

PLANNING COMMITTEE AGENDA



5th December

At 10.00am

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

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 7th November 2012

4. **ITEMS REQUIRING DECISION**

- 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
- 1. H/2012/0531 22 Clifton Avenue, Hartlepool (*page 1*)
 - 2. H/2012/0491 Land adjacent to and 85 Station Lane, Hartlepool (*page 8*)
 - 3. H/2012/0391 15 Grange Road, Hartlepool (*page 15*)
 - 4. H/2012/0360 Land at Wynyard (*page 22*)
- 4.2 Appeal Ref: APP/H0724/A/12/2178486 LPA Ref H/2011/0654 Erection of a detached dwellinghouse and garage, land adjacent to 28 Nine Acres, Hart Village, TS27 3BG – *Assistant Director (Regeneration and Planning)*
- 4.3 Update on Current Complaints – *Assistant Director (Regeneration and Planning)*
- 4.4 Update on the Local Development Orders associated with the Enterprise Zones – *Assistant Director (Regeneration and Planning)*



5. **ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**
6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**
7. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on 9th January 2013



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7 NOVEMBER 2012

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

Present:

Councillor Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Alison Lilley, Geoff Lilley,
Dr George Morris, Carl Richardson, Jean Robinson,
Linda Shields, Chris Simmons, and Ray Wells.

In accordance with Council Procedure Rule 4.2: -

Councillor Mary Fleet was in attendance as substitute for Councillor Marjorie James.

Councillor Sheila Griffin was in attendance as substitute for Councillor Robbie Payne

Councillor Brenda Loynes was in attendance as substitute for Councillor Paul Thompson.

Officers: Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Kate McCusker, Commercial Solicitor
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Chris Scaife, Countryside Access Officer
David Cosgrove, Democratic Services Team

241. Apologies for Absence

Councillors Brash, Fisher, James, Payne, and Thompson.

242. Declarations of interest by members

Councillor Wells declared a personal interest in planning applications H/2012/0507 and H/2012/0522.

Councillors Ainslie, Fleet and Griffin declared prejudicial interest in planning application H/2012/0497 and left the meeting during its consideration.

Councillor Beck declared a prejudicial interest in planning application H/2012/0408 though spoke on the application as ward councillor prior to leaving the meeting for the remainder of the application's consideration.

Councillor Robinson declared a prejudicial interest in planning application H/2012/0408 and left the meeting during its consideration.

243. Confirmation of the minutes of the meeting held on 10 October 2012

Confirmed.

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

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

Number:	H/2012/0524
Applicant:	Farmfoods Ltd, 7 Greens Road, Blairlinn
Agent:	CPLC Associates Ltd, Mr Warren Cooper, 87a Station Road, Bishops Cleeve, Cheltenham
Date received:	04/10/2012
Development:	Demolition of Pink Domino Public House and erection of a new food retail store (Class A1) and associated external works
Location:	THE PINK DOMINO CATCOTE ROAD HARTLEPOOL
Decision:	Minded to APPROVE subject to a legal agreement securing a contribution of £5,000 to environmental improvements (Public Art) on the frontage of the development site

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 04/10/2012 (Existing and Proposed Plans - Drawing No's: LP-100, SP-200, SP-201, FP-301, EL 401, SP-202 and FP-303), 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. The gross internal floorspace of the retail unit hereby approved shall not exceed 499 square metres as outlined within the application form.
In the interest of the vitality and viability of nearby local centres.
5. The retail unit hereby approved shall not be extended in any way, including through the addition of any mezzanine floor.
In the interests of the vitality and viability of nearby local centres
6. The area(s) indicated for car parking on the proposed site plan (29 spaces of which 2 are parent and child and 2 are disabled) received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) hereby approved, shall be provided before the development is brought into use and thereafter shall be kept available for its intended use at all times during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
7. Notwithstanding the submitted details 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.
8. 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 or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
9. Prior to the development hereby approved being brought into use an acoustic fence shall be erected in accordance with details and in a location to be first agreed in writing with the Local Planning Authority. The fence shall thereafter be retained at all times.
In order to safeguard residents living near the site from potential noise emissions.
10. In addition to the acoustic fence required by way of condition 9 and notwithstanding the details submitted prior to the occupation of the retail unit 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.
11. The premises shall only be open to the public between the hours of 07:00 to 22:00 hrs Monday to Friday, 07:00 to 20:00 hrs on a Saturday and 10:00 to 16:00 hrs on Sundays and Bank Holidays

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

12. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day.

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

13. Prior to the commencement of development a scheme providing details and locations for CCTV cameras upon the retail unit shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details before the unit is occupied and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.

14. Prior to the commencement of development a scheme providing details and locations of external lighting shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the development. The scheme shall be implemented in accordance with the approved details and thereafter retained as approved during the lifetime of the development, unless some variation is otherwise subsequently agreed in writing by the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and in the interests of crime prevention.

15. Notwithstanding the submitted details the final siting and design details, including final details of the enclosure around the units as shown on the approved Proposed Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) of the refrigeration and air conditioning units proposed for the retail unit hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to their installation. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of the visual amenity and the amenities of the occupants of neighbouring properties.

16. The use hereby approved shall not commence until proposals for the storage of refuse within the site, including bins for customer use, have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.

In the interests of the amenities of the occupants of neighbouring properties and the visual amenity of the area.

17. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 - 1 The programme and methodology of site investigation and recording;
 - 2 The programme for post investigation assessment;
 - 3 Provision to be made for analysis of the site investigation and recording;

- 4 Provision to be made for publication and dissemination of the analysis and records of the site investigation;
- 5 Provision to be made for archive deposition of the analysis and records of the site investigation;
- 6 Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the approved Written Scheme of Investigation.

The building is of historic significance the specified record is required to mitigate impact.

18. Prior to the occupation of the development the existing entrance onto Catcote Road as shown on the Existing Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-200) shall be removed as shown on the Proposed Site Plan received by the Local Planning Authority on 04/10/2012 (Drawing No: SP-201) and the footway restored in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The works shall be completed prior to the retail unit hereby approved being brought into use.

In the interests of highway safety and the visual amenity of the area.

19. The retail premises hereby approved shall not be brought into use until a "prohibition of waiting order" has been implemented on Brierton Lane and Catcote Road at the developers expense in accordance with details first submitted to and approved in writing by the Local Planning Authority.

In the interests of highway safety.

20. 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. premises (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.

21. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site (including the design of the systems and measures incorporating SuDS principles in accordance with the draft national standards and any attenuation) shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.

To ensure that the site is adequately drained.

22. Notwithstanding the submitted information prior to the commencement of the development hereby approved final details of the cycle storage area shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be retained at all times in accordance with the approved details for the lifetime of the development.

To ensure that there is sufficient cycle parking facilities for users of the development.

The Committee considered representations in relation to this matter.

The applicant's representative Mr Peter Martin and a representative of the objectors, Mr Tom Stewart were present at the meeting and addressed the Committee.

Number: H/2012/0430

Applicant: PERSIMMON HOMES, MR M RICHARDSON
PERSIMMON HOUSE, BOWBURN NORTH INDUSTRIAL
ESTATE, BOWBURN

Agent: MR M RICHARDSON, PERSIMMON HOMES,
PERSIMMON HOUSE, BOWBURN NORTH INDUSTRIAL
ESTATE, BOWBURN

Date received: 06/08/2012

Development: Application for approval of reserved matters for the erection
of 160 dwellings with associated access road, parking and
landscaping

Location: LAND AT AREA 15 MIDDLE WARREN HARTLEPOOL

Decision: **Minded to APPROVE with final wording of the
conditions delegated to the Planning Services Manager**

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans received by the Local Planning Authority: MW15-001 (Rev C) received 26 10 12, MW15-003 received 24 10 12, WS-WD07, SU-WD07, RFB-WD01, RSB-WD01, CR-WD01, CC-WD07, CD-WD07, MW15-TSE01 received 19 09 12 and 'Location Plan' received 06 08 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. 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.
6. 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.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
8. 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.

A representative of the objectors, Mr John Robson, was present at the meeting and addressed the Committee.

Number:	H/2012/0408
Applicant:	Mr S Burn, Persimmon House, Bowburn North Industrial Estate, BOWBURN
Agent:	Mr S Burn, Leebell Developments, Persimmon House, Bowburn North Industrial Estate, BOWBURN
Date received:	13/08/2012
Development:	Hard and soft landscaping including installation of play facilities to neighbourhood park
Location:	Land adjacent to Merlin Way HARTLEPOOL

Decision: **Minded to APPROVE subject to a completion of Deed of Variation to the legal agreement under S106 of the Planning Act to secure monitoring and security contributions**

CONDITIONS AND REASONS

1. The development shall be completed no later than 31 May 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. The development shall be carried out in accordance with the following plans submitted to the Local Planning Authority:
 - 74582/00506 C received 25 07 12
 - 74582/00509 A received 25 07 12
 - 74582/005010A received 25 07 12
 - MWNP-001 received 06 08 12
 - 74582/00507 A received 13 08 12
 - 74582/00508 B received 13 08 12
 - 74582/005011 received 13 08 12
 - 74582/005012 received 13 08 12
 - Design and Access Statement received 13 08 12
 - SMP Quotation received 13 08 12
 - Q-02100-Z2ZO-C received 13 08 12.
 For the avoidance of doubt.
3. The development hereby approved shall be carried out having regard to the following:
 1. Initial Conceptual Model
The development hereby permitted shall not be commenced until a desk-top study is carried out to identify and evaluate all potential sources of contamination and the impacts on all receptors relevant to the site. The desk-top study shall establish a 'conceptual site model' and identify all plausible pollutant linkages. Furthermore, the assessment shall set objectives for intrusive site investigation works/ Quantitative Risk Assessment (or state if none required). Two copies of the study shall be submitted to and approved in writing by the Local Planning Authority.
 2. 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'.

3. 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.

4. 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.

5. 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 2 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 3 (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 4 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of 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'.

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.

4. Details of all walls, fences and other means of boundary enclosure be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced.
In the interests of visual amenity.
5. Final details of the 'Rockworks' structure and the sculpture indicated on the footpath through the park shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details within the timescale specified for completion specified in condition 1, unless otherwise agreed in writing by the Local Planning Authority.
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 completion of the development. 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. Final details of the bandstand shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be carried out in accordance with the approved details within the timescale specified for completion in condition 1 unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

Councillor Beck, ward Councillor for the Hart ward, addressed the Committee in support of the application. Having declared a prejudicial interest in the application, Councillor Beck left the meeting during the debate and decision on the application. A representative of the objectors, Mr John Robson, was present at the meeting and addressed the Committee.

Number: H/2012/0508

Applicant: James Barnecutt, 23 Park Road HARTLEPOOL

Agent: James Barnecutt, 23 Park Road HARTLEPOOL

Date received: 21/09/2012

Development: Demolition of single storey garage, erection of two storey extension to side and single storey extension to the rear and front to provide garage, sitting room, kitchen, bedrooms, canopy to front and the provision of render to the property (amended description)

Location: 54 KESTEVEN ROAD HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the amended plan and details received by the Local Planning Authority on 21/09/2012 (Existing and Proposed Plans and Elevations - dwg no: 12JB:KR:20), 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 (including a render sample) 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 provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no windows shall be inserted in the elevation of the extension facing 52 Kesteven Road without the prior written consent of the Local Planning Authority.
To prevent overlooking

The Committee considered representations in relation to this matter.

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

Number: H/2012/0518

Applicant: Jomast Developments Limited C/o Agent

Agent: Signet Planning Ltd. Mr Alastair Willis, 26 Apex Business Village, Annitsford, Newcastle-upon-Tyne

Date received: 02/10/2012

Development: Variation of condition no 2 of planning application H/2011/0307 to allow alteration to approved highway layout, building scale and mass and car park layout

Location: TRAVELODGE THE LANYARD HARTLEPOOL

Decision: **Minded to APPROVE with final wording of the conditions delegated to the Planning Services Manager**

The Committee considered representations in relation to this matter.

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

Number: H/2012/0507

Applicant: Mr Brian Morton, Mayfair Centre Seaton Carew, HARTLEPOOL

Agent: Collective Design, Mr Simon Mcilwraith, 21 Kepple Street, Dunston, GATESHEAD

Date received: 01/10/2012

Development: Display of five halo illuminated signs, one roundel back lit and halo illuminated, two flat mounted stainless steel signs and 12 flagpoles

Location: The Mayfair Centre, Tees Road, HARTLEPOOL

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than two 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

21 September 2012 Drg No: BM/SC/220/03, BM/SC/220/09, BM/SC/220/010, BM/SC/220/11 Rev A, BM/SC/220/012A, BM/SC/220/013 Rev C, and BM/SC/220/014, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The maximum intensity of the illuminated sign(s) shall not exceed 800 cd/square metre.
In the interests of visual amenity.

The Committee considered representations in relation to this matter.

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

Number:	H/2012/0442
Applicant:	Mr Atilla Ozcan, 1 Sharp Crescent, DURHAM
Agent:	Mr Ted Jackson, 7 Amble Close, HARTLEPOOL
Date received:	20/08/2012
Development:	Variation of condition No 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days per week
Location:	180 York Road, HARTLEPOOL
Decision:	Planning Permission Refused

REASON FOR REFUSAL

1. The application site lies in close proximity to residential properties and is outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan 2012. It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of the morning. The proposal would be contrary to policies GEP1, Com12 and Rec13 of the adopted Hartlepool Local Plan 2006 and policies ND4, RC2 and RC6 of the emerging Hartlepool Local Plan 2012.

The Committee considered representations in relation to this matter.

The applicant's representative, Mr Darab Rezai, was present at the meeting and addressed the Committee.

Number: H/2012/0522

Applicant: Mr Mark Evans, 61 Meadowgate Drive, Hartlepool

Agent: Mr Malcolm Arnold, 2 Siskin Close, Bishop Cuthbert, HARTLEPOOL

Date received: 03/10/2012

Development: Erection of a single storey dining room and kitchen extension to rear (resubmitted application)

Location: 61 MEADOWGATE DRIVE, HARTLEPOOL

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. It is considered that the proposed rear extension will significantly and detrimentally impact upon the amenity of the residents of 59 Meadowgate Drive in terms of overshadowing and outlook and would set a dangerous precedent on the estate for large, overbearing extensions, contrary to policies Gep1 and Hsg10 of the Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

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

Number: H/2012/0461

Applicant: Mr Colin Rowntree, Catcote School Business & Enterprise College, Catcote Road, HARTLEPOOL

Agent: Hartlepool Borough Council, Mr Colin Bolton, Building Design & Management, Bryan Hanson House, Hanson Square, HARTLEPOOL

Date received: 31/08/2012

Development: Erection of a single storey extension to provide teaching facility and external alterations, change of use of caretaker's house to provide an 'experience space' and the use of the temporary coach park (approved under planning consent H/2010/0039) for parking by staff and visitors together with the formation of a drop-off/collection facility for pupils

Location: Caretaker's House, Former Brierton School, Brierton Lane, HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Drawing No's: 701/57/002 Rev B, 701/57/003 rev 9, 701/57/004sk2 Rev C, 701/57/005, 701/57/006, 701/57/008 and 701/57/010) and details received by the Local Planning Authority on 23 and 31 August 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The acoustic fence between Brierton Lane and the car park shall be retained as approved and maintained in its present position for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.

Councillors Ainslie, Fleet and Griffin having declared a prejudicial interest in the following application (Minute No. 242 refers) left the meeting room during its consideration.

Number: H/2012/0497

Applicant: Mr S Fawcett, 5 Brooklime Close, Bishop Cuthbert, HARTLEPOOL

Agent: Mr S Fawcett, 5 Brooklime Close, Bishop Cuthbert, HARTLEPOOL

Date received: 28/09/2012

Development: Siting of metal container in north east corner of field for storage of rugby equipment

Location: Old Friarage Field, Moor Terrace, HARTLEPOOL

Decision: **Minded to APPROVE subject to comments from Sport England. Should Sport England raise concern with the proposal final decision shall be delegated to the**

Planning Services Manager in consultation with the Chair of Planning Committee. Should Sport England not raise concerns the final decision shall be delegated to the Planning Services Manager

CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 28/09/2012 (Proposed plan titled: Steel Storage Containers and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. The steel container hereby approved shall be painted dark green and remain dark green for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity
3. The storage container hereby approved shall be removed from the site and the land restored to its former condition on or before 28th September 2015 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained for an extension of this period.
In the interests of visual amenity and to allow the Local Planning Authority to assess the container in light of experience. The container is not considered suitable for permanent retention on the site.

245. Appeal Ref: APP/H0724/A/12/2178005/NWF H/2011/0644 - Alteration to Existing Hot Food Takeaway and Change of Use to Two Flats on First and Second Floors - 44 Lister Street, Hartlepool (Assistant Director (Regeneration and Planning))

The Planning Services Manager advised members that the above appeal had been determined by the Planning Inspectorate by the written representations procedure. The appeal had been allowed. The Inspector concluded that the proposed refuse arrangements were acceptable in highway safety terms. A copy of the Inspector's decision and the original officer's report were submitted for the Committee's information.

The Chair commented that the inspector concerned had a record of over turning twice as many local authority decisions on appeal as any other inspector. The Planning Services Manager was concerned in this case as to the arrangements for refuse collection being considered acceptable when there were a number of decisions elsewhere in the country supporting the stance taken by officers in this case.

Members questioned what action was available to the authority if it believed

the inspector's decision to be wrong. The Planning Services Manager indicated that the only course was through the courts at some expense to the Council. The Council would need to be extremely sure of its ground before such a course of action. The officer did not feel this case warranted such action but did undertake to provide a report to Members early in the new year identifying the decisions of the authority over turned by this particular inspector.

Decision

That the report be noted.

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

Members' attention was drawn to the fifteen current ongoing issues, which were being investigated. Developments would be reported to a future meeting if necessary.

Decision

That the report be noted.

247. Proposed Diversion of Public Footpath No 11, Greatham Creek, Seaton (*Director of Regeneration and Neighbourhoods*)

The Countryside Access Officer reported that on the 1st June 2012 the Council, as Highway Authority, received an application to divert a section of the Public Footpath No. 11 that runs by the side of Greatham Creek. The plan submitted as part of the application is shown in Appendix 1 to the report.

The application was made by Halcrow Group Limited, on behalf of the Environment Agency on the grounds that the diversion was necessary to enable the formation of realigned flood embankments and creation of a new tidal habitat area and associated works. Planning Permission had been granted by the Planning Committee, for these works, on 5th March 2012.

The diverted path was required to provide a more enjoyable and safe route for people to use to access the tidal habitats around and next to Greatham Creek. The diversion was needed so that two breaches can be made in the existing flood bank, so allowing the low lying area of land behind this bank to naturally flood during tidal movements of Greatham Creek. Details of the diversion were shown on the plan accompanying the report.

Decision

1. That the making of a Diversion Order to implement the proposal as shown in the submitted plan be approved;
2. That subject to no objections being received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,

3. That should any objections be received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation.

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

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs 5 and 6 of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006, namely Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings. (para 5) and, Information which reveals that the authority proposes – (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment (para 6).

Minute 249 – Annual Enforcement Update Report.

Minute 250 – Delegated Action under Section 215 of the Town and Country Planning Act (As Amended)

249. Annual Enforcement Update Report *(Assistant Director (Regeneration and Planning))* This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely paragraphs 5 and 6.

The report provided Members with an annual update on enforcement actions authorised by the Planning Committee.

Decision

That the report be noted.

250. Delegated Action under Section 215 of the Town and Country Planning Act (As Amended) *(Assistant Director (Regeneration and Planning))* This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely paragraphs 5 and 6.

The report updated members on Section 215 notices authorised by the Planning Services Manager under delegated powers.

Decision

That the report be noted.

251. 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.

Monitoring of Planning Conditions

The Chair raised the issue of monitoring approved planning conditions which was discussed by the Committee. Details are set out in the exempt section of the minutes.

Planning Training

The Chair reminded Members of the forthcoming training event which was open to all councillors. The Chair requested that Planning Committee Members attend the training to ensure they were up to date with current planning regulations.

The meeting concluded at 12.50 p.m.

CHAIR

No: 1
Number: H/2012/0531
Applicant: Mrs J Pounder 22 Clifton Avenue HARTLEPOOL TS26 9QN
Agent: Mrs J Pounder 22 Clifton Avenue HARTLEPOOL TS26 9QN
Date valid: 05/10/2012
Development: Installation of UPVC replacement windows
Location: 22 Clifton Avenue HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 NONE

PROPOSAL AND SITE CONTEXT

1.3 The application site is a traditional Victorian semi detached house located on the north side of Clifton Avenue within the Grange Conservation Area. The area which is almost entirely residential, is characterised by similar dwellings with large gardens.

1.4 Although some of the properties in the street have maintained their traditional timber windows, some are upvc traditional style windows and some are modern upvc. The attached house has the original timber sliding sash windows.

1.5 The proposal involves the removal of the original timber sliding sash windows and their replacement with double glazed upvc windows. The new replacement windows which are to be top hung, mock sliding sash, will replace the front and side windows apart from the attic gables.

1.6 This property is covered by an Article 4 Direction which removes permitted developments rights for certain works to the front elevation. This means that planning consent is required to replace the windows in a different style and materials.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (5), press advert and site notice. To date, there has been one letter of no objection.

The period for publicity has expired.

PLANNING POLICY

Local Policy

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

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

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

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.

Emerging Local Plan

1.9 The following policies in the emerging Hartlepool Local Plan (anticipated to be adopted 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.

The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution.

HE1: The Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Area.

Regional Policy

1.10 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.

National Policy

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

1.12 The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

PLANNING CONSIDERATIONS

1.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the works on the house itself, the street scene in general and on the Grange Conservation Area in terms of visual amenity.

Impact on Grange Conservation Area

1.16 At a local level the Planning Committee approved policy relating to replacement windows in 2009. In this instance the relevant sections of this policy are as follows,

1.17 Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

1.18 Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern materials will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e. hinged or sliding).

1.19 The main issue for consideration is the impact the proposal will have on the Grange Conservation Area. The Grange Conservation Area Appraisal describes the contribution made by traditional joinery items. It notes that, 'windows are key features in the architecture of the area used to enliven elevations'. Further to this it is stated that, 'many original or early replacement timber windows survive, but there are also many intrusive late twentieth century replacements. Historic timber windows are vital to the area's detailed character and appearance as the architecture relies greatly on expertly designed and crafted joinery features, either as part of an accurate architectural style or simply as a display of the attention to detail and quality which typifies the architectural history of the area.'

1.20 Generally it is not considered that modern upvc windows are appropriate to the age and character of buildings in conservation areas where they replace traditional windows for the following reasons:

a) The width, bulk of the framing and opening mechanisms of the windows are different. The windows to the property are traditional double hung vertical sliding sash windows constructed in timber. The appearance of the windows proposed is vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window is set back rather than flush as with the proposed windows.

b) A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but

significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.

c) The horn to a sliding sash window is an integral part of the window. In the case of the proposed windows the horn is clearly a separate element of the window that is an addition to the top light rather than a seamless part of the upper section of the window as with a timber window.

1.21 It is considered that the windows would not make a positive contribution to the local character and distinctiveness of the area. They would introduce a window of a modern design which would be contrary to the character of the heritage asset i.e. the Grange Conservation Area as outlined in the appraisal.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.22 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.24 There are no Section 17 Implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following condition:

- 1) It is considered that the proposed windows by reason of their design, detailing and materials would detract from the character and appearance of the building and the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Hartlepool Local Plan 2006.

BACKGROUND PAPERS

1.26 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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22 CLIFTON AVENUE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

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Scale: 1:1000

Date : 21/11/12

Drg No: H/2012/0531

No: 2
Number: H/2012/0491
Applicant: RANJIT SINGH 2 GROSVENOR COURT INGLEBY
 BARWICK STOCKTON ON TEES TS17 0YP
Agent: SJD ARCHITECTS LTD HAMPDON HOUSE FALCON
 COURT PRESTON FARM BUSINESS PARK
 STOCKTON ON TEES TS18 3TS
Date valid: 27/09/2012
Development: Change of use of existing building and erection of
 extensions to provide nine self contained apartments
 (AMENDED PLANS RECEIVED) (PLEASE NOTE
 AMENDED DESCRIPTION)
Location: LAND ADJACENT TO AND 85 STATION LANE
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The site is a vacant office unit which was previously used as a childrens home and nursery.

PROPOSAL AND SITE CONTEXT

2.3 The site to which this application relates is a vacant two storey and single storey building previously used by Hartlepool Borough Council Social Services as office accommodation.

2.4 The area is predominately residential with a mix of dwellinghouses and bungalows. Access to the site is from Bylands Grove.

2.5 The proposal seeks the change of use to residential flats with associated works and parking provision.

2.6 The application originally proposed 11 flats however following subsequent discussion between the officers/agent/applicant the scheme has been amended to propose 9 flats with associated parking and landscaping. This has reduced the proposed extensions required.

PUBLICITY

2.7 The application has been advertised by way of neighbour letters (18) a site notice and press advert. To date, there have been 13 letters objection and 1 petition 33 signatures against.

2.8 The concerns raised are:

1. Parking issues in Byland Grove, people will block driveways
2. A negative effect on elderly residents within the grove
3. A problem with trees in the future over hanging the new extension of the building and the new foundations
4. Anti social activities
5. Noise and disturbance to existing residents within area
6. Properties should be restricted to over 55 years of age
7. Elderly residents in Byland Grove will find this stressful
8. Effect privacy and quality of life
9. Bins and motor cycle bay next to my fence
10. Disruption during the alterations
11. Noise from vehicles accessing the site
12. The proposed number of parking bays are inadequate
13. This is not an area suitable for flats
14. The flats would cause considerable noise and disturbance from parking
15. Excessive traffic using Byland Grove
16. The project will spoil the character and quiet residential area
17. Could effect emergency vehicle access

Copy Letters B

The period for publicity has expired.

CONSULTATIONS

2.9 The following consultation replies have been received:

Traffic & Transportation – the proposed development conforms with the HBC parking standards of 1.5 spaces per property for a flatted development. The road width and number of properties (including the development) conforms with HBC Design Guide and Specification for a cul-de-sac development.

The traffic generated by this development is expected to be similar to the previous use, there are no highway or traffic concerns with the application.

Countryside Access Officer – There are no known recorded or unrecorded public rights of way that are affected by this development.

Police - The proposed development is located in a lower than average crime area. I would recommend that the proposed cycle storage consists of a secure lockable lockers or a secure enclosure which is visually permeable so that structures can be

actively surveyed. I would also recommend that the waste storage area is capable of been securely locked to prevent misuse of the waste storage bins.

I would recommend that any replacement doors and windows comply with the security standards of PAS 24:2012.

Northumbrian Water – No objection or concerns.

PLANNING POLICY

Local Policy

2.10 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.

Emerging Local Plan

2.11 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

LS1: The development of Hartlepool will be based on a strategy of maintaining a compact urban form with most expansion being concentrated in areas adjoining the existing built up area.

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

HSG4: The Borough Council will ensure that all new housing and/or the redevelopment of existing housing areas will be required to contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. Proposal that do not reflect this need will not be permitted.

Regional Policy

2.12 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.

National Policy

2.13 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

Paragraph 51 states that, “Local Planning Authorities should identify and bring back into residential use empty housing and buildings in line with local housing and empty homes strategies and, where appropriate, acquire properties under compulsory purchase powers. They should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.”

PLANNING CONSIDERATIONS

2.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the effect on the amenity of neighbouring properties, the effect on the character of the surrounding area and highway safety.

2.15 An amended scheme has been submitted with further publicity and consultation responses being awaited.

2.16 On that basis, it is considered prudent to provide a comprehensive update report setting out the relevant planning considerations and recommendation to Members following receipt of the outstanding responses and any further neighbour responses received in the interim.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

2.17 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

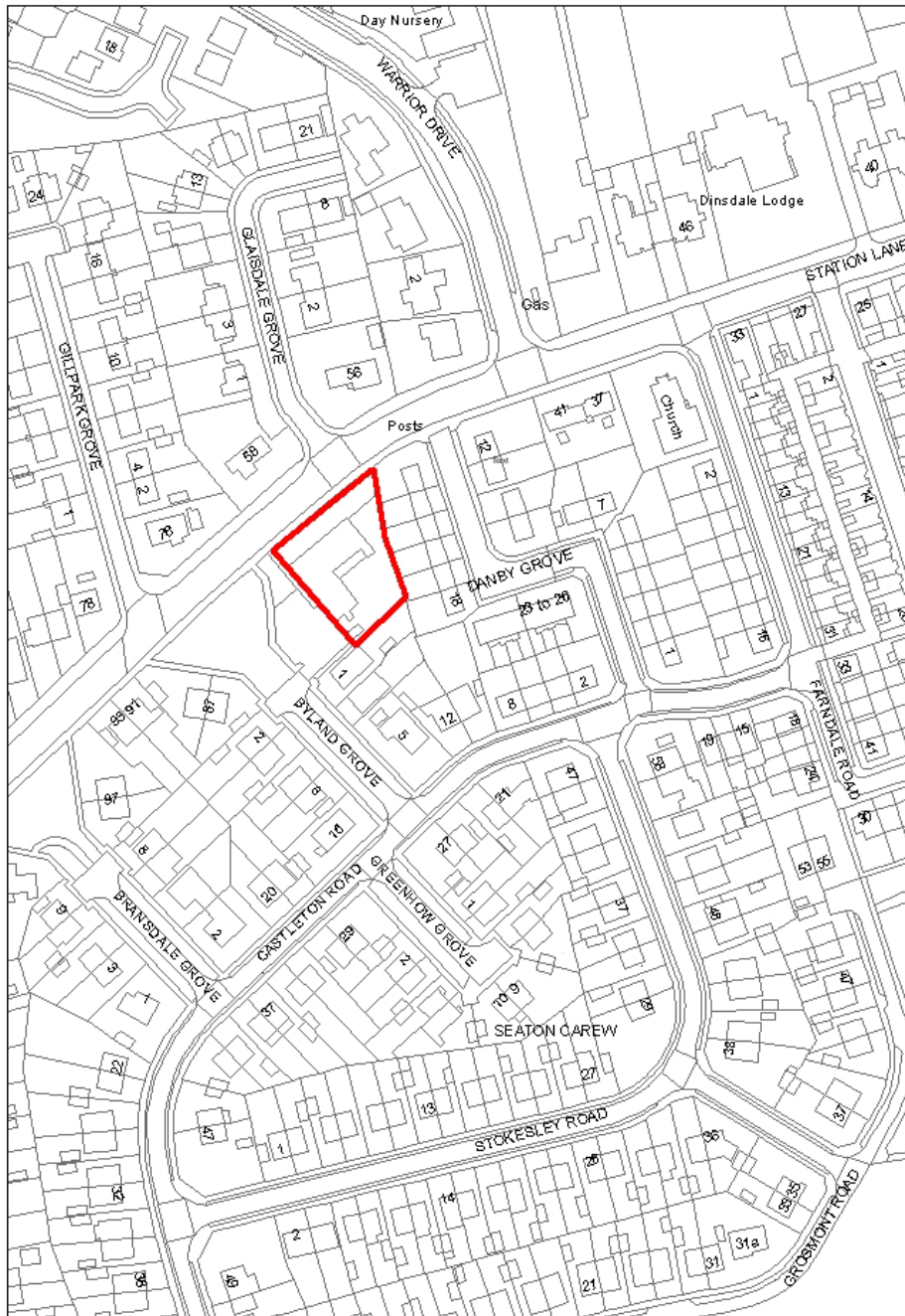
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LAND ADJACENT TO 85 STATION LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000

Date : 21/11/12

Drg No: H/2012/0491

No: 3
Number: H/2012/0391
Applicant: Mr Richard Spong 42 Westleigh Avenue Leigh-On-Sea
ESSEX SS92LF
Agent: ASP Associates Mr David Loughrey Vega House 8
Grange Road HARTLEPOOL TS26 8JA
Date valid: 16/08/2012
Development: Redevelopment of original timber framed single glazed
sliding sash windows with new uPVC framed double
glazed sliding sash appearance windows to front elevation
(part retrospective)
Location: 15 Grange Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 Planning permission was granted for the change of use of a single residential property to create 3 flats in 1982 (H/676/82).

PROPOSAL AND SITE CONTEXT

3.3 The application site is a large Victorian style mid terraced property located on the south side of Grange Road within the Grange Conservation Area. The area is predominately residential with commercial properties within close proximity.

3.4 Although some of the properties in the street have maintained their traditional timber windows, some are upvc traditional style windows and some are modern upvc.

3.5 The proposal seeks retrospective permission for the retention of the front ground floor bay window which has been replaced with non-traditional windows and replacement of the 1st and 2nd floor front timber sliding sash windows with upvc.

3.6 The windows at 1st and 2nd floor are characterised by an arched detail at the top of the windows.

PUBLICITY

3.7 The application has been advertised by way of neighbour letters (2), press advert and site notice. To date, there has been 1 letter of objection received from the Civic society stating the following:

3.8 The replacement windows are actually casement type - therefore are inappropriate to the period character of this Victorian property and not in the best interests of preserving the character of the Grange Conservation Area.

3.9 Even the dubious and weak illusion of the proposed windows being sash windows is completely destroyed as soon as they are opened.

3.10 The Society would recommend replacement with traditional wood sash windows but if UPVC is insisted upon, there are various versions available which open as sash windows and which would be more in keeping with the period of the property and the Council's own published policy.

3.11 The period for publicity has expired.

PLANNING POLICY

Local Policy

3.12 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.

Hsg10: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

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.

Emerging Local Plan

3.13 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

ND4: The Borough Council will seek to ensure developments are of a high quality design. All new developments should be designed to take into account, where relevant, a number of factors including:

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

HE1: The Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within conservation areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Area.

Regional Policy

3.14 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.

National Policy

3.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

3.16 The NPPF states that in determining planning applications, local planning authorities should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

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

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

PLANNING CONSIDERATIONS

3.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the works on the house itself, the street scene in general and on the Grange Conservation Area in terms of visual amenity.

Impact on Grange Conservation Area

3.20 At a local level Planning Committee approved policy relating to replacement windows in 2010. In this instance the relevant sections of this policy are as follows:

3.21 Unlisted buildings in Conservation Areas, subject to an Article 4 Direction: Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding).

3.22 The windows to the front first and second floor of the property are timber sliding sash windows. The front ground bay window was originally a large central fixed pane window with one over one sash on either side. The Grange Conservation Area Appraisal notes that there are a high number of ground floor bay windows that have fixed central windows comprising one large pane of glass and suggests that this may be a result of, developers wishing to impress potential buyers with the latest fashion. The ground floor sash windows have been changed to UPVC casement windows and the central window changed to a fixed window with a central horizontal bar. To the first and second floor four timber sliding sash windows remain. These sash windows are one over one, with an arched head to the opening. The proposal is to

replace all of the windows on the front elevation with UPVC casement windows and retrospective permission for the ground floor front bay window.

3.23 The policy clearly states that where traditional windows i.e. sash windows exist these should be replaced with a window, 'of a type appropriate to the age and character of the building'. Modern materials are accepted but they should be of a design, profile and opening mechanism matching those of the original window. In this instance the windows are of a modern design and differ significantly from a traditionally detailed sash window for the following reasons.

- The width, bulk of the framing and opening mechanisms of the windows differ. The windows to the property are traditional double hung vertical sliding sash windows constructed in timber. The appearance of the windows that have been installed and those proposed are vastly different to a sliding sash. They are top hung and the detailing and shape of the frame is flatter and wider than that of a timber sash. In particular the lower sash of a timber window would be set back rather than flush as with the existing windows.
- A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber sash window and thus to the appearance of a conservation area.
- The timber sliding sash windows have a horn detail however those shown on the proposed plans have no such similar detailing to the casement windows.

3.24 As mentioned above the centre window to the bay was a large fixed window that did not open. This has been changed to a fixed window with a horizontal glazing bar which does not match the design and detailing of the window previously installed in this opening as the frame is thicker, and flatter than the original frame and the horizontal glazing bar is not a detailing found on the original window.

3.25 The first and second floor windows whilst UPVC are proposed to have sliding sash mechanisms and should they be carried out as per the submitted plan would be in line with Council policy, however, there are concerns UPVC frames could not be made to fit the window opening, clarification is being sought.

3.26 It is considered that the windows would not make a positive contribution to the local character and distinctiveness of the area. They would introduce a window of a modern design which would harm the character and appearance of the conservation area contrary to the heritage asset.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.29 There are no Section 17 Implications.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE

1. It is considered that the proposed windows by reason of their design, detailing and materials would detract from the character and appearance of the building and the Grange Conservation Area contrary to policies GEP1 and HE1 of the adopted Local Plan (2006).

BACKGROUND PAPERS

3.31 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

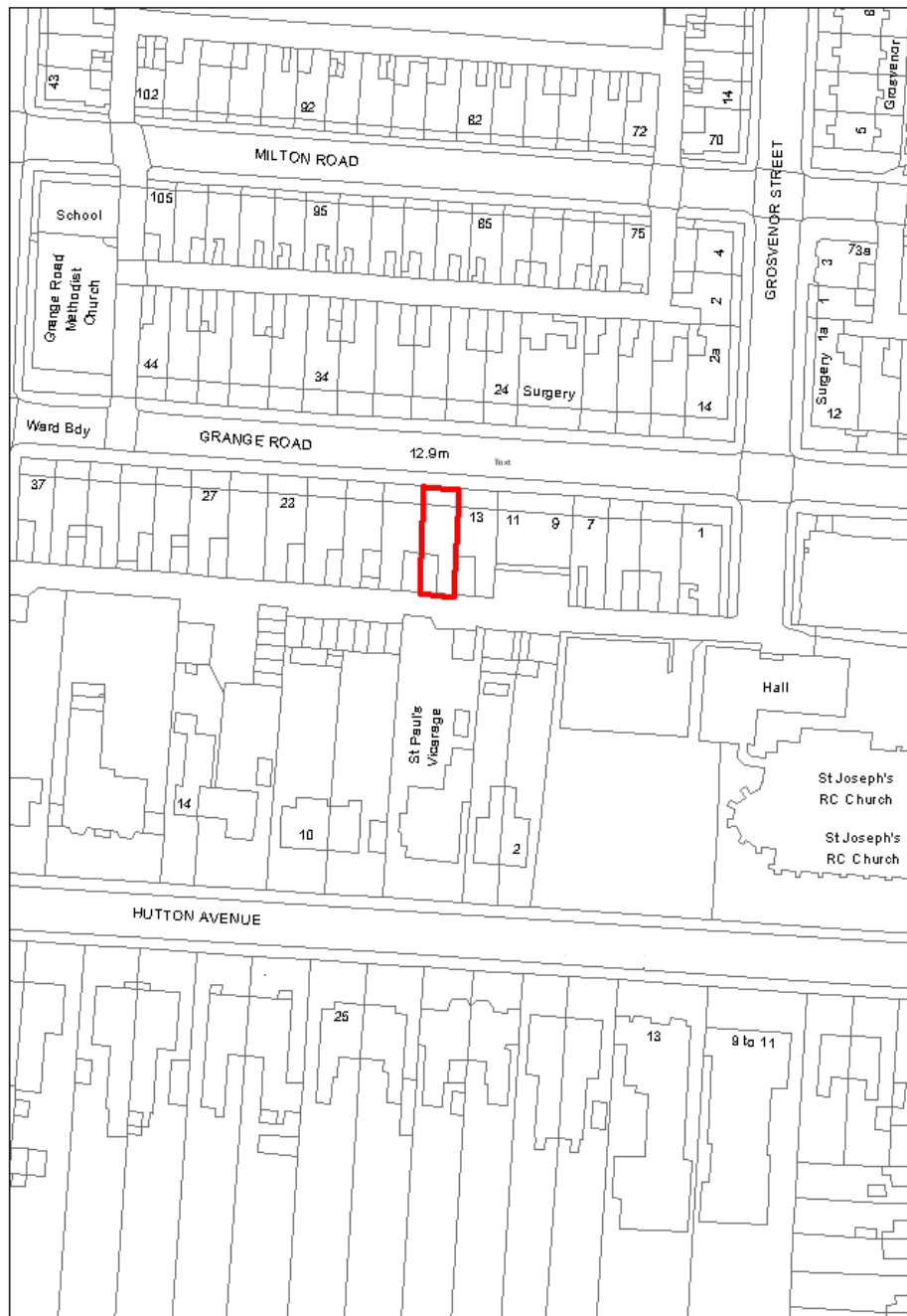
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15 GRANGE ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 21/11/12
Drg No: H/2012/0391

No: 4
Number: H/2012/0360
Applicant: Taylor Wimpey UK Ltd & Wynyard Park Ltd Lockheed Court Preston Farm Industrial Estate STOCKTON ON TEES TS18 3SH
Agent: Nathaniel Lichfield & Partners Mr D Graham Generator Studios Trafalgar Street NEWCASTLE UPON TYNE NE1 2LA
Date valid: 01/08/2012
Development: Residential development comprising 168 residential units with associated roads, footpaths and infrastructure
Location: Land at Wynyard

PURPOSE OF REPORT

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

PROPOSAL AND SITE CONTEXT

4.2 The application site consists of two areas consisting variously of woodland, grassland and agricultural land located to the north side of the A689 linked by an access corridor which will accommodate the highway serving the development. The northern most part of the site (The South Pentagon) is agricultural land and is bounded to the north by agricultural land and to the south, west and east by woodland. The southern most site (Area Y) consists of an area of woodland and a clear felled area which will also accommodates the first part of the access. The access further links to the northern site through a route that currently consists of woodland and grassland. The site and the area to the east, have benefited from planning permissions for commercial development, as an extension to the existing Wynyard Park Business Park, and outline planning permission on land to the east of the site was also granted for the erection of a hospital. The Newton Hanzard Beck dissects the site and flows along the east boundary. A minor watercourse joins the Beck in the centre of the site. Further to the east, beyond the fields, is an existing commercial area which forms the current extent of the Wynyard Park Business Park. To the south of the site is a wooded area beyond which is the A689 including to the south west a roundabout which gives access to Wynyard Village and from which access to the application site would be facilitated. The A689 joins the A19 some 3km to the east of the site, a series of existing roundabouts on the A689 accommodates access to Wynyard Village, the existing Business Park and will facilitate access to the application site.

4.3 The current application seeks full planning permission for the erection of 168 dwellings and permission for part of the highway network which will serve the housing development. It is anticipated that part of this highway will ultimately also

serve the commercial and medical developments to the east. The area of the South Pentagon will accommodate 138 dwellings. The dwellings here will be mostly detached dwelling houses (116 units) with an element of semi detached houses (12 units) and an apartment building (10 units). The dwellings will be arranged around a central green with two main spine roads branching off to the west and east to serve dwellings arranged mainly in cul-de-sacs. These spine roads will also ultimately serve the North Pentagon site when that is brought forward for development. All house plots will accommodate parking with garages. The apartment block which will be in a Neo-classical style will be prominently located at the northern end of the village green with parking accommodated to the rear. The area to the north of the apartments falls outwith the application site however it will form a parkland setting for the apartment block. A smaller green will be located at the southern point of the South Pentagon. A combined footway and cycleway will extend into the site alongside the highway which will also facilitate emergency access if required. The southern housing area (Area Y) will accommodate a further 30 dwelling houses. These will front onto a linear village green with the main access road beyond. Access to the houses will be from the rear where an access road, garages and parking will be accommodated. The houses on this part of the development will be predominantly semi-detached (24 units) with an element of detached houses (6 units). Again all plots will accommodate parking with garages. A further prospective housing area (Area X) is not included in the application site and it is anticipated that this will be brought forward at a later date, the proposed layout would accommodate this.

4.4 The main spine road serving the proposed housing, and ultimately the wider Wynyard Park estate to the east, will pass between area X and Y. This area is currently an open area which has been clear felled in the recent past. It will link to the existing roundabout on the A689 at its western end and terminate in a roundabout at its eastern end from which spurs will be provided to the housing areas. (The spine road will ultimately also link to the main estate road to the east providing the western end of the main spine road through the Wynyard Park Estate this is dependent however on how quickly the commercial and medical developments to the east are brought forward). In the short term it is intended that this length of road will serve only the housing areas, with access/egress to/from the site from the A689 provided on single carriageways from the existing roundabout to the south west which also serves Wynyard Village. In the longer term, as and when the medical and commercial developments are brought forward on the adjacent sites to the east, the access road will be duelled, and connected to the spine road serving the larger Wynyard Park estate. Alongside the highway a cycle path and footway will be provided it is anticipated that this will accommodate a crossing point at the eastern side of the roundabout at the A689 and thereafter terminating at a point on the existing access road to Wynyard Village on the south side of the A689. These details would be conditioned.

4.5 In support of the application the applicant has submitted various reports including a planning statement, a statement of involvement, various ecological surveys, a design and access statement, a transport statement, a travel plan, a landscape and visual assessment, a flood risk assessment, an Archaeology and Cultural Heritage Assessment, and an Environmental Impact Assessment.

PLANNING HISTORY

4.6 The site has a long and complicated planning history. The most relevant recent planning applications are listed below.

H/OUT/0583/96 Outline application for Business Park. Approved 21st April 1997.

H/FUL/0006/00 Variation of condition on outline planning permission H/OUT/0583/96 for business park to allow a longer period for the submission of reserved matters (10 years). Approved 28th April 2000.

H/2007/0182 Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96.

This application for reserved matters approval for a larger Wynyard Park site, incorporating in part the current application site was subsequently effectively superseded by the application approved below.

H/2009/0494 Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m² of B1 floor space, 12,469m² of B2 floor space and 26,504m² of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96. Approved 4th October 2010.

This application again for reserved matters approval for a larger Wynyard Park site, incorporating the application site, was approved in October 2010. In this application, B1 floor space was approved on the sites which are the subject of the current application. On the Pentagon site this amounted to some 60,147 square metres of floorspace contained in three storey buildings with 1733 parking spaces contained within the site. In relation to area Y 4170 square metres of B1 commercial floorspace was approved in single storey accommodation with 120 parking spaces contained within the site. It should be noted however that the sites whilst broadly similar are not precisely identical to those which are the subject of the current application.

The application was granted planning permission subject to the completion of a legal agreement requiring measures to control construction traffic, a transport contribution, the implementation of a travel plan, the implementation of ecological mitigation measures, the implementation of a targeted training and employment charter, measures to control the construction/inspection of the spine road and requiring the developer to provide to new tenants an information pack relating to the construction of the principal estate road.

H/2009/0335 Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre. Approved 11th October 2010.

In October 2010 outline planning permission was granted for a hospital development on a site to the east of the current application site. The application was granted planning permission subject to the completion of a legal agreement relating to health service provision, public transport provision, off site highway improvements, a cycleway contribution, a contribution for highway and/or public transport improvements at the Billingham Interchange, the implementation of a recruitment and training charter and the appointment of a travel plan co-ordinator.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

This application for outline planning permission for the erection of 200 dwellings incorporated the current application site, as well as Area X and the North Pentagon. The application was considered at the 4th November 2011 meeting of the Planning Committee. The Committee was minded to approve subject to the completion of a legal agreement securing an affordable housing contribution, highway and public rights of way contributions, public right of way link(s) through the site, a conservation management plan, highway construction, control of construction access traffic if required and conditions. The final decision on the scope and detailed content of the legal agreement and conditions was delegated to the Planning Services Manager in consultation with the Chair of Planning Committee. The applicant has not progressed the section 106 agreement.

PUBLICITY

4.7 The application has been advertised by site notice, neighbour notification and in the press. Eighteen letters of objection, three letters of no objection and one letter of support were received.

4.8 Those raising objections raise the following issues:

- 1) Existing traffic congestion will be made worse. Access roads onto A19/A689 inadequate. Combined effects with other proposals, including those in Stockton, will cause extreme congestion impacting on A689, A19 & A1M.
- 2) Significant negative impact on the area, loss of amenity, green fields and woodland.
- 3) Adverse impact on residents with increased noise and traffic. A school and hospital are also proposed which will add to existing traffic problems.
- 4) Leads onto Wynyard Woods which will become very busy for a minor road.
- 5) Majority of people will not use public transport or cycle.

- 6) Lack of infrastructure Amenities/services in area inadequate to support the housing development (Travel, public transport, Broadband, shops, medical facilities etc.)
- 7) Greenfield land that the government is committed to protect.
- 8) Development too large and dense for surrounding area.
- 9) It is proposed as executive housing, three bedroom houses are not executive.
- 10) A more limited number of houses may be a compromise. Wynyard is unique and this makes it attractive. Overdevelopment will spoil it.
- 11) Out of keeping with rural surroundings.
- 12) Developer is purely interested in profit cramming in as many small houses as possible.
- 13) Umpteenth new plan to create Ingleby Barwick. Did not pay huge premium for homes to be confronted by greed of developers.
- 14) Area should be retained for business uses.
- 15) Houses should be built where they are needed. Council should check demand taking account of no of properties currently for sale in Wynyard which surely indicates lack of demand. Properties will be devalued or difficult to sell.
- 16) Area of high archaeological value.
- 17) Loss of farm and forestry land when they are plentiful brown field sites which could be developed.
- 18) Impact on wildlife. Loss of trees.

4.9 The person writing in support of the application raises the following issues :

- 1) It will bring much needed jobs and apprenticeships to the area.

The time period for representations has expired.

Copy letters **A**

CONSULTATIONS

4.10 The following consultation replies have been received:

Economic Development: I have no objection to the proposals, however it will be necessary to ensure that appropriate buffering is in place between residential and business uses particularly in relation to area Y which is relatively close to the adjacent Business Park.

Engineering Consultancy (Drainage): I refer to the above application and would comment as follows

Storm Drainage - I would have no objections provided that the development is carried out in accordance with the submitted Flood Risk Assessment dated June 2012 prepared by Wardell Armstrong; in particular planning conditions will be required as detailed in the assessment for:-

- The submission of a detailed drainage strategy including a SuDS design statement setting out how sustainable drainage (including permeable paving and other techniques for the development area) will be incorporated within the development (the Environment Agency's suggested drainage condition covers this requirement)
- The extension of the topographic survey into the woodland to the south of Area Y including the assessment of the capacity of the drainage channel running through this area
- The submission of detail designs for any bridging /culverting of the watercourses within the site. (EA suggested condition on page 3 of their letter dated 15th April 2011 will cover this requirement)

I would also support the Environment Agency informative that although a generic Greenfield run-off rate of 3.5l/sec/ha is reasonable, the Applicant should be aware that this rate may not be appropriate for all areas of the development as catchment areas of the site discharging to the watercourses will need to be established. The flood risk assessment discusses catchment and sub-catchment boundaries but these need to be established in detail and this should also be covered by condition.

Engineering Consultancy (Contamination): Comments awaited.

Parks & Countryside: I would like to see a public right of way link to the rest of the Hartlepool Public Right of Way Network. There is a public footpath to the north of this proposed development - Public Footpath No.22, Elwick - which would be the closest path to link to.

Another important access link would be to the Castle Eden Walkway, to the west and south west of the proposed development.

Linking with both the footpaths and the walkway would provide a wider range of recreational access opportunities for the public and especially the new and existing residents of Wynyard Village.

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

All South facing gardens to area Y on the plan shall be provided with a minimum 1.8m high acoustic fence the details of which are to be agreed in writing with the LPA.

All living rooms within area Y which face onto the A689 shall be provided with glazing units which provide a minimum of 26dB(A) noise attenuation.

All bedrooms within area Y which face onto the A689 shall be provided with glazing units which provide a minimum of 32dB(A) noise attenuation.

All living room and bedroom windows which face onto the A689 shall be provided with acoustic ventilators which will provide an equivalent level of noise attenuation as the glazed units to allow adequate ventilation of the rooms with all of the windows closed.

I would also recommend an hours restriction on construction works to no longer than 7:00am to 7:00pm Monday to Friday, 7:00am to 12:30pm Saturdays and at no time on a Sunday or Bank Holiday.

Property Services: No comments received.

Traffic & Transportation: No objections subject to conditions.

Chief Solicitor: No comments received.

Child & Adult Services: Based on this application for 168 residential units there would be no requirement for a developer contribution to education facilities, as per the previous application.

Building Consultancy: Following review of the submitted planning application there does not appear to be any significant landscape issues in terms of visual impact or landscape character impact within the wider landscape. The findings of the revised Landscape & Visual Impact Assessment are, therefore, accepted.

It is noted that the applicant has placed considerable emphasis on their attention to architectural detail and in particular the importance of reflecting local village vernacular as emphasised in the Design & Access Statement which states that the design principles have been based upon:

- a detailed examination of character area diversity and density gradation, and
- a rigorous study of the local vernacular. The vision for residential development in Wynyard Park is firmly based upon the traditional architecture and settlements of South Durham, Tees Valley and North Yorkshire.

Wynyard Park Phase 1 Residential Design and Access Statement, Greenwell Design, July 2012

As there appears to be a reasonable amount of green space proposed in terms of verges, street trees, etc. it would be expected that the landscape elements of the scheme would also follow local styles and would be of a context recognisable in the stated influences. This can be reviewed when the provision of detailed landscape plans for the infrastructure planting and green spaces showing proposed planting schedules, etc. is made. I understand that HBC Ecology are considering the woodland walk elements of the scheme and make no comment on them at this time.

There are no other comments on this application.

Cleveland Fire Brigade: Vehicle access to be in accordance with B5 requirements of guidance in Approved Document B of the Building Regulations.

Cleveland Fire Brigade's, Water Officer, indicates that Hartlepool Water are aware of the development and are to provide adequate hydrant provision for the development.

Department of Communities & Local Government: No substantive comments received other than an acknowledgement that the consultation had been received.

Cleveland Emergency Planning Officer: No comments received

Grindon PC: No comments received.

Wolviston PC: No comments received.

Environment Agency: No objection a subject to condition requiring the prior approval of surface water drainage details.

Hartlepool Water (Anglian Water): Hartlepool Water is not impacted by any sections of the environmental statement, and has no comment regarding the environmental statement.

Highways Agency: No objection

Tees Valley Unlimited (TVU): No comments received

National Grid: No comments received

National Planning Casework Unit: No comments received.

Natural England: Protected Species :-In their initial comments Natural England objected to the application on the grounds that the information provided in relation to the impact of the development on bats was insufficient for Natural England to provide advice on the likely impacts on that species. Following the receipt of further information Natural England noted that no bat roosts or potential bat roosts had been identified in the site but that without mitigation there were potential impacts arising from the loss of foraging habitat for bats and the loss of connective corridors across the site used by bats. In order to address these impacts Natural England advised that the proposed Habitat Management Plan would need to fully detail the means by which the identified impacts on bats will be mitigated as part of the overall suite of mitigation / compensation measures. They advised the full details of the proposed mitigation / compensatory measures should be agreed in discussion with the Local Authority ecologist.

In relation to any potential impacts on Great Crested Newts Natural England advised that the proposed development would be unlikely to affect this protected species but recommended a method statement outlining precautionary means of working be submitted prior to the commencement of works.

In relation to other protected species Natural England advised the impact on other species should be considered.

Habitats :- Natural England noted that the proposal will result in the loss of sections of coniferous woodland, a number of ephemeral wetlands and all of the marshy grassland located within the site boundary. In addition, there will be potential damage/increased disturbance of areas of broadleaved plantation and a number of

watercourses. However, while the ES (H8.1) concludes that *‘overall the proposals will result in effects of only minor adverse significance, with the proposed mitigation strategy resulting in a number of benefits to local ecology in the long term’*, no quantitative information has been provided in relation to anticipated losses / proposed gains and no detailed Habitat Management Plan or ecological Masterplan has been provided. It is therefore difficult to assess whether the mitigation measures detailed within Section H6.0 of the Environmental Statement would be sufficient to maintain/enhance the existing biodiversity interest of the site. Natural England therefore advise that the local authority ecologist should be consulted for his views on the appropriateness of the proposed mitigation proposals (including the requirement for any additional off-site enhancement measures) in the context of the existing biodiversity interest of the site. If the proposals are considered acceptable, then delivery should be secured by means of a suitably worded condition or legal agreement.

Local wildlife sites:- Natural England noted that the site is within/adjacent to the Wynyard Woods & High Newton Hanzard Meadows Local Wildlife Sites and that the impact on these site’s should be assessed.

Local landscape:- Natural England noted that the site does not appear to be either located within, or within the setting of, any nationally designated landscape. All proposals however should complement and where possible enhance local distinctiveness and be guided by your Authority’s landscape character assessment where available, and the policies protecting landscape character in your local plan or development framework.

Biodiversity Enhancements:- Natural England advised that the authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

NEDL: No comments received

Northumbrian Water : No objections.

Cleveland Police : No comments received.

The Ramblers Association : We ask that the council seeks a planning obligation to provide public footpaths to the rights of way network to the north of the development and the North Burn; and gives consideration to the provision of shared pedestrian/cycle paths to give safe access to the Castle den Walkway to the east.

RSPB : No comments received.

Tees Archaeology : I have read through the appropriate sections of the Environmental Statement and this is satisfactory from our point of view. We would concur with the proposed mitigation strategies and to this end would recommend that a full archaeological condition be applied to any consent given.

This condition will ensure that proper mitigation is put in place in relation to area Y of the development where there is still a degree of uncertainty in relation to the archaeological assets that may be located here.

Tees Valley Wildlife Trust : No comments received.

Teesmouth Bird Club : Teesmouth Bird Club initially objected to the proposal on the grounds that it contravenes policies which seek to protect biodiversity, the loss of farm land habitat and impact on farm land birds, the loss of woodland and impact on Raptors and Scarce Passerines, that woodland management must be based on ecological principles, human pressure on the woodland and that the proposed mitigation and compensation was inadequate. Following the receipt of additional information Teesmouth Bird Club advised that they would be willing to review their position subject to the developer confirming, that various criteria would be met covering tree removal and planting, that woodland management would be ecologically based, that mitigation and enhancement would be based on ecological principles and would be subject to a section 106 agreement (including the retention and enhance of wetland areas, new hedgerows to at least compensate for any loss, bird and bat boxes across site, an annual winter feeding programme, a landscape master plan to ensure habitat diversity, the setting up of an advisory group and that large stands of conifers would be retained for specialist species). The applicant has responded confirming that much of what is requested can be accommodated. The response of Teesmouth Bird Club is awaited.

Arqiva : Arqiva is responsible for providing the BBC and ITV's transmission network and therefore is responsible for ensuring the integrity of Re-Broadcast Links (RBLs). Based on the information that you provided, our analysis shows that the proposed building Development will not affect any of our RBLs. Regarding microwave links Arqiva has no issues with this proposal.

Coal Authority : I have reviewed the proposals and confirm that The Coal Authority has no observations or specific comments to make, other than to request that our Standing Advice be included within the Decision Notice if planning permission is granted.

Durham County Council : No comments received.

Stockton Borough Council : It is understood that the principle of the development has been established under a previous application for 200 dwellings which were to be designed to be at a low density. The 168 homes that are the subject of this application are within a 12.85ha part of the site previously considered, with the development density equating to approx. 13 dwellings per hectare. The plan indicates that the remaining 32 will be low density and although land exists which would allow a denser development and greater yield to be achieved, any change to the numbers being proposed would require planning permission and consideration of this position need not form part of the considerations of this current proposal.

The principle of the traffic into and out of the site has already been established. It should however be noted that the consultant's discussion of improvements within the Transport Assessment to sustainable transport opportunities assumes that the

development will benefit from pedestrian, cycle and bus facilities, increased bus frequencies and increased viability of bus routes as a result of the proposed new hospital at Wynyard. No sensitivity test or commentary has been made with regards to sustainable transport improvements related to the development should the hospital not come forward.

In view of the above and the existing situation, Stockton Borough Council raise no objection to the principle of the development but would recommend that the applicant explores measures to improve pedestrian and cycle links between the site and nearby community facilities.

Elwick PC : No comments received

Tees Valley Access Forum : Is it possible for the developer/owner to provide footpaths within their property to the rights of way network in the north of the development and in the North Burn, and consider the provision of shared pedestrian/cycle paths to access the Castle Eden Walkway to the east?

PLANNING POLICY

National Policy

4.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the 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.

4.12 The relevant parts of the NPPF will be discussed in the update report.

Regional Spatial Strategy (2008)

4.13 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.

4.14 For information the relevant policies of the RSS are:

Policy 20 : Key Employment Locations.

4.15 In order to enable the accelerated growth in the regional economy to be maximized, strategies, plans and programmes should focus appropriate investment towards the Key Employment Locations shown below:

Approximately 80 hectare location focusing on innovation, entrepreneurship and technology transfer.

Newcastle Great Park

Approximately 90 ha location with planning permission for general industry.

Newburn Riverside, Newcastle

Approximately 20 ha location for innovation and high technology uses.

Baltic Business Quarter

Approximately 55 ha location to provide a limited number of large scale development opportunities for high quality modern industry.

West Hartford, Cramlington

Approximately 25ha location for research, innovation and technology transfer.

NorthEast Technology Park, Sedgefield

Approximately 200ha location to provide a limited number of large scale development opportunities for high quality modern industry, minimising B1 (a) potential.

Wynyard, Stockton/Hartlepool

Approximately 70ha location with potential for distribution and logistics.

Heighington Lane West, NewtonAycliffe

Approximately 120ha location with potential for distribution and logistics.

Faverdale, Darlington

4.16 In planning for Key Employment Locations, Local Development Frameworks and planning proposals should ensure a high level of sustainability. They should:

a. prepare a detailed masterplan prior to the commencement of development setting out such considerations and meeting the requirements of clauses b-e;

- b. seek to achieve zero or low carbon emissions, including energy conservation measures and secure energy supply from decentralised and renewable or low-carbon sources in accordance with the approach set out in Policy 38;
- c. encourage high levels of public transport, walking and cycling accessibility and use;
- d. discouragement of the need to travel by car through limited parking, the use of other demand management measures, and requiring a Travel Plan for each future occupier;
- e. include a waste audit in view of Policy 46;
- f. secure any necessary improvements to the strategic and local road and rail networks required to accommodate traffic generated by the development, taking account of the likely use of public transport to the site;
- g. maximise the employment opportunities for residents of surrounding areas, particularly those in deprived communities;
- h. ensure that the necessary infrastructure is coordinated with new development;
- i. employ sustainable construction and design methods, which deliver biodiversity benefits and foster local distinctiveness;
- j. protect and enhance major environmental, historic assets; and
- k. ensure that the integration of the development with the landscape meets high environmental standards;
- l. give priority to accommodating major investors and prestige business development of national or regional significance.

Policy 29 Delivering & Managing Housing Supply

4.17 Sets out targets for the development of previously developed land, advises that infrastructure provision should be coordinated, advises on density and the release of land. In considering planning proposals local planning authorities are required amongst other things to consider the reuse of employment sites only where they are not required for long term employment use, to consider the compatibility of housing with the operation of adjacent employment land and to take into account the impact on the previously developed land trajectory.

4.18 Policy 38 Strategies, plans and programmes, and planning proposals should:

- a. ensure that the layout and design of new buildings and developments minimise energy consumption;
- b. encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes;
- c. encourage and facilitate homeowners and businesses in improving their energy efficiency and reducing consumption; and
- d. promote and secure greater use of local renewable energy in new development, including through Development Plan Documents, setting local level size thresholds for major new development and require all relevant developments, particularly major retail, commercial and residential developments, to secure an ambitious but viable percentage of their energy supply from decentralised and renewable or low carbon sources. In advance of local targets being set in DPDs, major new developments of more than 10 dwellings or 1000m² of non-residential floorspace should secure at least 10% of their energy supply from decentralised and renewable or low-carbon

sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.

Hartlepool Local Plan (2006)

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

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

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.

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.

Ind1: States that land is reserved for development as a business park. 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. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

Rec2: Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

Rur2: States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

Tra15: States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

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.

Tra20: Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

Tra5: States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

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

The relevant emerging (core strategy) policies and national policies will be discussed in the update report.

Submission Local Plan (June 2012):

4.20 The following policies of the emerging local plan are relevant:

LS1 – Locational Strategy

CC2 – Energy Efficiency

TR1 – Strategic Transport Network

TR2 – Improving Connectivity in Hartlepool

ND1 – Planning Obligations and Compulsory Purchase Order

ND2 – Community Facilities and Services

ND3 – Telecommunications and Utilities

ND4 – Design of New Development

HSG1 – New Housing Provision

HSG4 – Overall Housing Mix

HSG5 – Affordable Housing Provision

NE1 – Green Infrastructure

4.21 The relevant policies will be discussed in the policy section of the update report.

PLANNING CONSIDERATIONS

4.22 Discussions with the applicant are ongoing. It is hoped that these will be concluded shortly and an update report will follow.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.23 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.24 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is not considered that the scheme raises any significant issues in this respect.

RECOMMENDATION – UPDATE REPORT TO BE PROVIDED

BACKGROUND PAPERS

4.25 Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

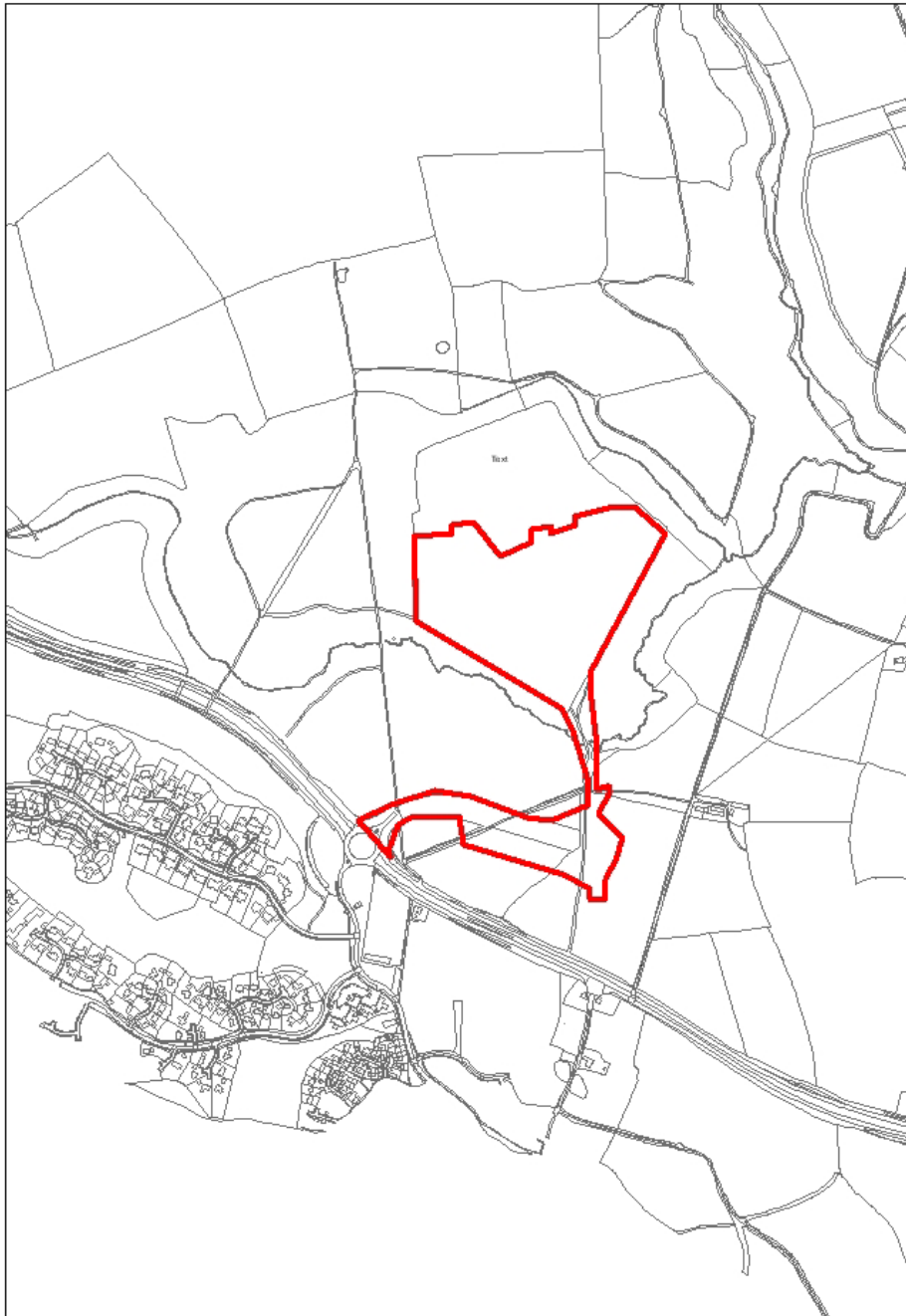
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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WYNYARD HOUSING DEVELOPMENT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT
Department of Regeneration and Planning

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Scale: 1:10000
Date : 21/11/12
Drg No: H/2012/0360

UPDATE

Planning Committee – 5 December 2012

4.1

No: 2
Number: H/2012/0491
Applicant: RANJIT SINGH 2 GROSVENOR COURT INGLEBY
BARWICK STOCKTON ON TEES TS17 0YP
Agent: SJD ARCHITECTS LTD HAMPDON HOUSE FALCON
COURT PRESTON FARM BUSINESS PARK
STOCKTON ON TEES TS18 3TS
Date valid: 27/09/2012
Development: Change of use of existing building and erection of
extensions to provide nine self contained apartments
(AMENDED PLANS RECEIVED) (PLEASE NOTE
AMENDED DESCRIPTION)
Location: LAND ADJACENT TO AND 85 STATION LANE
HARTLEPOOL

UPDATE

2.1 This application appears as item 2 on the main agenda. The report was left open to allow for receipt of outstanding consultation responses following the submission of amended plans. Publicity is ongoing, any further responses received will be provided to Members at the meeting. One additional letter of objection has been received since the original report. The concerns raised are:

- Design;
- Over development of site
- Traffic and highway safety issues

PLANNING CONSIDERATIONS

2.2 The main planning considerations in this case are the appropriateness of the proposal in terms of the policies and proposals with the adopted Hartlepool Local Plan (2006), and the impact on highway safety, the amenity of neighbouring properties and the visual amenity of the area in general.

Principle of Development

2.3 In terms of policy the proposal is considered to be both appropriate and acceptable. The proposal brings back into use a vacant commercial building for residential use which is situated in an existing residential area. The proposal is considered to be in accordance with current and emerging Council policy and with the overall objectives of the NPPF of providing sustainable development.

Residential Amenity

2.4 The building was previously used by social services as office accommodation for outreach social workers who visited the building at various times, this included early evening for meetings etc. The building has been vacant since January/February 2012 and in that time has come into a state of disrepair.

The building was originally a purpose built residential children's home and nursery.

2.5 A number of objectors refer to the use of the building as flats to be inappropriate in this area. There are flats in Danby Grove which is to the rear of the application site. The area is a mix of residential properties from bungalows, houses and flats. It is not considered that the addition of 9 flats would be inappropriate in this area and that this use would have a significant impact upon the area or nearby residential properties.

2.6 It is acknowledged that this building was used as a children's residential home/nursery which falls within C2 of the Use Class Order 2010, although in recent years it has been used as office accommodation by social services and out reach social workers. However, it would appear that the use was never formally changed and unless the more recent use was in excess of 10 years, the premises could revert back to a residential use which includes children's homes, nursing homes, boarding schools, residential colleges and training centres without formal planning permission.

2.7 The previous use could have a more significant impact upon residential properties than the proposed use as flats in terms of comings and goings. The area to the rear of the building could be used as an outside play area without restrictions.

2.8 It is considered that the above mentioned uses which could be implemented without prior planning consent, could give rise to a more increased level of noise and disturbance to that proposed. Moreover the Local Planning Authority has the power to impose planning conditions which would not be attainable if the use was permitted.

Highways

2.9 A number of objectors refer to issues of parking and the additional comings and goings to the property which could impact on highway safety and cause additional noise and disturbance.

2.10 The proposal includes the formalising of the existing car park at the front of the building and the provision of additional parking within the site.

2.11 The Councils Highway engineer has commented that the proposal does meet the Hartlepool Borough Council parking standards of 1.5 spaces per property for a flatted development. The road width and number of properties, including the proposed development conforms with Hartlepool Borough Council Design Guide and Specification for a cul-de-sac development.

2.12 It is considered that the traffic generated by the proposed development would be similar to the previous use, and therefore there are no highway or traffic concerns.

Design

2.13 The proposal includes the addition of a single storey rear extension which will project 7m x 7m with a height of 3.2m (approx) this is in keeping with the existing building. The extension will be positioned 4.966m reducing to 1m from the shared boundary with 13 and 14 Danby Grove (the reduction is due to the irregular shape of the site). Original plans submitted included two storey extension on the front elevation and a two storey extension on the south elevation adjacent to 1 Byland Grove. Amended plans have subsequently been received removing these elements from the proposal following officer concerns.

2.14 The single storey extension whilst projecting closer to properties on Danby Grove does meet separation distances and does not have an adverse effect in terms of overlooking.

Other Issues

2.15 The proposal includes the addition of front and side boundary treatments and the upgrading of rear boundary fencing between residential properties. It is considered that these works will enhance the appearance of the building and make the site more secure.

2.16 The proposal makes provision for an enclosed bin store to be within the site away from the common boundary with residential properties.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.17 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.19 There are potential Section 17 implications arising from the proposal which are outlined in the response of Cleveland Police.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the conditions below;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials including details of the carpark surfacing

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

In the interests of visual amenity.

3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority:
Existing plans - Drg No(s) 1185-12-008 and 009 received 30 Oct 2012 and Drg No: 1185-12-004 Rev A received 13 Sept 2012
Site location plan Drg No 1185-12-002 Rev B received 30 Oct 2012
Block Plan plan Drg No 1185-12-003 Rev F
Proposed Plans Drg No(s) 1185-12-005 Rev E, 1185-12-006 Rev D, 1185-12-010 Rev B, 1185-12-011 Rev C received 23 Nov 2012
Boundary treatments Drg No: 1185-12-012 received 30 Oct 2012
unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. 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.
5. 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.
6. Prior to the development hereby approved being brought into use the car parking as approved and identified on plan 1185-12-003 Rev F received on the 23 Nov 2012 shall be provided including being formally marked out.
In the interests of highway safety and the amenities of the occupants of neighbouring properties.
7. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of the bin store enclosure shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the amenities of the occupants of neighbouring properties.
8. Notwithstanding the submitted details prior to the commencement of the development the final extent of the hereby approved boundary treatments shall be submitted to and approved in writing. Thereafter the agreed scheme shall be implemented prior to occupation of the approved flats.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

Background papers used in the compilation of reports relating to planning items are listed within the report and are available for inspection in Bryan Hanson House, Hanson Square, Hartlepool during working hours. Copies of the applications are available on-line:

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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UPDATE

Planning Committee – 5 December 2012

4.1

No: 4
Number: H/2012/0360
Applicant: Taylor Wimpey UK Ltd & Wynyard Park Ltd Lockheed Court Preston Farm Industrial Estate STOCKTON ON TEES TS18 3SH
Agent: Nathaniel Lichfield & Partners Mr D Graham Generator Studios Trafalgar Street NEWCASTLE UPON TYNE NE1 2LA
Date valid: 01/08/2012
Development: Residential development comprising 168 residential units with associated roads, footpaths and infrastructure
Location: Land at Wynyard

Background

4.1 This application appears at item 4 on the main agenda. At the time of writing discussions with the applicant were ongoing.

Publicity

4.2 No further representations have been received. The time period for representations has expired.

Consultation Responses

4.3 The following additional consultation response has been received;

Engineering Consultancy (Contamination) : Following my initial comments regarding the Sirius site investigation report, I have reviewed the submitted information relating to potential ground gas issues. I am happy with the explanation provided by the consulting engineers. The only issue I had with the Sirius report was unanswered questions regarding ground gas. Given these issues have been settled, I have no further comments regarding land contamination.

I would not require a condition based on the recorded ground conditions.

Planning Considerations

4.4 The main planning considerations are policy, design and layout, landscape and visual impact, highways, ecology, trees, residential amenity, drainage/flooding/contamination, public rights of way and archaeology/heritage assets.

4.5 The Environmental Statement considers the scheme in relation to a number of factors which include:

1. Planning Policy,
2. landscape and visual impact,

3. ecology,
4. Geology, Hydrogeology and Hydrology
5. noise,
6. air quality,
7. archaeology and cultural heritage
8. transportation
9. trees

These issues are also considered in the relevant sections below.

POLICY

GENERAL

4.6 Section 38(6) of the Planning and Compulsory Purchase Act 2004, states that "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

CURRENT POLICY

THE NATIONAL PLANNING POLICY FRAMEWORK (2012)

4.7 The Government has recently published the National Planning Policy Framework (2012). The National Planning Policy Framework (NPPF) sets out the Government's economic, environmental and social planning policies for England.

4.8 The NPPF introduces a presumption in favour of sustainable development. It identifies three dimensions to sustainable development; economic, social and environmental. In short this seeks to build a strong economy with the right development in the right place, to support strong, vibrant and healthy communities and to the protect and enhancement our natural, built and historic environment. (7)

4.9 In terms of making decisions the NPPF reiterates that decisions should be plan led with proposals that are in accordance with the development plan approved and where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impact should significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate development should be restricted (14).

4.10 At paragraph 17 it identifies a set of core land-use planning principles which should underpin both plan-making and decision taking. These principles are that planning should:

- be genuinely plan-led.
- be a creative exercise.
- should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.

- seek to secure high quality design and a good standard of amenity.
- take account of the different roles and character of different areas promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.
- support the transition to a low carbon economy.
- contribute to conserving and enhancing the natural environment and reducing pollution.
- encourage the effective use of land by reusing land previously developed.
- promote mixed use developments.
- conserve heritage assets.
- actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- take account of and support local strategies to improve health and wellbeing for all; and deliver sufficient community and cultural facilities and services to meet local needs.

4.11 In terms of decision taking the NPPF advises that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. (185). Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. (196). Decision takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; Policy consistency with the NPPF (216).

4.12 In terms of housing the NPPF advises Local Planning Authorities should deliver a wide choice of high quality homes. (47). To boost the supply of housing Local Planning Authorities are advised to use their evidence base to ensure needs are met. Local Planning Authorities are charged to deliver a wide choice of high quality homes, widen opportunities for home ownership, and to create sustainable, inclusive and mixed communities by planning for a mix of housing to meet demographic needs, a range of housing types and tenure to meet local demands and to ensure that any need for affordable housing is met. (50).

4.13 In terms of affordable housing the NPPF states that local planning authorities should (111) “where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities.”

HARTLEPOOL LOCAL PLAN (2006)

4.14 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies within the Wynyard Limit to Development (Policy Rur2) of the adopted Hartlepool Local Plan 2006 however the two sites on which the housing is to be located are reserved for development as a business park (Policy Ind 1). It should be noted however that whilst the Pentagon site corresponds to the area allocated in the Local Plan the area

identified as area Y are not identical but in broadly similar locations. The area between the sites is identified in the Local Plan as a SNCI (now designated a Local Nature Reserve) (Policy WL7) where development likely to have a significant adverse effect is restricted unless the reasons for development clearly outweigh the harm. Where development takes place on such sites it is advised that the Borough Council may seek to impose conditions, or seek legal agreements to minimise harm and enhance the remaining nature conservation interest and secure compensatory measures and site management.

4.15 In conclusion the proposal to develop the site for housing would therefore be contrary to current local plan allocations.

REGIONAL SPATIAL STRATEGY (2008)

4.16 In terms of the adopted North East of England Plan Regional Spatial Strategy to 2021 (2008) (RSS) the site is identified as part of a key employment location (Policy 20) which should be the focus of appropriate investment in order to accelerate the growth of the regional economy.

4.17 RSS Policy 18 Employment Land Portfolio advises that Hartlepool should make provision for up to 210 hectares of general employment land and up to 135 hectares of Key Employment Land.

4.18 RSS Policy 29 delivering and managing housing supply sets out targets for the development of previously developed land, advises that infrastructure provision should be coordinated, advises on density and the release of land. In considering planning proposals local planning authorities are required amongst other things to consider the reuse of employment sites only where they are not required for long term employment use, to consider the compatibility of housing with the operation of adjacent employment land and to take into account the impact on the previously developed land trajectory.

4.19 Policy 38 Sustainable Construction encourages Local Planning Authorities to promote sustainable construction through careful consideration of the design and layout of buildings, encourage energy efficiency and low consumption, and to promote the use of renewable energy. In the later respect advising that developments should secure 10% of their energy supply from renewable or low carbon sources.

4.20 In conclusion, given the fact that the site is identified in the Regional Spatial Strategy (RSS) as part of a key employment location, the proposal to use the site for housing is considered contrary to the RSS. However the Secretary of State has announced his intention to abolish the Regional Spatial Strategy and advised that this intention is a material consideration in the consideration of planning applications.

OTHER RELEVANT INFORMATION

4.21 A number of reports have informed the preparation of the Submission Local Plan (2012) and are relevant to the consideration of this application.

4.22 The **Hartlepool Affordable Housing Economic Viability Assessment (2009)** looked at the likely effect on the viability of developments of requirements for affordable housing. The assessment showed that on the sites assessed under certain market conditions schemes including a 10% affordable housing are viable. This evidence was used to support the requirements of emerging Local Plan Policy HSG5 (Affordable Housing Provision) (see below) which sets a minimum requirement of 10% affordable provision.

4.23 The **Hartlepool Strategic Housing Market Assessment (SHMA) (2012)** and the Tees Valley SHMA has identified that there is a substantial underrepresentation of executive housing stock in the Borough which is acting as a barrier to economic growth. It is estimated that only 12% of the executive housing stock in the Tees Valley is within Hartlepool. In Hartlepool only 4% of the housing stock is considered “Executive”. In terms of affordable housing the Hartlepool SHMA also identified the overall housing need in the Borough as 27.5% of the overall net additional dwellings provided each year.

4.24 The **Executive Housing Need Paper (2012)** draws together information from other studies which indicate a need for the provision of executive housing within the Borough and wider Tees Valley. It suggests that a supply of high quality “executive” housing within the Borough is necessary in order to attract “wealth creators” (entrepreneurs, company directors etc). The paper also again highlights that executive housing within the Borough currently equates to approximately 4% of the overall housing stock and that there are very few existing permissions for executive homes to be developed in the Borough, thus supporting the need to make provision for executive homes through the emerging Local Plan. Other key findings are the current lack of available sites for executive housing across the Tees Valley, that the lack of executive supply is acting as a barrier to economic growth and that executive sites have historically proved to be successful in the Tees Valley. It concludes that a range of executive housing sites need to be provided in Hartlepool throughout the plan period of the emerging Local Plan (2012-2027) to offer a choice of locations throughout the Borough.

4.25 The **Hartlepool Employment Land Review December (2008)** indicated that there was an over supply of employment land within the built up area of Hartlepool. The supply is in far excess of the 25 years referred to in RSS Policy 18. The Review highlighted the need to de-allocate surplus employment land within the built up area of Hartlepool in conformity with policy 18. The Employment Land Review accepted that the land at Wynyard Business Park and at North Burn (referred to in the RSS as ‘Wynyard’) were not considered as part of the Borough’s employment land supply but rather forms a sub regional supply as it is prestige employment land that is of regional importance .

EMERGING POLICY

THE LOCAL PLAN SUBMISSION DOCUMENT (2012)

4.26 The Borough Council is currently preparing a Local Plan will guide development in the area for the period 2012 to 2027. Once adopted it will essentially replace the Hartlepool Local Plan (2006).

4.27 The Local Plan Submission Document has reached an advanced stage and has been subject to public consultation and is due for examination at a Public Hearing in January 2013. The relevant policies are listed below.

4.28 Policies LS1 (Locational Strategy), HSG1 (New Housing Provision) and HSG4 (Overall Housing Mix) allocate the application site and an adjacent site (area X) for the development of low density executive housing comprising 200 homes in total. It should be noted however that whilst the indicative Pentagon site corresponds to the area allocated in Key Diagram 1 in the Core Strategy the areas identified as housing area Y are not identical but in broadly similar locations.

4.29 Policy HSG5 (Affordable Housing Provision) advises that affordable housing will be required on all developments of fifteen houses or more. It advises that a minimum affordable housing target of 10% will be required on all sites. The affordable provision, tenure and mix, will be negotiated on a site by site basis having regard to economic viability and evidence of housing need, aspiration and the local housing market. The policy allows for off site provision, including the payment of commuted sums in appropriate circumstances.

4.30 Policy CC2 (Energy Efficiency) advises that the Council will seek to ensure high levels of energy efficiency in all new developments.

4.31 Policy ND1 (Planning Obligations and Compulsory Purchase Orders) advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, play provision, green Infrastructure and Highway Improvements.

4.32 Policy ND2 (Community Facilities and Services) advises that the Borough Council will seek to ensure access to community facilities.

4.33 Policy ND3 (Telecommunications & Utilities) covers the provision of utilities infrastructure where necessary as parts of new development.

4.34 Policy ND4 (Design of New Development) advises that the Borough Council will seek to ensure high quality design.

4.35 Policy NE1 (Green Infrastructure) advises that the Borough Council will safeguard and work to actively improve the quantity and quality of green infrastructure including improving access to open spaces with new cycleways and footpaths.

4.36 Policy NE2 (Natural Environment) advises that the Borough Council will look to protect, manage and actively enhance the biodiversity, geodiversity, landscape character and green infrastructure assets of the Borough.

4.37 The emerging Local Plan has been through a number of statutory periods of public consultation and the allocation of land for executive housing only received a small number (less than 5) objections.

4.38 In terms of the policies of the Submission Hartlepool Local Plan (2012) whilst broadly in compliance with its policies which see the site allocated for executive housing it is acknowledged that the proposal does deviate from them. In particular it is noted that the proposed housing development does not strictly meet the definition of executive housing set out within the Submission Local Plan (2012). This describes Executive Housing as of high quality design, predominantly detached, having 4 or more bedrooms, set in generous grounds, in an attractive setting and of a low density no greater than 10 dwellings per hectare. The proposals includes apartments, semi-detached dwellings, three bedroom dwellings and has an overall density of some 15 dwellings per hectare. The policy does allow for some minor variations on larger sites and it is therefore considered that the scheme as proposed is acceptable. It is also noted that if the density proposed on the application site were repeated on the other sites in the applicant's control (Area X and North Pentagon) the overall housing numbers would considerably exceed the Local Plan allocation of 200 dwellings. However this will need to be considered should any further applications be received.

4.39 As the policies of the emerging local plan are not adopted, full weight cannot be given to them. However, in line with paragraph 216 of the NPPF, given the advanced stage of the plan and the limited number of objections a significant weight can be given to the relevant policies.

OTHER POLICY RELATED ISSUES

4.40 The minister for Decentralisation Greg Clarke issued **Written Ministerial Statement : Planning for Growth** on 23 March 2011 to support sustainable development that the country needs as it emerges from recession. The Department of the Communities and Local Government Chief Planner wrote to Local Planning Authorities on 30 March 2011 to inform them that this statement is capable of being regarded as a material planning consideration. The relevant part on the statement is as follows "In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy PPS4), and that they can give clear reasons for their decisions".

DEVELOPER CONTRIBUTIONS

4.41 The developer has agreed to provide £1.2 million towards off site affordable housing provision and £42,000 towards public rights of way improvements (Green Infrastructure). It is considered that the affordable housing contribution of £1.2 million is equivalent to approximately 12% on site provision. These contributions will be secured through the completion of an appropriate legal agreement.

PLANNING POLICY CONSIDERATIONS

4.42 In the terms of extant development plan policies the site is located within the limits to development however it is within an area allocated for employment use in both the Hartlepool Local Plan (2006) and in the Regional Spatial Strategy (2008). The proposal is therefore considered contrary to current policy.

4.43 In light of the above the Local Planning Authority must consider whether there are any other material planning considerations which would indicate that the application should be approved and in this respect there are a number of material planning considerations, of varying degrees of weight, which lend support to the proposal.

- 1) The site is located within the limits to development though it is allocated for employment use and benefits from an extant permission for a prestige business park.
- 2) It is not considered that the loss of the employment land in this area would have a detrimental impact on the strategic employment site or the future prosperity of the Borough.

4.44 The Hartlepool Employment Land Review for Hartlepool December 2008 indicated that there was an over supply of employment land within the built up area of Hartlepool. The supply is far in excess of the 25 years referred to in RSS Policy 18. The Review highlighted the need to de-allocate surplus employment land within the built up area of Hartlepool in conformity with policy 18. The Employment Land Review accepted that the land at Wynyard Business Park and at North Burn (referred to in the RSS as 'Wynyard') were not considered as part of the Borough's employment land supply but rather forms a sub regional supply. The total RSS allocation of the area as a Key Employment Site includes the Wynyard Business Park (within Stockton & Hartlepool) and the North Burn Area in Hartlepool. This covers an area of about 200 hectares.

4.45 Planning permission was recently granted for the provision of a hospital on part of this allocated land. The hospital site covers an area of about 25 hectares or 12.5% of the total Wynyard Key Employment land. The Hospital was considered an acceptable and compatible use on the business park.

4.46 The housing areas will result in the loss of a further 32.37 hectares. This will mean that with the hospital in total some 29% of the originally allocated area will have been lost. It is considered that the loss of this further area of the key employment site is on balance acceptable given the amount of allocated land that remains and the fact that the detached nature of the housing site, which will lie on the periphery of the remaining allocated land forming the Wynyard Park Estate should it be developed, means that it is unlikely to hamper the proper development of the employment sites. In light of this it is considered that it would be difficult to resist the application on these grounds.

- 3) It is accepted that there is a need to accommodate additional sites for executive housing in the Borough.

4.47 The need to provide additional areas of executive housing in the Borough has been identified in various recent reports some of which are discussed above.

4.48 This identified need for more executive housing sites was the justification for the de-allocation of the three discrete areas of prestige employment land at Wynyard to

which this application relates to. Wynyard over the past decade or so has been the prime location in the Tees Valley for providing high quality homes aimed at the “executive” level and has attracted people from across the sub-region and beyond and is clearly an obvious and proven location to make additional provision.

- 4) The development will secure developer contributions to address housing need in the Borough and potentially support housing market renewal.

4.49 Given the nature of the development and the need for executive housing it is accepted that rather than on site affordable housing a contribution towards off site affordable housing is acceptable in this case. The developer has agreed to make a substantial contribution in respect of this which will be used by the Council to address identified housing need in the Borough.

- 5) The site is allocated in the emerging Local Plan.

4.50 As the policies of the emerging local plan are not adopted, full weight cannot be given to them. However, in line with paragraph 216 of the NPPF, given the advanced stage of the plan and the limited number of objections a significant weight can be given to the relevant policies.

- 6) The development would help support economic recovery in line with the spirit of the recent Ministerial Statement : Planning for Growth (2011).
- 7) Members recently considered and were minded to approve an application for 200 dwellinghouses on a site which incorporated the current application site.
- 8) Economic Benefits : Section 143 of the Localism Act (Applications for planning permission: local finance considerations) makes amendments to the Town & Country Planning Act 1990 as to allow consideration of: “any local finance considerations, so far as material to the application”, when determining planning applications.

4.51 The Act describes local finance Considerations as

- (a) a grant or other financial assistance that has been, or will or could be, provided to a relevant authority by a Minister of the Crown, or
- (b) sums that a relevant authority has received, or will or could receive, in payment of Community Infrastructure Levy;

4.52 The government has recently introduced the New Homes Bonus to incentivise house building. The applicant has estimated that Hartlepool Borough Council could potentially receive close to some £2 million under this scheme over a six year period.

4.53 In determining planning applications planning authorities are required to make decisions in accordance with the development plan unless material considerations indicate otherwise, and there are other material considerations identified above, which support the proposal.

CONCLUSION

4.54 On balance, notwithstanding the current policy situation. It is considered that the material considerations identified above weigh in favour of the application and on balance the proposal can in principle be supported. The detailed planning considerations arising from the application are discussed below.

DESIGN & LAYOUT

4.55 The rationale for the design of the development is set out in the Design & Access statement which accompanied the planning application. This states that the design principles behind the development have been based upon:

- a detailed examination of character area diversity and density gradation, and
- a rigorous study of the local vernacular. The vision for residential development in Wynyard Park is firmly based upon the traditional architecture and settlements of South Durham, Tees Valley and North Yorkshire.

4.56 The South Pentagon shows houses arranged around a central green and parkland area with two main spine roads branching off to the west and east to serve dwellings arranged mainly in cul-de-sacs. The spine roads will also ultimately serve the North Pentagon site when that is brought forward for development. A smaller green will be located at the southern point of the South Pentagon. A combined footway and cycleway will extend into the site alongside the highway which will also facilitate emergency access if required. All house plots will accommodate parking with garages. The apartment block which will be in a Neo-classical style will be prominently located at the northern end of the village green with parking accommodated to the rear. It is described as a strategic landmark building which will form a focal vista from the edges of the Pentagon. The applicant has agreed that the parkland area which will be secured through the completion of a legal agreement will also accommodate a play area to serve the development which will be secured by conditions. The southern housing area (Area Y) will accommodate a further 30 dwelling houses. These will front onto a wide linear village green with the main access road beyond.

4.57 The houses take inspiration from the local vernacular and are a relatively attractive mix of designs with traditional detailing which are pleasing to the eye. Materials again will be traditional with bricks, some lime washed render and natural stone walls with natural slate, clay and concrete roof tiles.

4.58 In terms of the apartment block this will be neoclassical in style, it will be prominently located in the centre of the site. The applicant has been asked to reconsider the design to provide a stronger frontage treatment and has agreed to a condition on this basis.

4.59 The applicant has indicated that the houses will be built to a standard that exceeds the current building regulations in terms of energy efficiency but that no renewables will be incorporated in the design.

4.60 The layout of the development has been the subject of detailed pre-application discussions and discussions during the consideration of the application these discussions are continuing. For the most part the layout is now considered acceptable and meets guidelines in relation to separation distance set out in the Hartlepool Local Plan (2006) however the applicant has been requested to reconsider the relationship between two of the plots. Subject to the receipt of amended plans the design and layout of the development is considered acceptable.

LANDSCAPE AND VISUAL IMPACT

4.61 The issue of Landscape and Visual Impact is examined at Section D of the Environmental Statement.

4.62 The site is not covered by any statutory landscape designation. The value of the site as an attractive rural landscape of fields and woodland however is rightly acknowledged in the Environmental Statement as is the fact that site is substantially screened by woodland planting. In the Statement the applicant identifies a minor adverse effect on the local landscape, a negligible – minor adverse impact on public views and a minor adverse impact on views from private residences arising from the development.

4.63 In order to mitigate against this impact areas of established woodland surrounding the site will be retained and additional landscaping and planting undertaken. The proposals accommodate the residential areas within an established woodland setting. In the Pentagon the existing woodland around the arable field will for the most part be retained. In housing areas Y a cleared area will be extended within the woodland to accommodate the housing areas. The remaining woodland areas will be retained and managed as a framework to the development save for the areas where road and other infrastructure is provided. Additional planting and landscaping will also take place within the site and the details of this will be conditioned. It is considered that the screening afforded by the retention of existing woodland areas will help to contain any possible adverse impacts. This will be ensured through appropriate landscaping conditions and legal agreements.

4.64 No objections have been received from Hartlepool Borough Council's Landscape Architect who accepts the findings and advises there does not appear to be any significant landscape issues in terms of visual impact or landscape character impact within the wider landscape.

4.65 In considering the visual impact of the development it should also be remembered that the site benefits from an extant planning permission for B1 business development and associated infrastructure which in itself would have a landscape and visual impact. In this context it is noticeable that the indicative housing layouts show for the most part a larger woodland buffer retained adjacent to the A689 than would be the case if the approved commercial developments (H/2009/0494) were brought forward. In the context of key views from the A689 the proposal has potential therefore to have less visual impact.

4.66 In terms of its landscape and visual impact the proposal is considered acceptable.

HIGHWAYS

4.67 The transport implications of the development are considered at Section C of the Environmental Statement. The applicant has also prepared a Transport Statement and a Residential Travel Plan.

4.68 The Environmental Statement and Transport Statement conclude that the impact of the proposed housing development (168 houses) on the local road network will be considerably less than would be the case if the approved B1 business use were implemented. This is because the traffic generated by the proposed housing development would be likely to be substantially less than that which would arise from the approved B1 development. The existing consent (H/2009/0494) was subject to a section 106 agreement requiring the provision of £1.71 million to fund improvements to the A19 and the A689 and the applicant remains committed to this provision to address congestion issues.

4.69 In terms of sustainability it is recognised that the site, given its location and the existing infrastructure, currently has limited access by transport modes other than the car. The applicant considers that the mix of uses now proposed for Wynyard Park, with employment and residential uses, will ultimately have the benefit of reducing external trips making Wynyard Park as a whole more sustainable. The applicant is committed to encouraging the use of more sustainable transport modes across the whole of the Wynyard Park site. Pedestrian and cycle links will be facilitated and as the wider Wynyard Park site is developed these will be integrated into “a comprehensive network of sustainable transport infrastructure” and the potential for sustainable public transport links will be enhanced.

4.70 A Residential Travel Plan has also been submitted with the application. It has been prepared in the context of the overarching Travel Plan Framework for the wider Wynyard Park site. This explains how the developer will seek to minimise the traffic impact of the development by maximising the potential for the use of more sustainable travel modes. A range of measures are identified to promote sustainable travel patterns including, the appointment of a travel plan coordinator, resident’s travel information packs, residents groups, travel guides, cycle paths, signage, up to date travel information on the Wynyard Park website, a car sharing scheme and a discounted taxi fare scheme. The success of the travel plan will be monitored and reviewed.

4.71 It is acknowledged that highway issues have featured prominently in the responses of objectors to the proposals. However, the consented business development will be likely to generate significantly more traffic than the housing now proposed. The Highways Agency and Hartlepool’s Borough Council’s Traffic & Transportation Section, have not objected to the proposal.

4.72 It is considered that with appropriate conditions the proposal is acceptable in highway terms.

ECOLOGY

4.73 The impact of the development on ecology is considered at section H of the Environmental Statement. The statement advises that detailed field work has been undertaken by suitably qualified ecologists including a phase 1 habitat and relevant species surveys. Consultations were also undertaken with relevant bodies including Hartlepool Borough Council.

4.74 There are no statutory designated sites within or adjacent to the application boundary. One Local Wildlife Sites (LWS) Close Wood Complex LWS is within the application boundary with a second, High Newton Hanzard Meadow LWS, just outside but on the wider Wynyard Park site.

4.75 The Environmental Statement identified a number of ecological receptors discussed below which the development could potentially affect.

Habitats

4.76 The habitat currently found on the site consists of arable field, woodland areas, wetland, watercourse and marshy grassland. The arable fields were found to consist of species poor grassland. In terms of the woodland areas those within the site consist of dense conifer plantation, principally western hemlock, of harvestable age. The ground flora in these areas is generally sparse due to the lack of light. Close Wood which surrounds the Pentagon site includes a broadleaved woodland on its eastern side dominated by mature Beech and forms part of a Local Wildlife Site. There are no permanent ponds within the site. Watercourses and wetlands on site or in the vicinity include Newton Hanzard Beck whose banks are dominated by coniferous woodland and which is culverted through part of the site. Close Beck passes to the north of the site. An area between areas X and Y has been clear felled and forms an area of marshy grassland dominated by rushes.

Protected or Important Species

In terms of protected or important species.

- No evidence of roosting bats was detected though foraging and commuting bats were recorded along woodland edges particularly in the Pentagon area.
- In terms of Badgers no evidence of setts or activity was recorded though it is accepted they are likely to be present in the local area.
- In terms of reptiles the habitats on site are considered unfavourable and reptiles were not recorded.
- In terms of birds the woodland habitats are considered good quality habitats with fields of the Pentagon itself less so. The area to be lost through development was found to support 29 territories of 18 species of these seven are identified as of conservation concern (Bullfinch, Crossbill, Meadow Pipit, Reed Bunting, Sky Lark, Whitethroat and Song Thrush. Evidence from previous studies and consultees indicates that a number of other species have been recorded either on the site or within the local area including Goshawk, Little Owl, Short Eared Owl, Tawny Owl, and Grey Partridge, though not all of these will breed in the area. Additional species identified by

Teesmouth Bird Club included Siskin, Goshawk, Hen Harrier and Common Buzzard.

- In terms of Riparian Mammals no evidence of Otters was found on the site, though historically evidence has been recorded at Close Beck to the north of the site of which Newton Hanzard Beck is a tributary. However, given the relatively poor habitat for Otters within the site, it is considered unlikely that they would be utilised by Otters. The watercourses are considered unsuitable for Watervole and they were not recorded on site.
- In terms of Great Crested Newt no evidence of their presence was recorded on site or within off site water bodies.
- Other UK BAP Species which may be present on site at times include Common Toad, European Hedgehog, Brown Hare, Harvest Mouse, White Letter Hairstreak

Impacts

4.77 The Environmental statement identifies two types of potential impact arising from the development these are the physical impacts arising during the construction phase and the operational impacts arising post construction from the activities associated with the residential use of the land.

4.78 The following impacts have been identified in the Environmental Statement during the construction phase (pre mitigation):

- An impact of minor adverse significance on arable land habitat, Badger, Birds, Otter, Water Vole, Bats, Great Crested Newt, Reptiles, other UK Bap Species.
- An impact of moderate minor significance on wetland habitat.
- An impact of moderate adverse significance on Broadleaved Woodland, Coniferous Woodland, small unnamed watercourse, marshy grassland and Close Wood (LWS).
- An impact of negligible significance on High Newton Hanzard (LWS) and Eden Walkway Local Nature Reserve.
- An impact of major/moderate adverse significance on Close and Newton Hanzard Becks.

The following impacts have been identified in the Environmental Statement during the post construction phase (pre mitigation):

- An impact of minor adverse significance on Badger, Birds, Bats, other UK Bap Species, High Newton Hanzard (LWS) and Eden Walkway Local Nature Reserve.
- An impact of moderate/minor adverse significance on Coniferous Woodland, small unnamed watercourse and Otter.
- An impact of moderate adverse significance on Close Wood (LWS).
- An impact of negligible significance on arable land habitat, wetland habitat, marshy grassland habitat, Water Vole, Great Crested Newt and Reptiles.
- An impact of major/moderate adverse significance on Broadleaved Woodland, and Close and Newton Hanzard Becks

Mitigation

4.79 In order to address the above impacts the Environmental Statement proposes the following measures:

During Construction

- The protection of woodland from construction traffic through the creation of a buffer zone and tree protection measures.
- The minimising of tree loss.
- The landscaping scheme will include species to attract birds and invertebrates.
- All works within 20m of watercourses will be undertaken in accordance with industry standard guidelines on pollution prevention. Culverting works will be undertaken in consultation with the Environment Agency under the relevant consents.
- Wetland areas will be created to compensate for any lost and planted to attract wildlife.
- Any vegetation removed during the bird breeding season (March to August inclusive), will be subject to a pre-commencement survey for birds.
- Any tree removal will be subject to a pre-commencement survey for bats
- Works on site shall not commence until a Badger checking survey has been undertaken to confirm the absence of Badgers from the development area and a 30m buffer. Should active setts be found, and considered to be significantly affected, works within these areas will not commence until the appropriate licence has been obtained from Natural England.
- Works on site shall not commence until an Otter checking survey has been undertaken to confirm the absence of Otters from the development area and a 50m buffer. Should active sites be found, and considered to be significantly affected, works within these areas will not commence until the appropriate licence has been obtained from Natural England.
- Forty Bat boxes will be erected within the surrounding woodland.

After Completion

- A Habitat Management Plan for the woodland surrounding the site, to increase its long term viability as a local wildlife site, will be developed and agreements put in place to ensure its long term viability.
- No access to the woodland will be provided from the site other than on designated routes to limit disturbance.
- Species Rich Hedgerows will be planted in two or three key routes across the site to increase linkages and provide opportunities for nesting birds.
- A surface water drainage scheme will be implemented to minimise run off into surrounding watercourses.
- A total of 5% of the properties will incorporate bat mitigation features to provide long term roost sites.
- Lighting around the fringes of the development would be designed to minimise impacts on bats.

4.80 The Environmental Statement concludes that with all mitigation measures fully implemented the residual impacts arising during the construction phase will, save for two receptors (Coniferous Plantations and Close Wood (LWS)), be of negligible or minor adverse impacts. Similarly the Environmental Statement concludes that with all mitigation measures fully implemented the residual impacts arising during the operational stage when the site is in residential use negligible or minor adverse with some minor beneficial impacts for wetland habitat, bats, birds, Great Crested Newts and other UK Bap species.

Conclusion

4.81 The development of the site will clearly impact on the Ecology of the area. Given the loss of habitats it is not considered that the impacts of the development could be mitigated for within the application site itself alone and there was therefore a need for a mechanism to ensure that mitigation across the wider Wynyard Park Estate is delivered offering a much greater scope for necessary mitigation and enhancement measures. It is considered that provided mitigation is secured on site and within the wider Wynyard Park Estate any impacts could be successfully mitigated. Natural England have not objected but suggested a similar approach. The applicant has agreed in principle to this and it is proposed that this would be addressed through an appropriate clause within a legal agreement. Conditions would also be needed to secure mitigation on or adjacent to the site. It should be noted that these measures will not necessarily directly compensate for all habitats lost i.e. it is not intended to replace areas of farm land. It is considered however that with the ecological mitigation and enhancement secured across the wider Wynyard Park Estate and appropriate conditions that any impact ecology of the site will be acceptable with clear prospects in the longer term that the ecology of the area will be enhanced. On this basis In terms of its impact on ecology the proposed development is considered acceptable.

TREES

4.82 The impact of the development on trees is considered at section J of the Environmental Statement. The application was also supported by an Arboricultural Survey.

4.83 The Environmental Statement acknowledges that impacts on trees will arise during construction from the loss of areas of coniferous plantation to accommodate the development and damage to retained trees during construction. After completion impacts include damage to trees caused by human interaction, increased requirements for maintenance and pollution of habitats.

4.84 In order to mitigate against these impacts tree removal will be minimised and tree protection measures are proposed. After completion the woodland will be managed to increase its viability as a wildlife site and to diversify the woodland. No access to the woodland will be provided from the site other than on designated routes to limit disturbance. The Environmental Statement concludes that with the proposed mitigation the effects on the woodland during construction and after completion will be at the most of minor adverse significance with some beneficial impacts arising from the management of the woodland.

4.85 The development will result in the loss of trees on the site. In particular the removal of trees from the conifer plantation, which is included within area Y, and to accommodate the access road. The implications of the proximity of the development to the woodland surrounding the Pentagon also need to be considered.

4.86 Following an assessment of the submitted information by Hartlepool Borough Council's Arboriculturalist detailed discussions have taken place with the applicant. Following these discussion the housing layout, particularly in the South Pentagon, has been amended to allow for appropriate separation to limit any impacts on the retained trees within the woodland. In the small number of places where building will be located in potentially sensitive locations tree friendly construction techniques will be adopted again to limit any impact on retained trees.

4.87 It is considered that whilst trees will be lost on site given the woodland cover in this area these losses will not be significant and that the impacts on retained trees could be addressed through appropriate conditions which will require that tree protection measures, including tree friendly construction techniques in discrete areas, are secured. In the longer term the proposals discussed above to mitigate against the ecological impacts of the development, and in particular the proposals to manage the woodlands in the wider Wynyard Park Estate, if secured, will potentially benefit the health and diversity of the woodlands in the area and wildlife which uses them.

RESIDENTIAL AMENITY

4.88 The impacts of the development on the residential amenity of neighbouring properties and the amenity of future residents need to be considered.

4.89 The closest neighbouring residential properties are located on the opposite side of the A689. These include the Wynyard North Lodges some 70m to the south east, Foresters Lodge and the properties on the northern edge of Wynyard Village located to the south. In general the location of these properties on the opposite side of A689 should help to limit direct impacts arising from the development. It is not considered that the residential amenity of these properties would be directly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance.

4.90 In the context of residential amenity the sections of the Environmental Report dealing with noise (section F) and air quality are (section G) are also relevant.

Noise

4.91 In the Environmental Statement it is recognised that noise from construction activities and noise from additional traffic when the site is operational could give rise to impacts in the surrounding area. In terms of the future occupants of the site the issue of traffic noise is also identified as an issue requiring consideration.

4.92 In terms of the Construction phase the Environmental Statement outlines a number of mitigation measures that might be adopted to limit noise emissions. It should also be remembered that the Borough Council has its own powers in terms of

Environmental Protection should nuisance arise. In terms of the operational phase the Environmental Statement concludes that the impact arising on existing neighbours from additional traffic when the site is operational will be insignificant and therefore no mitigation is proposed.

4.93 In relation to the future occupants of the site, for parts of site Y, which is closest to the A689, the Environmental Statement recognises that traffic noise is an issue which requires consideration. In light of this it advises that to mitigate against any noise from the road garden areas should be screened by an acoustic fence and that acoustic ventilation should be included in any window designs.

4.94 Hartlepool Borough Council's Public Protection Section have reviewed the information and raised no objection subject to conditions such as the provision of acoustic fencing in the south facing gardens of area Y and specifications of windows in area Y (including the provision of acoustic ventilation). It is considered that appropriate conditions could address any noise issues arising from, or to, the development.

Air Quality

4.95 In the Environmental Statement it is recognised that dust from construction activities and traffic fumes from additional traffic when the site is operational could give rise to impacts in the surrounding area. In terms of the future occupants of the site the issue of traffic fumes from the A689 is also identified as an issue requiring consideration.

4.96 In terms of the Construction phase the Environmental Statement outlines a number of mitigation measures and best practice techniques that will be adopted to limit dust emissions. It should also be remembered that the Borough Council has its own powers in terms of Environmental Protection should nuisance arise.

4.97 In terms of the when the site is completed the Environmental Statement concludes that the impacts arising on existing sensitive properties and future occupants of the site from fumes arising from additional traffic when the site is operational will be negligible and therefore no mitigation is proposed.

Relationship with Approved Commercial Development

4.98 The proposed housing site is located on the edge of an approved commercial development and this relationship needs to be considered. The indicative layouts show that the housing can be accommodated with, for the most part, a significant landscape buffer retained between the proposed housing sites and the commercial development to the east. It is considered likely therefore that the amenity of the future residents can be safeguarded so that it will not be unduly affected by the activities on the neighbouring commercial sites, or vice versa. It is understood that the area of the North Pentagon and area X, which currently benefit from permission for business use will be brought forward as additional housing sites. In light of the close proximity of these areas to the housing areas, in order to safeguard the amenity of future residents. It is considered appropriate that the developer agree not

to implement the commercial permissions on these particular sites. This can be secured through a legal agreement.

Conclusion

4.99 No objections to the development have been raised by the Head Of Public Protection. In line with the findings of the Environmental Statement he has however requested appropriate conditions regarding the specification of the glazing and ventilation systems and the garden fencing of the properties on site Y in order to ensure that any potential nuisance arising from traffic noise can be addressed.

4.100 In terms of the impact of the development on the amenity of existing residents and the amenity of the future occupiers of the site the proposed development is considered acceptable subject to the various conditions and agreements identified above.

DRAINAGE/FLOODING/CONTAMINATION

4.101 Issues relating to drainage and flooding including Geology, Hydrogeology and Hydrology are considered in section E of the Environmental Statement and in the Flood Risk Assessment and Geo-environmental Appraisal which also accompanied the application.

4.102 The Environmental Statement assesses the impact of the development on the existing geological, hydrogeological and hydrological environments. The assessment process considered the key activities to be undertaken in the construction and operation of the proposed development and assessed the significance of the potential impact arising from these activities, by gauging the sensitivity of the receptors and the magnitude of any impact were it to be realised.

4.103 The primary receptors at the site are the soils and superficial deposits, the underlying shallow ground water in the glacial sands and gravel, shallow ground water in glacial till and the Newton Hanzard Beck.

4.104 The key activities and potential impacts arising from the proposed development would be alteration of soil structure, erosion and sediment mobilisation, accidental release of potentially polluting substances and alterations to the surface and groundwater regimes. Each of the potential impacts was addressed with reference to site management practices to mitigate any impact on receptors. After mitigation all residual impacts are assessed as negligible or minor.

4.105 The issue of Flood Risk was considered in the Flood Risk Assessment which accompanied the application. This concludes that the risk of flooding on the site from sewers, overland flow and groundwater is considered to be low and that there are considered to be no significant increased off site flooding risk as a result of the development. The site is considered acceptable therefore in terms of its hydrology, for the type of development proposed.

4.106 The site is not currently served by public sewers and details of the proposed drainage arrangements will be conditioned for approval, the details submitted

indicate that sustainable urban drainage systems (SUDS) will be utilised, including attenuated discharges to the existing watercourse. The Environment Agency, Northumbrian Water and Hartlepool Borough Council's Engineering Consultancy have raised no objections to the proposal subject to the imposition of appropriate conditions. The proposal is considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.

4.107 The issue of contamination was considered in the geo-environmental appraisal which accompanied the application. This concluded that the testing undertaken indicates that a source of contamination does not exist on the site. Hartlepool Borough Council's Engineering Consultancy, have raised no objections to the proposal on the grounds of land contamination and have not requested the imposition of any conditions.

PUBLIC RIGHTS OF WAY

4.108 The Ramblers Association, Tees Valley Access Forum and Hartlepool Borough Councils Parks & Countryside section have raised the issue as to whether additional public rights of way can be secured to the north and west of the site to provide links to the Castle Eden Walkway.

4.109 Unfortunately the applicant does not own neighbouring land, or accesses, which would be required to accommodate links to the Public Rights of Way (PROW) network to the north and west. Hartlepool's Countryside Officer has been investigating prospects for linking the site through the existing Close Farm access to a PROW to the north which in turn also links to the Castle Eden Walkway. This will however require the agreement of the adjoining landowner(s).

4.110 The applicant has however agreed to provide a contribution of £42,000 towards the improvement of green infrastructure and to accommodate a PROW link which would facilitate any link north through the site if this could be negotiated with the adjacent landowner(s). For the future if a southern link at Wynyard Woods West, could also be accommodated, together they would provided a substantial circular recreational route which would significantly enhance the PROW network in the area to the benefits or residents and visitors alike.

4.111 These issues are being explored by Hartlepool's Countryside Officer and given the legal and landownership issues involved cannot be concluded within the scope of the determination of this application. It is considered however that the developer contribution toward improvements to PROW in the area and the provision of a PROW link through the site should be secured through a section 106 agreement.

ARCHAEOLOGY/HERITAGE ASSETS

4.112 The impact of the development on Archaeology and Heritage Assets is considered in Section 14 of the Environmental Statement.

4.113 In terms of Heritage Assets the Environmental Statement notes that the site contains no statutory designated heritage assets. The Teesside Historic Environment Records have been consulted and the site has been subject to archaeological trial

trenches. These identified the presence of Ridge & Furrow (Medieval) in the area of the South Pentagon, and Area Y. Other archaeological remains have been identified in the area but these lie outside the site. Ancient Woodland is also recorded as present in the vicinity of the site boundary (in the vicinity of area X). Some way to the south of the site, on the opposite side of the A689 is Wynyard Park a Grade II* Registered Park & Garden.

4.114 In terms of the impact of the development on the heritage assets within the site (the various Ridge and Furrow) a minor adverse impact on these assets during construction was identified. In terms of as yet unknown remains in Area Y a substantial adverse but most likely a moderate adverse impact is anticipated. This is because the proposed development will cause the total or partial removal of these features. In relation to Wynyard Park and Garden, located some distance away, it was concluded given other modern development in the vicinity the impact on this heritage asset would be neutral. It should also be noted that significant screening will also help to limit any impact.

4.115 In order to mitigate against the on site impacts the Environmental Statement proposes further archaeological works which can be conditioned as part of the any planning approval. Tees Archaeology have reviewed the relevant part of the applicant's Environmental Statement and concluded that they agree with the mitigation proposed and agree that this can be secured by an appropriate planning condition. It is concluded therefore that the proposal is acceptable in terms of its impact on Archaeology/Heritage Assets subject to an appropriate condition securing the proposed mitigation works.

CONCLUSION

4.116 The proposal is, on balance considered acceptable and is recommended for approval subject to the satisfactory conclusion of discussions with the applicant regarding the layout, the completion of a legal agreement and appropriate conditions.

4.117 It is hoped that discussions on the layout will be concluded shortly. The requirements of the legal agreement and the proposed conditions are being finalised and it is hoped will be tabled at the meeting.

PLANNING COMMITTEE

5 December 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: Appeal Ref: APP/H0724/A/12/2178486
LPA Ref: H/2011/0654
ERECTION OF A DETACHED DWELLINGHOUSE
AND GARAGE
LAND ADJACENT TO 28 NINE ACRES, HART
VILLAGE, TS27 3BG

1. PURPOSE OF REPORT

- 1.1 To advise Members of the outcome of the above appeal lodged in respect of the refusal of planning permission for the erection of a detached dwellinghouse and garage on land adjacent to 28 Nine Acres, to the west of Hart Village.

2. THE APPEAL

- 2.1 The appeal was determined by written representations. The Inspector determined that the proposal was unlikely to have a significant detrimental impact upon the amenity of the neighbouring property and would be acceptable in design terms. The application refused under delegated powers. The appeal decision is attached (**Appendix A**)

3. RECOMMENDATION

- 3.1 That members note the decision.



The Planning
Inspectorate

Appeal Decision

Site visit made on 1 October 2012

by Graham Edward Snowden BA BPhil Dip Mgmt MRTPI

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

Decision date: 23 October 2012

Appeal Ref: APP/H0724/A/12/2178486

Land adjacent to 28 Nine Acres, Hart Village, Hartlepool TS27 3BG

- 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 Roy Ritchie against the decision of Hartlepool Borough Council.
- The application Ref H/2011/0654, dated 15 December 2011, was refused by notice dated 2 February 2012.
- The development proposed is a detached house, 3 bed with single garage.

Decision

1. The appeal is allowed and planning permission granted for a detached house, 3 bed with single garage at Land adjacent to 28 Nine Acres, Hart Village, Hartlepool TS27 3BG in accordance with the terms of the application, Ref H/2011/0654, dated 15 December 2011, subject to the following conditions:
 - (1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - (2) The development hereby permitted shall be carried out in accordance with the approved plans attached to this decision letter.
 - (3) No development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
 - (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification) no window(s) shall be inserted in the elevation facing 28 Nine Acres, without the prior written consent of the local planning authority.

Preliminary Matter

2. There are discrepancies between the two plans submitted with the appeal documentation. A corrected plan, on which the Council based its decision, was

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provided at the site visit. For the avoidance of doubt, the correct plans, neither of which is referenced, are attached to this decision letter.

Main Issues

3. Although Policy Rur12 of the Hartlepool Local Plan (Local Plan) states that isolated new dwellings in the open countryside will not be permitted and it is not in dispute that the appeal site lies outside the defined settlement limits of Hart Village, it lies adjacent to a small cul-de-sac development of 15 residential dwellings, located close to Hart Village, which provides a limited range of local facilities. It does not, therefore, constitute isolated development within the countryside and I agree with the Council's conclusion that there can be no policy objection, in principle, to the proposal.
4. Therefore, the main issues at this appeal are the effect of the proposal on, firstly, the character and appearance of the area and, secondly, the living conditions of occupiers of 28 Nine Acres, in terms of outlook, privacy and light.

Reasons

5. In its reasons for refusal, the Council cites Policies GEP1 and Hsg9 from the Hartlepool Local Plan (Local Plan). These Policies, among other things, seek to ensure that new development respects its context and has no significant detrimental effect on the amenities of neighbouring occupiers. Although these Policies are now somewhat out-of-date, they do not conflict with the provisions of the National Planning Policy Framework (NPPF) and, in line with the advice in paragraph 215 of the NPPF, I give them due weight in the determination of this appeal.
6. The appeal site is located at the eastern entrance to a small cul-de-sac, taking off the main road in its approach to Hart Village. The existing dwellings fronting the cul-de-sac are mainly semi-detached, but have been significantly altered with a variety of side and front extensions. A new detached dwelling has recently been built immediately opposite the appeal site. The resultant street scene is, therefore, varied, with no consistent building line or uniformity in appearance. In scale, form, massing and footprint, the proposed dwelling would fit into its context well and would complement the recent development opposite, providing a balanced visual entrance point to the cul-de-sac.
7. I conclude, therefore, on the first issue, that the proposal would not have a detrimental effect on the character and appearance of the area and, in that respect would comply with the requirements of Local Plan Policies GEP1 and Hsg9, as well as national planning policy.
8. The adjacent property to the north (28 Nine Acres) has a first floor window in the facing gable end, but this is glazed in obscured glass and does not appear to light a habitable room. The only other window facing the common boundary is a side window in the rear single storey garden room extension, which is located beyond the main rear elevation of the proposed dwelling. This would be located less than 9 metres from the side window of the proposed conservatory extension on the appeal site. I am informed that this "separation distance" is less than that recommended in the Local Plan, though there is no documentary evidence before me. Notwithstanding that, I consider the distance to be satisfactory to maintain mutual standards of privacy, particularly

Appeal Decision APP/H0724/A/12/2178486

given the proposed presence of an intervening 1.8 metre close boarded boundary fence. I am also satisfied that, given the location of the existing side window in the garden room beyond the proposed main rear elevation of the new development, there would be no significant impact on outlook or light.

9. I note the proposed presence of a "juliette" style balcony and opening doors in the first floor bedroom to be located closest to the common boundary with no 28. Whilst this will, undoubtedly afford some degree of overlooking of the neighbouring garden, it would not, in my view, be at odds with the degree of mutual overlooking experienced within the cul-de-sac as a whole.
10. Overall, I conclude that the proposed development would not have an adverse effect on the living conditions of the occupiers of 28 Nine Acres, in terms of outlook, privacy and light and would not lead to the significant detrimental effect envisaged by the terms of Local Plan Policy Hsg9.
11. I have had regard to other issues raised by local residents. All the dwellings in Nine Acres have on-site provision for parking – mostly for more than one vehicle – and the appeal proposal makes similar provision. There is also a turning head at the end of the cul-de-sac, which appears to accommodate parking for several vehicles. Parking on the main road into the village is also unrestricted and I have seen no real evidence that the proposal could contribute to local parking problems. I also note local concerns about the length of the construction period for the dwelling opposite – apparently developed by the appellant – but do not consider that this would justify resisting the present proposal.
12. The Council has suggested 6 conditions in the event of the appeal being allowed. In addition to the standard time limit for the commencement of the development, I agree that conditions requiring the development to be carried out in accordance with the approved plans (see paragraph 2 above) and requiring approval of the external materials are necessary, for the avoidance of doubt and in the interests of securing a satisfactory development. However, for the reasons set out above, I do not consider that the proposed conservatory raises any significant privacy issues and a requirement to glaze the north elevation with obscured glass would not meet the requirements of reasonableness or necessity set out in Circular 11/95 *The Use of Conditions in Planning Permissions* or paragraph 206 of the NPPF.
13. This likewise applies to the suggested condition removing general householder permitted development rights, which Circular 11/95 advises should only be removed in exceptional circumstances. A case has not been made out for this, although I accept that a condition controlling the future insertion of new openings in the gable elevation facing no 28 is necessary to prevent future overlooking of the latter property. I shall impose a condition accordingly. Finally a condition requiring the submission for approval of boundary treatments is unnecessary, as these are shown on the submitted drawings.
14. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G E Snowdon

INSPECTOR

PLANNING COMMITTEE

5 December 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 raising of the rear garden level at a property on Macaulay Road has been investigated.
- 2 A neighbour complaint regarding excavation works and felling of trees in the rear garden of a property on Hutton Avenue. The property lies within the Grange Conservation Area.
- 3 A neighbour complaint regarding the raising the front section of a side/front boundary fence at a property on Northwold Close. In 2001 enforcement action was taken to reduce the height of the fence in question and a subsequent appeal was dismissed. The property owner then reduced the height of the fence to comply with the terms of the enforcement notice. Discussions ongoing.
- 4 Officer monitoring recorded the erection of a low brick wall including single high brick pillars erected at regular intervals along the top of the wall to the front and side garden boundary of a property on Lennox Walk.
- 5 A neighbour complaint regarding the erection of a decorated board drawing attention to a school on Eskdale Road.
- 6 A neighbour complaint regarding a wood door inserted into an existing rear boundary fence for foot access into a resident's garages forecourt on Westwood Way.
- 7 An investigation has commenced following officer monitoring recorded a take away on Church Street opening outside of its permitted hours of opening planning condition.

- 8 An anonymous complaint regarding a retaining wall under construction that required agreement under the terms of a condition linked to a planning consent for the erection of a dwelling on Worset Lane.
- 9 An investigation has commenced following neighbour concerns regarding a car repair business operating from a residential property on Shelly Grove.
- 10 An investigation has commenced regarding a plumbing business operating from a residential property on Fernwood Avenue.
- 11 Officer monitoring recorded the erection of an outbuilding in the rear garden of a property on Silverbirch Road.
- 12 A neighbour complaint regarding the erection of steel barriers and gate to secure a car park to the rear of the Seaton Hotel been investigated. The car park enclosure in question is on private land and the works in question benefit from 'permitted development' rights not requiring planning permission.
- 13 Officer monitoring recorded an advertisement displayed on the end elevation of a business unit on Lambton Street.
- 14 Officer monitoring recorded the erection of a close boarded fence along the top of an existing low boundary wall to the side of a property on Howbeck lane.
- 15 An investigation has commenced regarding the demolition and rebuilding of a brick outhouse and boundary wall to the rear of a property on Conway Walk.
- 16 Officer monitoring recorded the erection of a double sided free standing illuminated advert sited in the grassed area to the front of a business on Victoria Road.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

5 December 2012



Report of: Assistant Director (Regeneration and Planning)

Subject: UPDATE REPORT ON THE LOCAL DEVELOPMENT ORDERS ASSOCIATED WITH THE ENTERPRISE ZONES

1. PURPOSE OF REPORT

- 1.1 To update Planning Committee on the progress of Hartlepool's Enterprise Zones.

2. BACKGROUND – ENTERPRISE ZONES

- 2.1 In order to aid economic recovery and stimulate growth, the Government pursued a programme of Enterprise Zones throughout the country in 2011. As part of this programme 2 two types of Enterprise Zone were approved in Hartlepool and details are described below;

Capital Allowance Site – Port Estates

- Site area of 120 ha.
- Advance engineering and low carbon sector focus particularly aimed at offshore wind opportunities.
- Long term potential to create 1,800 jobs. In addition significant off site supplier chain investment may create another 1,000 jobs.
- 100% capital allowance for plant and equipment investment.
- Implementation of super fast broadband

Business Rates Discount Site – Queens Meadow

- Site area of 8 ha.
- Advance engineering, fine chemicals, medical and new business start ups.
- Long term potential to create 1,860 jobs on site.
- Business rate discount of up to £55,000 pa for 5 years with maximum allowance of £275k per business.
- Implementation of super fast broadband

- 2.2 In addition Oakesway Business Park, which comprises around 14.16 ha has been identified as a key supplier chain site to the Port Estates and will in the longer term receive investment from the LEP generated from Enterprise Zone business rate income to stimulate private sector investment and job creation.

3. SIMPLIFIED PLANNING – LOCAL DEVELOPMENT ORDERS

- 3.1 As well as the financial benefits, Enterprise Zones provide an added incentive in the form of a simplified planning process.
- 3.2 At a Council Meeting on 22nd March 2012 the 3 Enterprise Zone Local Development Orders (LDOs) were adopted subject to minor amendments being agreed by the Assistant Director (Regeneration & Planning) and the Chair and Vice Chair of the Planning Committee. The LDOs allow development to be undertaken without the need for planning permission to be obtained; providing the development is carried out in accordance with established development requirements and conditions in the LDO.
- 3.2 Minor alterations were agreed on the 30th March 2012 and as a result the final LDOs became effective from 1st April 2012. The LDO's do not grant consent for any other licenses/approvals required under other legislation.
- 3.3 The LDO's will be in place for 3 years which is consistent with the time period of the Enterprise Zones.

4. CURRENT POSITION

- 4.1 Hartlepool has delivered the first 2 Enterprise Zone projects in Tees Valley, the third project has now been delivered and we are currently processing an application for the fourth project. The businesses benefit from non domestic rate relief and the details are noted below;
- Omega Plastics – Queens Meadow, 10,000 sq ft.
The company is based in Blyth and has undertaken a major expansion project manufacturing high quality plastic molding and customers include Aston Martin, McLaren Mercedes and Unilever. The project will generate around £800K of private sector investment and create a minimum of 21 new jobs.
 - Propipe – Queens Meadow, 17,000 sq ft.
The company started up in Hartlepool in 1998 manufacturing pipe line investigatory equipment and export product all over the world. The company has expanded from its original factory at Park View and will invest at least £700k and create around 24 new jobs. Propipe is already contemplating further expansion. This project benefitted from the simplified planning process.
 - Durable Technologies – Innovation Centre, Queens Meadow, 2,400 sq ft.
The company started up in Hartlepool in 2007 and occupied 600 sq ft in the Innovation Centre. The company design and manufacture innovative

energy saving lighting control products and clients include Balfour Beatty and the company currently export 15% of its products. The company currently employ 4 staff and will create a further 9 jobs.

- 4.2 A new project is being dealt with at present which will create 8 new skilled jobs in the process industry supply chain and the company will occupy 2,012 sq ft in the Innovation Centre at Queens Meadow.
- 4.3 Whilst the Port area has yet to secure a long term offshore wind project some progress has been made with all the Siemens wind turbines for the EDF Redcar offshore wind farm being shipped through Hartlepool Port. In addition a long term facility for maintenance will be established at the Port and the project will create 12 new jobs. The project will help to raise awareness in the market place of the opportunities the Port and Hartlepool can offer to turbine manufacturers.
- 4.4 It should also be noted that there are two LDO compliance applications being processed for a site at the Port currently to allow companies to benefit from the simplified planning process.
- 4.4 As part of the LDO's a monitoring framework has been established which will require the Local Planning Authority to monitor the effectiveness in achieving economic growth objectives, and ensuring development is appropriate. This monitoring will be provided to Planning Committee on a yearly basis.

5 EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 The Council has worked with all businesses on recruitment and has ensured that vacancies are promoted locally to residents and has also negotiated apprentice opportunities for young people.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

- 6.1 Section 17 issues were considered when developing the LDO's and as a consequence all developments at Queens Meadow are compliant with Section 17.

7. RECOMMENDATION

- 7.1 Members note the report.

8. BACKGROUND PAPERS

- 8.1 All LDO's can be viewed on the Council's website:
http://www.hartlepool.gov.uk/downloads/download/2428/enterprise_zones

9. CONTACT OFFICER

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