the northern boundary of the site would not be sufficient in height to serve as an effective noise barrier.

6.21 The Council's Economic Regeneration Team has raised significant concerns with the application. The area offers Hartlepool's key industrial growth opportunity creating private sector investment and job creation. The proliferation of residential development is likely to be detrimental to the surrounding industrial uses and may represent a key risk in business investment decision in the locality and deter inward investment and indigenous business growth. At the same time the conflict between residential and industrial use may well mean in the long term that additional operational restrictions may come into play to protect residential amenity.

6.22 Notwithstanding the previous decision (H/2006/0755) it is considered by officers that there is no overriding reason to depart from the views of the previous Inspector considering residential development on the current application site in that it would potentially constrain future development of the Sovereign Park site and it would result in significant harm to the living conditions of future occupiers by reasons of noise and general disturbance. This has been echoed by the Council's Economic Regeneration Team.

Residential Amenity

6.23 In terms of the residential amenity of neighbouring dwellings, it is considered unlikely that the development will significantly detract from the living conditions currently enjoyed by surrounding properties. As all matters are reserved, appropriate siting and design could be dealt with at reserved matters stage to ensure there is no significant impacts by way of overlooking, overshadowing, dominance or outlook.

Highway Safety

6.24 The level of traffic generated by the proposed dwellings is considered likely to be no worse and probably an improvement on that associated with the current commercial vehicle hire operation. Provision would also be made within the site for sufficient parking and there is sufficient space for vehicles to leave the site in a forward gear. Indicatively, no more than four properties are accessed from a private drive. Taking these factors into account it is considered difficult to resist the development on highway safety grounds. The Council's Traffic and Transportation section have raised no highway or traffic concerns with the proposals.

Trees

6.25 Concerns from previous applications where trees aligning the highway to the front of the site were to be removed to facilitate driveway have been alleviated, the indicative plans showing that the trees can remain intact. On that basis the development is acceptable in terms of its impact on trees.

Drainage

6.26 The applicant has indicated that the preferred method of surface water disposal is to existing sewer. Northumbrian Water Ltd have requested a suitably worded condition covering the submission of a detailed design for the disposal of storm flows should the application be approved. The large open cut watercourse to the north of the development contains very little surface water flow, as its primary function is as an overflow to the combined sewer on Brenda Road and it is considered prudent to use this watercourse for surface water flow.

6.27 Disposal to the watercourse would be in line with the upcoming requirement to install sustainable drainage on all development in accordance with the Flood and Water Management Act (2010). All new development should have a sustainable drainage (SuDS) element incorporated in them in accordance with the National Standards for SuDS. Developers will be required to produce a detailed drainage strategy incorporating SuDS with the planning application for consideration. The Council's Engineering Consultancy have not requested a detail drainage strategy, however, endorse NWL's request for a planning condition for a detailed drainage strategy.

Conclusions

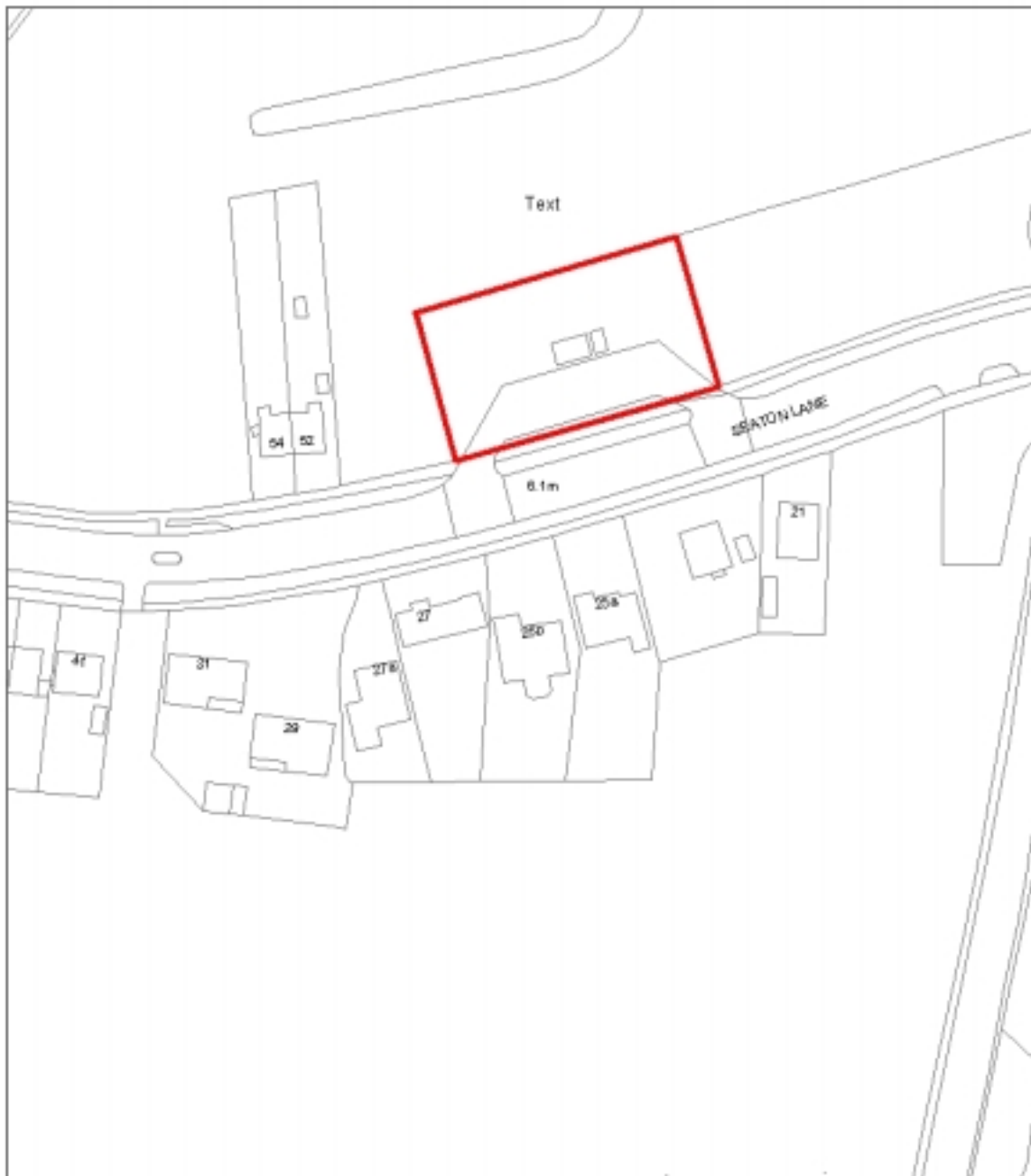
6.28 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations discussed above, it is considered that the proposed development would unduly constrain the future development of Sovereign Park which in turn would have a detrimental impact on the amenity of future occupiers and on that basis the application is recommended for refusal.

RECOMMENDATION - REFUSE

- 1 It is considered that the proposed development would unreasonably constrain through the need to protect residential amenity the future development of the Sovereign Industrial Park situated to the north of the site contrary to Policy GEP1 of the Hartlepool Local Plan (2006).
- 2 It is considered that the proximity between the site and the adjacent Sovereign Park Industrial Estate would be detrimental to the amenities of local residents by virtue of noise and general disturbance contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan (2006).



EDEN PARK SELF DRIVE



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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and Planning

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

Scale: 1:1000

Date : 02/08/12

Drg No: H/2012/0222

PLANNING COMMITTEE

15 August 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 neighbour complaint regarding the provision of a pedestrian access gate through existing boundary wall onto Council owned land in Victoria Place, Headland. A cross – functional communication process with estates and the legal division will be undertaken to resolve this matter.
- 2 A neighbour complaint regarding used cars sold from a residential property on Taunton Grove.
- 3 Officer monitoring recorded shred tyres stored on a vacant industrial site on Hunter House industrial Estate, Tofts Road East.
- 4 Anonymous neighbour complaints regarding the erection of low fence posts and decorate chain linked fencing to the front of a property on Tavistock Close. The ‘permitted development rights’ concerning the erection of garden fences, walls, or other means of enclosure to the front of properties has been removed from the original planning permission for the estate.
- 5 A neighbour complaint regarding an untidy vacant development site on Meadow drive.
- 6 A neighbour complaint report regarding the erection of extension to the rear of a property on Moorhen Road.
- 7 A neighbour complaint regarding the erection of a pigeon loft to the rear of a property in Sandbanks Drive.

- 8 A neighbour complaint regarding selling, buying and repairing motor vehicles from a residential property on Fernwood Avenue, has been investigated. The use is a home based hobby which would normally be expected in a residential area and incidental to the enjoyment of the dwelling house. Planning permission is not required. Noise issues have been raised and these have forward to the Council's Public Protection Team for attention.
- 9 An anonymous neighbour report regarding the installation of solar panels on a garage flat roof on Amble Close.
- 10 Officer monitoring recorded the display of an illuminated fascia sign on a commercial property on The Front, Seaton Carew. The property is situated in the Seaton Carew Conservation Area.
- 11 A neighbour complaint regarding the erection of an approved two storey retail and single flat development generating concerns regarding untidy site, skips on the highway and damage to the footpath on Murray Street.
- 12 An anonymous neighbour complaint regarding the installation of solar panels on the front slope of the main roof of a residential property on Clifton Avenue. The property is situated in the Grange Conservation Area.
- 13 A Councillor complaint on behalf of members of the public regarding the excessive height of scrap metal stored on a scrap metal processing site on Mainsforth Terrace. Planning approval for this site includes a condition, amongst others, restricting the height of scrap, materials or articles of any kind to a height exceeding 4 metres.
- 14 A neighbour complaint regarding possible unauthorised building works being carried out at a residential property on Hart Lane has been investigated. Planning permission was not required however building regulation was, this has been referred to the relevant team.
- 15 A complaint regarding the demolition of a pill box within an approved housing estate on Middle Warren has been investigated. A report has been prepared and listed in the exempt item section.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

15 August 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 44 LISTER STREET, HARTLEPOOL
TS26 9LF
APPEAL REF: APP/H0724/A/12/2178005/NWF
ALTERATION TO EXISTING HOT FOOD
TAKEAWAY AND CHANGE OF USE TO TWO
FLATS AT FIRST AND SECOND FLOORS

1. PURPOSE OF THE REPORT

- 1.1 To notify members of the lodging of an Appeal against the Council's refusal of planning permission for the above development and to seek authority for officers to contest the appeal. The application was refused in consultation with the Chair of Planning Committee. The original officer's report is attached.

2. APPEAL

- 2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow "alteration to existing food takeaway and change of use, to two flats at first and second floors" at 44 Lister Street, Hartlepool, TS26 9LF.

- 2.2 The application was refused for the following reason:

"The proposed layout of the upper floor flats could result in uncollected refused being sited on the public highway to the front of the property to the detriment of highway safety, contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006)."

- 2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

DELEGATED REPORT

Application No H/2011/0644

Proposal Alteration to existing hot food takeaway and change of use to two flats on first and second floors

Location 44 LISTER STREET HARTLEPOOL



PS Code: 13

DELEGATION ISSUES	Neighbour letters:	20/02/2012
1) Publicity Expiry	Site notice:	22/02/2012
	Advert:	n/a
	Weekly list:	26/02/2012
	Expiry date:	22/03/2012
2) Publicity/Consultations The application has been advertised by site notice and neighbour notification (3). No objections have been received. The period for publicity has expired.		
Traffic and Transportation – Recommend refusal. Refuse collections for the properties on Lister Street are taken from the rear alleyway. The first and second floor flats do not have direct access to the rear. As such the potential for refuse to be left, uncollected, on the pavement to the front of the property, could obstruct use of the footway to the detriment of highway safety.		
Housing – No objections received.		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy Com4: Edge of Town Centre Areas GEP1: General Environmental Principles GEP2: Access for All GEP3: Crime Prevention by Planning and Design Hsg3: Housing Market Renewal Hsg7: Conversions for Residential Uses Hsg9: New Residential Layout - Design and Other Requirements Comments: No planning policy objections.		
6) Planning Consideration The site to which this application relates is a hot food takeaway located on Lister Street. The property is one of three commercial units on a block, located close to the junction with York Road. The application seeks consent for alterations to the ground floor hot food takeaway to re-instate an existing door opening to facilitate the subdivision of the ground floor to provide a flat to the rear. Consent is also sought to provide two bedroom flats at first and second floor. The ground floor flat has direct access to the rear for refuse storage. The first and second floors have been allocated refuse storage internally.		

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DELEGATED REPORT

towards the front of the property.

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 the development, the effect on the amenity of neighbouring properties and the character of the area in general, and the impact on highway safety.

In terms of the minor alterations to the hot food takeaway, it is considered that they are acceptable. The hot food takeaway is an existing use and the works will help bring a vacant unit back into use. It is unlikely that the works will impact on the amenity of neighbouring properties.

Policy Hsg8 of the Hartlepool Local Plan (2006) states that proposals for the residential use of upper floors of properties in commercial areas will be approved provided that the further development of the commercial activities is not prejudiced. Parking requirements in areas served by public transport will be relaxed.

On the basis of policy Hsg8 it is considered that the principle of residential development is acceptable.

It is considered that the provision of the flats is unlikely to impact on the amenity of neighbouring properties in terms of overlooking or noise and disturbance. Lister Street is characterised by a mixture of commercial and residential properties. It is unlikely that the proposal will impact on the character or function of the area.

Refuse collections on Lister Street are taken from the rear alleyway serving the property. This is the current collection route for the properties and also those on York Road. The proposed first and second floor flats have been allocated internal storage to the front hallway for refuse. It is considered that this has the potential to result in refuse being sited to the front of the property, in turn remaining uncollected. It is considered that it is unreasonable for upper floor residents to carry refuse from the front of the property to the rear for collection, the distance is well in excess of the 30m allowed for under the Building Regulations. It is therefore considered that the potential for refuse to be sited on the highway to the front of the property would result in an obstruction to pedestrian use of the footpath which will in turn have a significant detrimental impact on highway safety.

Conclusions

With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning considerations set out above, it is considered that the potential harm to highway safety as a result of refuse being left to the front of the property outweighs the benefits of the proposal and as such is recommended for refusal.

7) Chair's Consent Necessary	Y
9) Recommendation	REFUSE

CONDITIONS/REASONS

1. The proposed layout of the upper floor flats could result in uncollected refuse being sited on the public highway to the front of the property to the detriment of highway safety, contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006).



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DELEGATED REPORT

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Principal Planning Officer

I consider the scheme of Officer/Chair delegation to be
appropriate/inappropriate in this case



Signed:

Dated:

Chair of the Planning Committee

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PLANNING COMMITTEE

15 August 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT LAND ADJACENT TO 28 NINE ACRES,
HART
APPEAL REF: APP/H0724/A/12/2178486/NWF
ERECTION OF A DETACHED DWELLINGHOUSE
AND GARAGE

1. PURPOSE OF THE REPORT

- 1.1 To notify members of the lodging of an Appeal against the Council's refusal of planning permission for the above development and to seek authority for officers to contest the appeal. The application was refused in consultation with the Chair of Planning Committee. The original officer's report is attached.

2. APPEAL

- 2.1 To inform Members that a planning appeal has been lodged against the refusal of the Local Planning Authority to allow "the erection of a detached dwelling house and garage" on land adjacent to 28 Nine Acres, Hart.

- 2.2 The application was refused for the following reasons:

"1. The proposed dwelling would have a significant, detrimental impact on the amenity of the adjacent property, 28 Nine Acres, in terms of overshadowing, dominance and outlook contrary to policy GEP1 of the adopted Hartlepool Local Plan (2006)."

"2. It is considered that the proposal would result in a development which appears unduly large, out of keeping and incongruous within the context of the visual amenity of the street scene, and therefore contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan (2006)."

- 2.3 The appeal is to be decided by written representations.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

Application No H/2011/0654
Proposal Erection of a detached dwellinghouse and garage
Location 28 NINE ACRES HART HARTLEPOOL
PS Code: 21



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DELEGATION ISSUES	Neighbour letters:	21/12/2012
	Site notice:	30/01/2012
1) Publicity Expiry	Advert:	n/a
	Weekly list:	15/01/2012
	Expiry date:	10/02/2012
2) Publicity/Consultations		
<p>The application has been advertised by site notice and neighbour letter (8). Four letters of objection have been received. The concerns raised include:</p> <ul style="list-style-type: none"> • Out of character with Nine Acres; • Parking problems; • Impact on access and egress; • Noise levels; • Issues with building work; • Too large for the street; • Block daylight to adjacent property; • Some of the land is Council owned; • Land is prime agricultural land; • Discrepancies in plans; • Design concerns. <p>The period for publicity has expired.</p> <p>Head of Public Protection – No objections received.</p> <p>Head of Property Services – No objections received.</p> <p>Parks and Countryside – No objections.</p> <p>Traffic and Transportation – A drive crossing will be required to HBC Design Guide specifications. No highway or traffic concerns.</p> <p>Landscape Planning and Conservation – The boundary comprises a hawthorn hedge adjacent to public highway. It is worth noting that the tree, whilst not worthy of a TPO, will be affected by the proposed temporary container which should be re-sited accordingly. No further issues.</p> <p>Northumbrian Water Ltd – No objections.</p> <p>Hartlepool Water – Situated in the existing footpath is a 3" CI water</p>		

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main. We do not anticipate any diversion work.	
Hart Parish Council – Objects as it is out of character with Nine Acres. Design concerns.	
3) Neighbour letters needed	Y
4) Parish letter needed	Y
5) Policy GEP1: General Environmental Principles GEP2: Access for All GEP3: Crime Prevention by Planning and Design Hsg10: Residential Extensions Hsg5: Management of Housing Land Supply Hsg9: New Residential Layout - Design and Other Requirements Rur12: New Housing in the Open Countryside Rur14: The Tees Forest Rur7: Development in the Countryside Comments: Concerns in relation to policy Rur12.	
6) Planning Considerations Site and Application The site to which this application relates is an area of open space, adjacent to the gable of 28 Nine Acres. It is located at the head of a small, linear development of 28 residential properties situated in the open countryside to the west of Hart Village. The site sits at the entrance to the street, adjacent to Front Street. It is currently occupied by building materials and a storage container which has been used in conjunction with the erection of a detached property on the site opposite. Nine Acres is characterised by two rows of two-storey, semi-detached mid-20 th century properties. All properties have driveway accesses; however, the access road itself is limited in size. The site itself is relatively well screened from the road by high evergreen hedging to the side. The application seeks consent for the erection of a detached, two-storey dwelling with integral garage, driveway and garden area. A temporary container for building materials is also shown on the submitted plans. A previous application for a detached dwelling on this site was refused (H/2011/0421) in 2011 on the grounds of design and the impact on the amenity of 28 Nine Acres. The proposed dwelling to which this application relates has been amended to incorporate revised siting and a revised design. Planning Considerations Policy GEP1 of the Hartlepool Local Plan (2006) states that in the determination of planning applications, due regard will be given to a number of factors. As such it is considered that the main planning considerations in this instance are the appropriateness of the proposals in respect of the relevant Local Plan (2006) policies and the relevant material considerations set out in Policy GEP1: <ul style="list-style-type: none"> • External appearance of the development; • Relationships with the surrounding area; 	

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- Effect on amenity of occupiers of adjoining or neighbouring properties;
- Effect on highway safety.

Principle of Development

Policy Rur7 of the Hartlepool Local Plan (2006) states that a number of factors will be taken into account in determining applications for planning permission in the open countryside. Those factors include:

- Relationship of the development to other buildings in terms of size, siting and colour;
- Visual impact on the landscape;
- Compatibility of the design of the development within its setting and landscape;
- Use of materials.

Policy Rur12 of the Hartlepool Local Plan (2006) states that isolated new dwellings in the open countryside will not be permitted 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 for which they are required is economically viable;
- They are of a size commensurate with the established functional requirement;
- The siting, design, scale and materials will not be significantly detrimental to the rural environment.

The proposed development is situated outside of the settlement limits of Hart Village, within the open countryside. The linear development of housing at Nine Acres is considered to be isolated in the sense that it is not closely related to an existing settlement.

Notwithstanding that, as with the previous application, it is considered that the proposed dwelling would not in itself be isolated, despite its location within the open countryside. The application site is considered to be an infill site, bordered on one side by the highway and the other by 28 Nine Acres. The extent of the site does not project eastwards any further than the existing rear boundary line of the curtilage of the adjacent property. The thrust of policy Rur12 is to prevent the encroachment of development into the open countryside.

It is acknowledged that the proposed development is sited outside of the settlement limits. However, it is considered that the site cannot be considered to be isolated in terms of policy Rur12. Whilst it has not been demonstrated that there is a proven need for the dwellinghouse in terms of the above policy, it is considered that the development would not result in further encroachment into the open countryside, and as such it is unlikely that a refusal on the basis of policy Rur12 could be sustained.

Design

Policy Hsg9 of the Hartlepool Local Plan (2006) states that residential development will be allowed subject to criteria including:

- The scale of the proposed development is appropriate to the locality, and where pertinent, the open character of the area is

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retained;

- There is sufficient provision of private amenity space within each curtilage commensurate with the size of the dwelling and the character of the area.

The dwellings in Nine Acres are relatively uniform in terms of their built form, resulting in a small collection of two-storey, semi-detached houses, sited in a linear form and served by a single access road. The exception to the built form is the recently developed detached dwelling located opposite the application site. Planning permission HFUL/1998/0178 was granted on 11 May 1998. It is considered, however, that the property is a relatively anomaly within the context of the street scene. The predominant nature of the built form remains reflected in the uniform, linear development of semi-detached properties.

The appearance of the proposed dwelling does not reflect the design of the properties on Nine Acres. It is acknowledged that the revised submission has made efforts to bring the design more in-keeping with the surroundings, for example by providing a hipped roof and slightly reducing the overall footprint of the dwelling. However, it is considered that the property is still of a size, massing and design which is larger and out of keeping with the character of Nine Acres. It is considered that the property is such that it will be unduly out of keeping and overly dominant within the context of the street scene of Nine Acres.

The plot is larger than the others on Nine Acres and the dwelling is out of proportion with those surrounding it. Whilst it is acknowledged that most streets carry a range of property types and sizes, and in this instance there is a single property which is much larger than the remainder of the street, in this instance it is considered that the proposal would result in the loss of an attractive element of the street scene which offers openness to the character of it. The proposed property would be unduly large and out of keeping with the existing dwellings within Nine Acres. It is considered that the erection of the proposed dwelling in this location would appear unduly dominant, out of keeping and incongruous within the context of the street scene and therefore contrary to policies Hsg9 and GEP1.

Amenity

The main relationship for consideration in this instance is that with the adjacent property, 28 Nine Acres. The main issues for consideration in respect of the relationship are the effect of the proposed dwelling on the amenity of the neighbouring property in terms of overlooking, overshadowing, dominance and outlook.

The previous application was refused on the grounds of the property having a detrimental impact on 28 Nine Acres in terms of dominance, outlook and overshadowing. The revised design as proposed now incorporates a conservatory to the rear. The separation distances between the side windows in the conservatory and the side window in 28 Nine Acres at under 10m, is less than the 20m guidelines set out in the Local Plan (2006). However, it is considered that a condition requiring the glazing to be obscured could be imposed and could mitigate potential

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overlooking issues.

As mentioned, the neighbouring property does have a large, ground floor window serving a habitable room located in the side elevation of the property, within a single storey extension. In terms of site levels, the application site sits higher than the adjacent property. The application site is also sited due south of the side elevation of no.28. The side elevation facing no.28 will have an eaves height of 5m and will be sited 4m from the window in the neighbouring property. It is acknowledged that the siting of the property has been revised so it does not sit directly in front of the side window. However, the property is still sited in close proximity to the neighbouring window.

The Hartlepool Local Plan (2006), Supplementary Note 4 states that minimum separation distances between habitable windows and blank elevations of 10m shall be adhered to. As such it is considered having regard to the above, the proposed development, by virtue of its size, siting and design is likely to have a significant, detrimental impact on the amenity of the neighbouring property, in terms of overshadowing resulting in a significant loss of light and appearing overly dominant when viewed from the neighbouring property, particularly in respect of the habitable room facing the application site. It is considered therefore that, notwithstanding the revised siting from the previously refused application, the proposed development will have a significant, detrimental impact on the amenity of the neighbouring property, 28 Nine Acres and is therefore contrary to policy CEP1.

Highway Safety

The proposed development provides a 6m driveway and off-street parking in the form of the driveway and the garage. The Council's Traffic and Transportation section have indicated that there are no highway or traffic concerns with the proposal. As such it is considered unlikely that the proposal will have a significant impact on highway safety.

Conclusions

With regard to the relevant Hartlepool Local Plan (2006) policies, and the relevant material planning considerations as discussed above, it is considered that the proposal would have a detrimental impact on the street scene, and would have a detrimental impact on the amenity of 28 Nine Acres contrary to policies CEP1 and Hsg9 of the adopted Hartlepool Local Plan (2006) and is therefore recommended for refusal.

7) Chair's Consent Necessary	Y
8) Recommendation	REFUSE

CONDITIONS/REASONS

1. The proposed dwelling would have a significant, detrimental impact on the amenity of the adjacent property, 28 Nine Acres, in terms of overshadowing, dominance and outlook contrary to policy CEP1 of the adopted Hartlepool Local Plan (2006).
2. It is considered that the proposal would result in a development which appears unduly large, out of keeping and incongruous within the

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context of the visual amenity of the street scene, and therefore contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan (2006).

INFORMATIVE

Signed:

Dated:

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Principal Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate/inappropriate in this case

Signed:

Dated:

Chair of the Planning Committee



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PLANNING COMMITTEE

15 August 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 16 SISKIN CLOSE HARTLEPOOL
APPEAL REF: APP/H0724/D/12/2179157
INFILL EXTENSION (LINK) BETWEEN EXISTING
DOUBLE GARAGES, CONVERSION OF GARAGES
AND TO BUILD NEW DOUBLE GARAGE

1. PURPOSE OF REPORT

- 1.1 To inform members of an appeal lodged against the Council's refusal of planning permission for the abovementioned proposal. The application was refused under delegated powers and authority is requested to contest the appeal. The original officer's report is attached.

2. THE APPEAL

- 2.1 The application was refused for the following reason:

1) In the opinion of the Local Planning Authority, the proposed development by reason of its size, design and position would be detrimental to the occupiers of the adjacent property, 13 Pintail Close, in terms of visual amenity, loss of daylight/sunlight, overshadowing dominance and visual intrusion contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan.

- 2.2 The appeal is to be decided by the process of a Householder Appeal which is an expedited written representation procedure.

3. RECOMMENDATION

- 3.1 That authority be given to officers to contest the appeal.

DELEGATED REPORT

Application No H/2012/0212

Proposal Infill extension (link) between existing double garages, conversion of garages and to build new double garages.

Location 16 SISKIN CLOSE HARTLEPOOL



PS Code:21

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	22-06-2012 03-06-2012 25/06/2012
1) Publicity Expiry		
2) Publicity/Consultations 2 letters of objection 11 Letters of no objection/support Northumbrian Water – No objection subject to a Building Over Agreement Traffic and Transport – No objections		
3) Neighbour letters needed		YES
4) Parish letter needed		NO
5) Policy GEP1: General Environmental Principles Hsg10: Residential Extensions Comments: No comments		
6) Planning Consideration The application site is a modern detached house located in the Middle Warren area of the town. Neighbouring properties comprise a mix of residential properties of various sizes and designs in this predominantly residential area. 16 Siskin Close is sited to the north end of a small cul-de-sac and has a small rear garden and a larger front garden with detached double garage and a large area of hard standing. The accommodation within the existing property comprises a large lounge, dining room, kitchen, utility, hall and cloakroom. On the first floor there are four bedrooms with ensuite and bathroom. An application for a part two storey/part single storey extension to the front of the property was recently refused (H/2011/0156). This application sought consent for a granny annexe and double garage on the ground floor with		

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DELEGATED REPORT

bedroom and ensuite at first floor. A further application (H/2011/0299) for the erection of a single storey extension to the front of the property to provide a granny annexe and detached double garage was also refused.

Planning consent (H2012/0003) was however granted earlier this year for the erection of a single storey extension to the front of the property linking the existing double garage to form a granny annexe and the erection of a detached double garage. The new garage in this instance was set forward away from the boundary with 13 Pintail Close by 4.5m.

The current application (fourth) proposes the erection of an infill extension (link) between the existing double garage, conversion of garage and new double garage. This scheme is similar in foot print to the previous application (H/2011/0299) which was refused.

The new plans involve the erection of a single storey extension to the front of the house to link the existing double garage to the house to provide additional living accommodation for the family. A detached double garage will be sited just less than 1m from the western elevation of the existing double garage.

The new link would result in the provision of an extension to the existing utility room, a new entrance hall, a large family room, and a bedroom with ensuite bathroom. There will be two new windows in the side elevation facing onto the fence between the application site and 13 Pintail Close. On the elevation facing onto Siskin Close there are windows to the family room and bedroom.

The new garage would be sited 1m from the common boundary with 13 Pintail Close and 0.720m from the boundary with 15 Siskin Close. The drive would be more than 9m in length and be sufficiently wide for 3 cars. The new detached garage has been designed to reflect the style of the existing garage which is to be converted to living accommodation.

The abovementioned works are to be finished in materials to match the existing dwelling and garage with pitched tiled roofs.

The application has been advertised by way of neighbour letters. Two letters of objection and 11 letters of support/no objection have been received. The objections revolve around the following issues:

- a) The extension will be too large for the area and will spoil the look of the close
- b) The plans have previously been rejected
- c) All previous objections are still valid
- d) Will have a major effect on natural light/sunlight to front of property (living room)
- e) Windows overlook adjacent property
- f) Unwanted intrusion

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DELEGATED REPORT

g) Detrimental to quality of family life

h) Overdevelopment of the site

i) Only pedestrian access to side door would be behind annexe and close to living room windows at neighbouring property.

j) If consent is granted the applicant will revert back to previous scheme and refit with kitchen to make the extension into a totally separate dwelling

k) Noise, disturbance and dust during building works.

The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals contained within the Hartlepool Local Plan and the impact of the development on neighbouring properties and the street scene in terms of visual amenity and on the house itself in terms of design and character.

Current Council Policy (Hsg10) states that extensions to residential properties should be of a size and design that harmonize with the existing dwelling and should be unobtrusive and not adversely affect the character of the street scene. The development should not significantly affect the amenities of neighbouring properties in terms of visual amenity ie overlooking, overshadowing, dominance or by creating a poor outlook.

In considering this particular proposal, policy Hsg11 (residential annexes) is also relevant. This policy states that proposals for extensions to provide accommodation for relatives of the occupier of the dwelling will only be approved provided that they accord with the abovementioned policy (Hsg10). The extension must be of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings. It should be designed so that it will serve an ancillary function to the main house and it is not of a form that would encourage its occupation as a separate dwelling when no longer required.

The application site is due south of the adjacent property 13 Pintail Close. The proposed link extension between the main front wall of the dwelling and the existing garage is considered to be acceptable in terms of siting and design. It will result in an extension to the house to provide additional family accommodation including modest accommodation for a family member (bedroom and ensuite). The new family room, hall and utility room can be used by all members of the family.

The design of 13 Pintail Close includes a set back at first floor level which results in main windows in two different planes. As there is a stagger between the application site and this property it is considered that the in filling part of the development would have little impact on the ground floor windows and as it is single storey would be unlikely to have any impact on first floor windows.

Notwithstanding this, the provision of a double garage close to the boundary with 13 Pintail Close is considered to be unacceptable in terms of visual amenity. The cumulative impact of the proposed extension and the new



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DELEGATED REPORT

garage would be unacceptably harmful to the living conditions at the adjacent property in terms visual intrusion, loss of light and dominance. The proposal would increase the feeling of enclosure at the front of this dwelling (13 Pintail Close).

With regard to the position of windows in the development, the bedroom and family room windows are well distanced from neighbouring properties and should have little impact in terms of overlooking and loss of privacy. The new window to the utility room will face onto the boundary fence between the two properties and the side elevation of the neighbouring property. The ensuite window which also faces onto the boundary fence is to be obscurely glazed and should have little impact in terms of visual amenity. It should be noted however that any windows in this elevation could not be offered protection from any future development at the adjacent property.

Notwithstanding the above, due to its location at the end of the cul de sac and being well set back from the public highway, it is considered that the extension would have only limited impact on the street scene in general.

The relationship of the new garage which is close to the shared boundary with 15 Siskin Close is also considered to be acceptable, particularly as there is a small difference in levels, the application site being the lower.

No objections have been raised in terms of highway safety.

In view of the above, the proposed works are considered to be unacceptable in terms of the impact on the neighbouring property in terms of visual amenity. Refusal is therefore recommended.

7) Chair's Consent Necessary	Yes
8) Recommendation	REFUSE

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed development by reason of its size, design and position would be detrimental to the occupiers of the adjacent property, 13 Pintail Close, in terms of visual amenity - loss of daylight/sunlight, overshadowing, dominance and visual intrusion contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan.

INFORMATIVE

Signed: _____ Dated: _____

Director (Regeneration and Neighbourhoods)
Planning Services Manager
Planning Team Leader (DC)

I consider the scheme of Officer/Chair delegation to be
appropriate/inappropriate in this case

Signed: _____ Dated: _____

Chair of the Planning Committee

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PLANNING COMMITTEE

15 August 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 15 WORSET LANE, HARTLEPOOL
TS26 0LJ
APPEAL REF: APP/H0724/D/12/2177935
ERECTION OF FIRST FLOOR GARDEN ROOM
ABOVE EXISTING GARAGE

1. PURPOSE OF THE REPORT

- 1.1 To advise members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.
- 1.2 The planning application was refused under delegated powers in consultation with the Chair of Planning Committee. The appeal was dismissed.
- 1.3 A copy of the Inspector's decision is attached.

2. RECOMMENDATION

- 2.1 That members note the decision.



Appeal Decision

Site visit made on 23 July 2012

by George Arrowsmith BA, MCD, MRTPI

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

Decision date: 27 July 2012

Appeal Ref: APP/H0724/D/12/2177935

15 Worset Lane, Hartlepool. TS26 0LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Andrew Carney against the decision of Hartlepool Borough Council.
 - The application, dated 23 March 2012, was refused by notice dated 7 June 2012
 - The development proposed is the erection of a first floor garden room above an existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the extension would, i) pose a threat to the amenity of the future occupiers of the adjoining site by virtue of over-dominance and overshadowing, and/or be detrimental to the appearance of the existing property and the surrounding area.

Reasons

3. The appeal property is a large new detached house in a plot on the edge of the built up area. Immediately to the north there is a large vacant plot on rising ground, which I read has planning permission for a dwelling. I am not told whether this permission is in outline or detail but I am not provided with any plans of a permitted dwelling and I am aware that the Council are currently considering a further detailed application. I have therefore made what I consider to be a reasonable assumption that the details of the dwelling to be constructed on the adjoining site have yet to be decided.
 4. The appeal proposal would increase the size of the appeal property by adding a room above a garage. The extended part of the building would be about 5.5m high at the eaves, almost 6m deep and would stand due south of the as yet undeveloped adjoining plot about 1m from the boundary. At present the closest two storey part of the building is set in by about 5m from the boundary. Given that the land slopes upwards to the north the height of the extension's eaves above the ground level of the adjoining plot will be somewhat less than their
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Appeal Decision APP/H0724/D/12/2177935

actual 5.5m height. Specifically I have no reason to disagree with the appellant's estimate that the appeal building is set down 630mm below the nearest ground level of the adjoining plot.

5. The appellant has submitted a block plan showing the dwelling proposed for the adjoining plot being located at the northern side of the site with a triple garage block close to the southern boundary. I understand this to be a revised plan submitted with an application that has not yet been determined.
6. The appellant's agent argues that, if the adjoining dwelling is built as proposed, its family room will be 20m from the proposed extension, with a garden, drive and landscaping in between. He argues that, when this degree of separation is taken in conjunction with the difference in height between the sites, no significant overshadowing will occur. Whether or not the appellant's assessment is correct, the fact remains that at the time of my determining this appeal I do not know the outcome of the application relating to the adjoining site. I read that the original proposal for that site had the dwelling in the centre of the site and much closer to the appeal property. I cannot know what details will eventually be approved.
7. Since I do not know how the adjoining plot will be developed I must avoid imposing an onerous constraint on the way it can be developed for a dwelling. Allowing the construction of a high side wall close to its southern boundary, albeit one with its effective height reduced because of the difference in site levels, would definitely cause overshadowing to the southern part of the plot and could appear over-dominant. It would also impose a significant constraint on the way the plot would need to be developed to avoid harming the amenity of future occupiers. The appeal proposal would therefore conflict with the objectives of policies GEP1 and Hsg10 in the Hartlepool Local Plan, and is unacceptable.
8. When or if detailed planning permission is granted for a dwelling on the adjoining plot the situation will have changed but in a way I cannot predict. The appropriate avenue to explore that changed situation would be through a fresh application to the Council.
9. Given the unusual character and location of the appeal property, a large building with complex roofscape and a variety of design features set among a group of other substantial houses looking out over a golf course, I do not consider that the extension would be unduly incongruous or out of keeping with the existing property or any street scene. With regard to the particular issue of subservience raised in the officer's report, this is not identified as a consideration in local plan policies GEP1 or Hsg10. In any event, given that the extension would still be lower and smaller than the main part of the dwelling, I consider that it could be classed as subservient.
10. The position and limited extent of the proposed Juliet balcony would avoid serious overlooking of neighbouring properties and I note that the Council have not cited the balcony as an objection to the proposal. I also agree with the case officer's comment that obscured glazing would avoid significant overlooking from the circular windows in the extension's north elevation. My conclusions on this aspect of the proposal and in relation to the appearance of the extension do

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not however change my decision that the proposal is unacceptable because of its potentially overbearing impact.

George Arrowsmith

INSPECTOR