

PLANNING COMMITTEE AGENDA



9 January 2013

at 10.00 a.m.

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

MEMBERS OF PLANNING COMMITTEE:

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

1. **APOLOGIES FOR ABSENCE**
2. **TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS**
3. **TO CONFIRM THE MINUTES OF THE MEETING HELD ON 5 DECEMBER 2012**
4. **ITEMS REQUIRING DECISION**
 - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
 - 1 H/2012/0491 Land adjacent to and 85 Station Lane, Seaton Carew. (page 1)
 - 2 H/2012/0547 Low Throston House, Netherby Gate, Hartlepool. (page 11)
 - 3 H/2012/0600 High Tunstall School, Elwick Road, Hartlepool. (page 23)
 - 4 H/2012/0537 Brierton Moorhouse Farm, Dalton Back Lane, Hartlepool. (page 31)
 - 5 H/2012/0422 Hartlepool Historic Quay, Maritime Avenue, Hartlepool. (page 42)
 - 6 H/2012/0599 Former Yacht Club, Ferry Road, Hartlepool. (page 50)
 - 7 H/2012/0555 Three Gates Farm, Dalton Piercy Road, Hartlepool. (page 62)
 - 8 H/2011/0550 Former Eastmans Site, Brenda Road, Hartlepool. (page 73)
 - 9 H/2011/0242 Former Eastmans Site, Brenda Road, Hartlepool. (page 85)
 - 4.2 Seaton Carew Conservation Area Boundary Review – Presentation and Feedback Session - *Newcastle University*
 - 4.3 Relaxation of Permitted Development Rights for Homeowners and Businesses - *Assistant Director (Regeneration and Planning)*



- 4.4 Appeal at Benknowle Farm, Benknowle Land, Hartlepool - *Assistant Director (Regeneration and Planning)*
- 4.5 Appeal At 180 York Road, Hartlepool Appeal Ref: APP/H0724/A/12/2188722/NWF Variation of condition no 2 of planning application H/FUL/0557/00 to allow opening until 2am, 7 days a week - *Assistant Director (Regeneration and Planning)*

5. ANY OTHER ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

6. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

7. ITEMS REQUIRING DECISION

- 7.1 Enforcement Action: The Former Yacht Club, Ferry Road, Hartlepool - *Assistant Director (Regeneration and Planning)* (paragraphs 5 and 6)

8. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT

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 6 February 2013.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

5 DECEMBER 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, Keith Fisher, Marjorie James,
Alison Lilley, Geoff Lilley, Dr George Morris, Carl Richardson,
Jean Robinson, Linda Shields, Chris Simmons and Ray Wells.

Also Present: In accordance with Council Procedure Rule 4.2 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
Ian Bond, Ecologist
David Cosgrove, Democratic Services Team

252. Apologies for Absence

Councillors Brash, Payne and Thompson.

253. Declarations of interest by members

Councillors Richardson and Simmons declared prejudicial interests in Minute
No. 255, application H/2012/0531 and left the meeting during its
consideration.

Councillor Wells declared a personal interest in Minute No. 255, application
H/2012/0360.

254. Confirmation of the minutes of the meeting held on 7 November 2012

Confirmed.

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

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

Number:	H/2012/0491
Applicant:	Ranjit Singh, 2 Grosvenor Court, Ingleby Barwick, Stockton On Tees
Agent:	SJD Arhitects Ltd, Hampdon House, Falcon Court, Preston Farm Business Park, Stockton On Tees
Date received:	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
Decision:	This item was withdrawn from the agenda to enable Members to carry out a site visit prior to consideration of the application

Prior to the consideration of the following application, Councillors Richardson and Simmons left the meeting.

Number:	H/2012/0531
Applicant:	Mrs J Pounder, Clifton Avenue, HARTLEPOOL
Agent:	Mrs J Pounder, 22 Clifton Avenue, HARTLEPOOL
Date received:	05/10/2012
Development:	Installation of UPVC replacement windows
Location:	22 Clifton Avenue, HARTLEPOOL
Decision:	Planning Permission Approved

The Committee considered representations in relation to this matter.

The planning committee considered the officer report and recommendation, the Committee considered representation in relation to the proposal and after consideration and discussion took the view that the proposed development did not have a detrimental effect on the character of the conservation area. In light of these considerations the application was Approved.

The applicants, Mr and Mrs Pounder were present at the meeting and addressed the Committee and responded to Members questions.

Councillors Richardson and Simmons returned to the meeting.

Councillors Cook and A Lilley left the meeting.

Councillor Dr Morris in the Chair.

Number:	H/2012/0360
Applicant:	Taylor Wimpey UK Ltd & Wynyard Park Ltd, Lockheed Court, Preston Farm Industrial Estate, STOCKTON ON TEES
Agent:	Nathanial Lichfield & Partners, Mr D Graham Generator Studios, Trafalgar Street, NEWCASTLE UPON TYNE
Date received:	01/08/2012
Development:	Residential development comprising 168 residential units with associated roads, footpaths and infrastructure
Location:	Land at Wynyard
Decision:	Minded to APPROVE subject to a legal agreement under S106 of the Planning Act (securing an affordable housing contribution, accommodation of public rights of way, a contribution to public rights of way, a conservation and habitat maintenance plan, agreement not to implement the extant permission on relevant parts of the site and adjacent land, securing the provision and management of public open space and play areas and controlling the construction specification and maintenance of highways if required) and subject to the final decision on the scope and detailed content of planning conditions and legal agreement delegated to the Planning Services Manager.

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plans (Ashbourne (Elevations) (Ref PA01), Bamborough (Elevations) (Ref PA02), Eynsham (Elevations) (Ref PA04), Easton (Elevations) (Ref PA05), Eskdale (Elevations) (Ref PA06), Fernlea (Elevations) (Ref PA07), Frampton (Elevations) (Ref PA08), Haddenham (Elevations) (Ref PA09), Halliford (Elevations) (Ref PA10), Heydon (Elevations) (Ref PA11), Lydford (Elevations) (Ref PA12), Langdale (Elevations) (Ref PA13), Lavenham (Elevations) (Ref PA14), Mappleton (Elevations) (Ref PA15), President (Elevations) (Ref PA16), Stirling (Elevations) (Ref PA17), Hadleigh (Elevations) (Ref PA20) and details received at the Local Planning Authority on 9th July 2012, as amended by the plans (Ashbourne (Plans) (Ref PA20), Bamborough (Plans) (Ref PA21), Easton (Plans) (Ref PA23), Eskdale (Plans) (Ref PA24), Eynsham (Plans) (Ref PA25), Frampton (Plans) (Ref PA27), Haddenham (Plans) (Ref PA28), Hadleigh (Plans) (Ref PA29), Halliford (Plans) (Ref PA30), Heydon (Plans) (Ref PA31), Langdale (Plans) (Ref PA32), Lavenham (Plans) (Ref PA33), Lydford (Plans) (Ref PA34), Mappleton (Plans) (Ref PA35), President (Plans) (Ref PA36), Stirling (Plans) (Ref PA37) received at the Local Planning Authority on 17th September 2012, as amended by the plan (Ashbourne (side elevations) (Ref PA38)) received at the Local Planning Authority on 1st August 2012, as amended by the plans (Single and Triple Garages (Ref PA40), Double Garages (Ref PA39), Garage Floor Plans (Ref PA42)) received at the Local Planning Authority on 7th November 2012, as amended by the plans (Area Y - Planning Layout (Ref W:AY:PL RevA), Location Plan (Ref WP:LP Rev A), Cavendish (Elevations) (Ref PA03), Cavendish (Plans) (Ref PA22), Fernlea (Plans) (Ref PA26)) received at the Local Planning Authority on 13th November 2012, and as amended by the plans (South Pentagon - Planning Layout) (W:SP:PL Rev C), Taylor Wimpey- Site Overview (W:TW:SO)) received at the Local Planning Authority on 27th November 2012, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. 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.

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. No development shall take place until a scheme for the protection during construction works of all trees to be retained on and adjacent to the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', including foundation treatments and method statements for buildings and infrastructure in critical locations and measures to ameliorate any dangers from windthrow, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
8. 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.

9.
 - A) No site clearance/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the Local Planning Authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording;
 2. The programme for post investigation assessment;
 3. Provision to be made for analysis of the site investigation and recording;
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation;
 5. Provision to be made for archive deposition of the analysis and records of the site investigation;
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
 - B) No site clearance/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
 - C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured. The site is of archaeological interest.
10. Prior to their occupation all south facing gardens in area Y shall be provided/screened with a minimum 1.8m high acoustic fence the details of which shall be submitted to and agreed in writing with the Local Planning Authority. The fence shall thereafter be provided prior to the first occupation of the dwellings in area Y.
In the interests of the amenity of future residents.
11. 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 which shall be installed prior to the first occupation of the dwelling.
In the interests of the amenity of future residents.
12. 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 which shall be installed prior to the first occupation of the dwelling.
In the interests of the amenity of future residents.
13. 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. The acoustic ventilators shall be installed prior to the first occupation of the dwelling.
In the interests of the amenity of future residents.
14. The gable first floor bedroom windows in the approved houses on plots 43 & 59 and gable first floor bathroom windows on all plots shall be

glazed with obscure glass, which shall be installed before the first occupation of the dwellinghouse to which it relates and shall be retained at all times thereafter, unless some variation is otherwise agreed in writing with the Local Planning Authority.

In the interests of the amenity of existing and future residents.

15. Development shall not begin until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development, has been submitted to and approved in writing by the local planning authority. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. The scheme shall also include:

- The methods of attenuating and storing surface water.
- Confirmation that the network can operate without flooding up to the 30 year peak storm event and up to the 100 year peak storm event storm water is retained on site at no risk no people or property.
- Climate change is considered in the network design.
- Confirmation of discharge locations
- Confirmation that the discharge rates are appropriate in terms of watercourse capacity.
- Details of how the scheme shall be maintained and managed after completion.
- An extended topographical survey into the woodland south of Area Y, as first agreed in writing with the Local Planning Authority, including an assessment of the capacity of the drainage channel running through this area.

To prevent the increased risk of flooding, and ensure future maintenance of the surface water drainage system.

16. Prior to the access road to the site being brought into use as a through route by vehicular traffic to serve any development constructed to the east of the application site it shall be upgraded to a dual carriageway in accordance with the details approved in connection with condition 20 of this planning permission. Unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the access arrangements are acceptable as the wider Wynyard Park Estate develops.

17. The Residential Travel Plan submitted with the application (Proposed Residential Development, Wynyard - Travel Plan - AECOM May 2012) shall be implemented at the time of development including the requirements for baseline surveys, monitoring and review. Baseline surveys shall be carried out within 6 months of first residential occupation of any part of the site. A Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the first residential occupation of the site and shall thereafter operate as approved for the life time of the development unless some variation is otherwise agreed in writing by the Local Planning Authority. Monitoring reports shall be submitted to the Local Planning Authority for at least 1 year following approval of the Final Travel Plan.

In order to encourage sustainable methods of travel.

18. Prior to the commencement of development, a working method statement to cover all works associated with crossing works over watercourses and subsequent access arrangements shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority.
The construction phase of any proposed development affecting the crossings and access poses significant risks of flood risk due to the potential for blockage and subsequent raising of flood levels upstream, and prevention of access to and from the site.
19. Notwithstanding the details submitted prior to the commencement of any works to install crossings over the water courses on the site, and any associated works, the details of the proposed crossings shall be submitted to and agreed in writing with the Local Planning Authority. The details so approved shall be implemented at the time of development and retained as approved for the lifetime of the development unless some variation is subsequently approved in writing by the Local Planning Authority.
In order to ensure that these details which are not provided with the application are acceptable.
20. Notwithstanding the details submitted prior to the commencement of development detailed drawings of the proposed highway network including the proposed construction and location of roads and cycleways/footways, bus stops and bus lay-bys, drop kerbs and pedestrian/cycleway crossings, including crossings over the A689 and related footway/cycleway links to the Wynd south of the A689, and a timetable for the works shall be submitted to and approved in writing by the Local Planning Authority. For the highway to the north of area Y, between and including the roundabout on the A689 and the first roundabout encountered within the site, these details shall include proposals for a single carriageway and its upgrade to a dual carriageway. The works so approved shall be provided in accordance with the approved details and timetable and shall be retained for the lifetime of the development unless some variation is approved in writing by the Local Planning Authority.
In order to ensure that these details are acceptable.
21. Prior to the commencement of development a scheme for the provision of emergency access to, and within, the area labelled as the South Pentagon on drawing W:TW:SO (Taylor Wimpey-Site Overview) received at the Local Planning Authority on 27th November 2012, shall be submitted to and approved in writing by the Local Planning Authority. The scheme so approved shall be implemented at the time of development and retained for the lifetime of the development.
In order to ensure that emergency access to the Pentagon area is provided and maintained.
22. Prior to the occupation of the 1st dwelling, details for the provision of a children's play area (the broad location of which is shown on drawing reference W:SP:PL Rev C (South Pentagon - Planning Layout) received at the Local Planning Authority on 27th November 2012,

including its detailed location, design and details of equipment, enclosures, landscaping and surfacing shall be submitted to the Local Planning Authority for its approval in writing. The approved details shall thereafter be implemented as approved in full prior to the occupation of the 84th dwelling at the site. The play area shall thereafter be retained for lifetime of the development unless some variation is otherwise approved in writing by the Local Planning Authority.

In the interests of the health, safety and amenity of future residents of the site.

23. The roads, footpaths and cycleways and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards of Hartlepool Borough Council applicable at the time of development and in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

24. Notwithstanding the submitted details prior to the commencement of development details of the external appearance and layout of the apartment block shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity.

25. Notwithstanding the submitted details prior to the commencement of development details of the design and location of the dwellings on plots 71, 72 & 73 shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall thereafter be implemented unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that the relationship between the dwellings on these plots is acceptable, in the interest of the residential amenity of the future occupiers of the plots.

26. Prior to any removal of vegetation including trees between March to August (Inclusive) the vegetation including trees shall be surveyed by a suitably qualified ecologist to ascertain the presence, or not, of breeding birds/birds nests. Should breeding birds/birds nests be found to be present a scheme to protect the breeding birds/birds nest shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.

In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.

27. Prior to any removal of any trees the trees shall be surveyed by a suitably qualified Ecologist to ascertain the presence, or not, of bats. Should bats found to be present a scheme to protect the bats shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.

- In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.
28. No work shall commence on site until a Badger survey has been undertaken by a suitably qualified Ecologist to confirm the absence of Badgers from the development area and areas within 30m of the site boundary. Should Badgers be found to be present a scheme to protect the Badgers shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.
- In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.
29. No work shall commence on site until an Otter survey has been undertaken by a suitably qualified Ecologist to confirm the absence of Otters from the development area and areas within 50m of the site boundary. Should Otters be found to be present a scheme to protect the Otters shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to.
- In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.
30. Details of any proposed external lighting within the curtilages of the houses on plots 1 to 32(inclusive), 36 to 40(inclusive), 42, 43, 50 to 52(inclusive), 61, 62, 104 to 106(inclusive), 112 to 114(inclusive), 120 to 128(inclusive), 141, and 153 to 155(inclusive) shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The lighting shall thereafter be installed and retained in accordance with the details so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.
- In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.
31. Nine of the dwellings hereby approved shall incorporate bat mitigation features to provide long term roost sites for the local bat population in accordance with details and a timetable first submitted to and approved in writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings, unless some variation is otherwise approved in writing by the Local Planning Authority.
- In accordance with the mitigation identified in section H Ecology of the Environmental Statement which accompanied the application.
32. No work shall commence on site until a method statement outlining precautionary means of working, to ensure any residual risk to Great Crested Newt is mitigated, has been submitted to and approved in writing by the Local Planning Authority. The works shall thereafter proceed in accordance with the method statement, unless some variation to the method statement is otherwise approved in writing by the Local Planning Authority.
- As requested by Natural England as a precaution to ensure that any residual risk to this protected species is accounted for.
33. Ten Sparrow terrace boxes will be erected within the site, specifically targeting Tree Sparrow use, in accordance with details and a timetable first submitted to and approved in writing by the Local Planning

Authority. The Sparrow Boxes shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings if located on or within the curtilage of a dwellinghouse, or the occupation of the last approved dwellinghouse if located elsewhere, unless some variation is otherwise approved in writing by the Local Planning Authority.

In accordance with the mitigation identified in section G of the document "A breeding bird survey of Wynyard Park" which accompanied the application.

34. Prior to the commencement of any part of the residential development hereby approved a scheme for the disposal of foul sewerage arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the approved details retained for the lifetime of the development unless the Local Planning Authority agrees in writing to some variation of the approved scheme.

In order to ensure these details are acceptable.

35. 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 Details of any proposed external lighting within the curtilages of the houses on plots 1, 31, 36 to 40 (inclusive), 42, 43, 50 to 52 (inclusive), 62, 104, 112 to 114 (inclusive), 120 to 128 (inclusive), 141, 153 and 154 shall not be extended in any way without the prior written consent of the Local Planning Authority.

To ensure that the impact on retained trees can be considered.

36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings other than those expressly authorised by this permission shall be erected on plots 1, 31, 36 to 40 (inclusive), 42, 43, 50 to 52 (inclusive), 62, 104, 112 to 114 (inclusive), 120 to 128 (inclusive), 141, 153 and 154 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.

37. Prior to the commencement of the development hereby approved a scheme to minimise energy consumption shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of measures for each building on the development to minimise carbon emissions through energy efficiency measures to achieve a reduction of at least 10% greater than that required by way of the minimum level of the Code for Sustainable Homes applicable at the time of the commencement of development. Prior to any occupation of buildings upon the development hereby approved a verification report and completion certificate shall also be submitted to and agreed in writing by the Local Planning Authority confirming that the required energy efficiency measures have been provided. The developer shall

nominate a competent person for the purpose of assessing and providing the aforementioned required report. Thereafter the development shall be carried out in accordance with the approved scheme.

In the interests of sustainable construction

The Committee considered representations in relation to this matter.

The applicant's agent was present at the meeting and responded to Members questions.

Councillor Wells left the meeting.

Councillor Cook returned to the meeting.

Councillor Cook in the Chair.

Number: H/2012/0391

Applicant: Mr Richard Spong
42 Westleigh Avenue, Leigh-On-Sea, ESSEX

Agent: ASP Associates, Mr David Loughrey, Vega House, 8
Grange Road, HARTLEPOOL

Date received: 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

Decision: **Planning Permission Refused**

REASON FOR REFUSAL

1. It is considered that the proposed ground floor windows by reason of their design, and detailing 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).
-

256. Appeal Ref: APP/H0724/A/12/2178486 LPA Ref H/2011/0654 Erection of a detached dwelling house and garage, land adjacent to 28 Nine Acres, Hart Village *(Assistant Director, Regeneration and Planning)*

The Planning Services Manager advised Members of the outcome of the above appeal lodged in respect of the refusal of planning permission for the erection of a detached dwelling house and garage on land adjacent to 28 Nine Acres, to the west of Hart Village. 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 had been originally refused under delegated powers. The appeal decision was submitted for Members information.

The Chair referred Members to a discussion that had been held during their recent training event and indicated that it was intended that the authority make representations in relation to recent Inspector decisions. Officers were currently preparing the appropriate evidence to support such representations. Members supported the Chair in submitting an appropriate letter to the Planning Inspectorate and authorised the Chair to formalise the Committee's position and send the letter.

Decision

1. That the report be noted.
2. That the Chair of the Committee be authorised to submit a letter making representations to the Planning Inspectorate on behalf of the Committee in relation to the number of decisions overturned by the Inspectorate on appeal.

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

The Committee's attention was drawn to sixteen current ongoing issues, which were being investigated. Developments would be reported to a future meeting if necessary.

Councillor James requested further details of issues 4 and 5.
Councillor Loynes requested further details of issue 8.

Decision

That the report be noted.

258. Update on the Local Development Orders associated with the Enterprise Zones *(Assistant Director, Regeneration and Planning)*

The Assistant Director, Regeneration and Planning updated the Committee on the developments relating to Hartlepool's Enterprise Zones and their associated Local Development Orders. Hartlepool had delivered the first two Enterprise Zone projects in Tees Valley, the third project had now been delivered and officers were currently processing an application for the fourth project. The businesses benefit from non domestic rate relief and the brief details of the developments and the jobs created were set out in the report.

Members discussed the benefits of the Enterprise Zones and the problems of unemployment, particularly youth unemployment in the town. Members discussed the approaches to tackling these issues and the types of industries being attracted to the town. Members referred to the difference appropriate education and training could make in delivering future prosperity for the town and looked for closer relationships being developed between employers and the education sector.

The Assistant Director referred to the recent Regional Development Fund allocations and the potential of a further round in the Spring of 2013. Reference was made to the economic development support provided by the council and the Assistant Director indicated that the council's financial support was targeted towards those businesses that were unlikely to be able to achieve grant awards through other schemes.

Members referred to the past training and apprenticeship schemes that operated in the town and their success in delivering employment in stark contrast to the new government back contracts that were delivering very little in terms of employment for the unemployed in Hartlepool.

Decision

That the report be noted.

259. 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.

(a) Cleveland Fire Brigade Campaign – Domestic Sprinkler Systems

The Chair indicated that he had received a letter from the Chair of Cleveland Fire Authority seeking this committee's support to its campaign to have fire sprinkler systems incorporated in all new housing developments. Sprinkler systems had long been a requirement in commercial developments and the

Fire Authority believed that now was the time to press for sprinkler systems to be incorporated in all new housing developments.

The Planning Services Manager commented that the implementation of sprinkler systems was not a planning issue but should be a building regulation matter. Any representations to government would need to be on the basis of seeking to include sprinkler systems within the building regulation requirements. Members indicated their support for the Fire Authorities campaign and suggested that the Chair write on behalf the committee to the Local Government Association and the Secretary of State indicating support for the campaign.

Decision

That the Chair write to the Local Government Association and Secretary of State indicating support for the Cleveland Fire Authority campaign to have sprinkler systems included in all future domestic property development.

(b) Enforcement Action – Application H/2012/0391 15 Grange Road, Hartlepool

The Planning Services Manager sought the Committee's authorisation to move to enforcement action should discussions with the applicant not prove fruitful in bringing forward an amended proposal.

Decision

That should it prove necessary, enforcement action be approved.

(c) Site Visits

Members agreed earlier in the meeting to a site visit to 85 Station Lane. A request had also been received to undertake a site visit to an application site at Netherby Gate that was to be considered at the next meeting. The Chair indicated that in order to accomplish both site visits, the site visits should commence at 8.45 a.m.

The meeting concluded at 12.20 p.m.

CHAIR

No: 1
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

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 The site is a vacant office unit which was previously used as a children's home and nursery. The application was deferred from the last planning committee on the 5 December 2012 to allow members to carry out a site visit prior to the consideration of the application.

PROPOSAL AND SITE CONTEXT

1.3 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.

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

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

1.6 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

1.7 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 (9 individual households) and 1 petition 33 signatures against from 23 households.

1.8 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
18. Design
19. Over development of site
20. Traffic and highway safety issues
21. Effect on property prices

Copy Letters D

The period for publicity has expired.

CONSULTATIONS

1.9 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

1.10 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

1.11 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

1.12 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

1.13 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.

1.14 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

1.15 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

1.16 In terms of policy the proposal is considered to be both appropriate and acceptable in principle. 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

1.17 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.

1.18 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.

1.19 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.

1.20 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.

1.21 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

1.22 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.

1.23 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.

1.24 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.

1.25 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

1.26 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 also 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.

1.27 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

1.28 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.

1.29 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

1.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.31 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.

1.32 There are potential Section 17 implications arising from the proposal which are outlined in the response of Cleveland Police, these can be controlled through condition.

REASON FOR DECISION

1.33 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 and security measures 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

1.34 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:

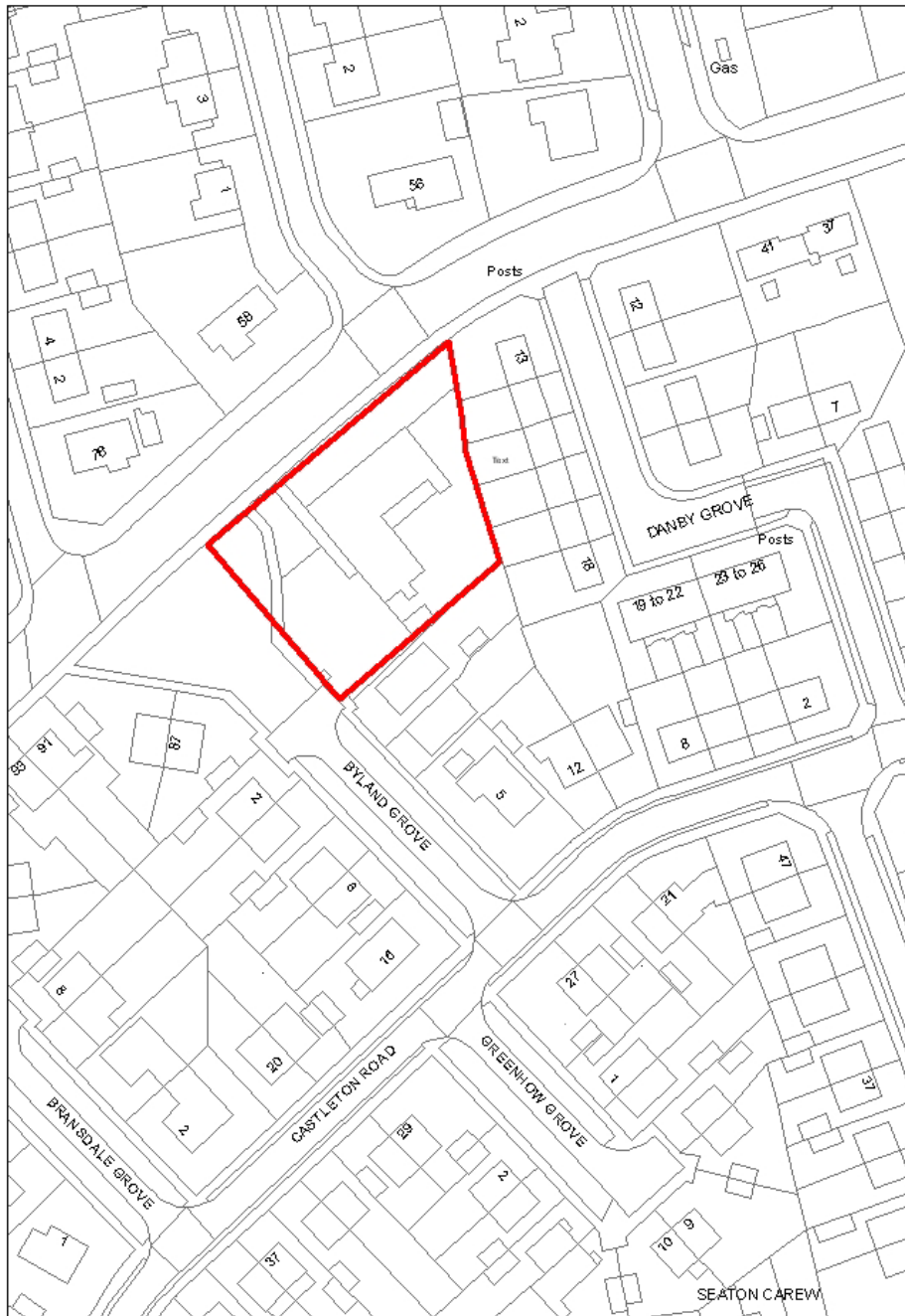
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

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

COPYRIGHT RESERVED LICENCE 1000233902011

Scale: 1:1000
Date : 17/12/12
Drg No: H/2012/0491

No: 2
Number: H/2012/0547
Applicant: Mr Andrew Haygarth Low Throston House Netherby Gate
HARTLEPOOL TS26 0LF
Agent: Mr George Hind 100 Spalding Road HARTLEPOOL
TS25 2JP
Date valid: 16/10/2012
Development: Erection of a detached bungalow (resubmitted application)
Location: Low Throston House Netherby Gate 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 application site has a complex and lengthy planning history as set out below:

2.3 **H/2012/0439** – Erection of a detached bungalow.

This application was withdrawn as the applicant proposed to revise the drainage arrangements for the dwelling. The subsequent application is the subject of this report.

2.4 **H/2008/0057** – Erection of quadruple car garage with granny annexe over.

This permission, granted March 2008, relates to the replacement of the existing garage to the south-west of the main house. The permission granted approval for the erection of a two-storey building comprising a garage at ground floor and a self-contained annexe to Low Throston House at first floor.

2.5 **HFUL/2002/0649** – Erection of a stable block.

Permission was granted in December 2002 for a stable block adjacent to the entrance to Low Throston House, opposite the land to which this application relates.

2.6 **HFUL/2000/0363** – Use of the land for the siting of a portable building in connection with grazing.

Permission was granted in October 2000 to retain a portable building on the site thereafter occupied by the stable block. The building has since been removed.

2.7 **HFUL/1996/0288** – Change of use and engineering works to create ménage area, extension to existing stables and erection of a fence.

This application, granted March 2007, related to the part of the site to which this application relates – the paddock.

2.8 HOUT/1995/0591 – Erection of a detached bungalow and widening of a private access.

The application was withdrawn in September 1998.

2.9 HOUT/1995/0457 – Erection of a detached bungalow and associated alterations to access to Hart Lane.

This application related to the erection of a detached bungalow on the application site. The application was refused in November 1995 on three grounds: impact on the Scheduled Ancient Monument, visual intrusiveness and highway safety.

2.10 HOUT/1987/0373 – Erection of two detached bungalows.

The application was refused in September 1987 on the grounds of visual amenity. The proposal was subsequently dismissed on appeal.

PROPOSAL AND SITE CONTEXT

2.11 The application site is located within the curtilage of an existing, large modern detached dwelling house. The site is located at the end of a small un-adopted cul-de-sac currently serving four dwellings. Within the grounds of the dwelling is a two-storey building comprising garages and a self contained annexe, currently occupied by family members of the occupants of Low Throston House. To the south of the property is an area of land currently occupied by stables and a paddock. The house and annexe building are set back from and elevated in relation to Hart Lane to the south. The site is surrounded on three sides by the medieval village of Low Throston which is a scheduled ancient monument.

2.12 The application seeks consent for the erection of a detached bungalow within the paddock to the south of the main house and annexe. The proposed dwelling is to be a three bedroom and is of a relatively modern design. The dwelling is proposed to connect to the existing drainage system to the rear of the annexe.

2.13 The application is a re-submission after the drainage proposals were amended.

PUBLICITY

2.14 The application has been advertised by way of neighbour letters (29). To date, there have been three letters of objection. The concerns raised include:

- a) Annexe is full dwelling and the proposal will result in 6 dwellings off a private drive;
 - b) Increased traffic and subsequent problems on Netherby Gate;
 - c) Previous appeal refused permission for dwellings on the land;
 - d) Impact on the scheduled ancient monument;
- Copy Letters B

2.15 Members may wish to note that an additional three objections were received to the previous application which, drainage aside, was identical. The concerns of those previous objections principally related to traffic, the capacity of the private road and utilities.

2.16 The period for publicity has expired.

CONSULTATIONS

2.17 The following consultation replies have been received:

HBC Engineering (Environmental) – No objections.

HBC Engineering (Drainage) – Both storm and foul drainage for the development are to be positively drained to public sewer and that this will be governed under building regulations. Provided that no storm flow from the new development is discharged either over-land or to ground, no objections to the proposals.

HBC Neighbourhood Services – No objections received on previous application.

HBC Public Protection – No objections.

HBC Traffic and Transportation – HBC Design Guide allows five properties to be served by a private access. There are good sight lines onto Hart Lane and sufficient width for two cars to pass each other at the junction. In terms of the historical application, recently only 3 properties were allowed from a private drive and the speed limit has been reduced on Hart Lane. As long as the annexe remains part of Low Throston House, this property will be classed as the fifth dwelling. No Highway or Traffic concerns.

English Heritage – Originally objected on the basis the drainage would impact upon the scheduled ancient monument. Subsequently, retracted objection following receipt of amended plans. In this context, the setting of the monument is not a major contributor to the SAM's (Scheduled Ancient Monument) significance and has already been partially compromised by the modern developments that surround it. The proposed development would not have a significant impact upon the landscape setting of the SAM.

Tees Archaeology – Originally objected, however, objection withdrawn following amended plans to re-site drainage. Condition recommended to secure a programme of archaeological monitoring.

Northumbrian Water – No objections.

Hartlepool Water – No comments received.

Ancient Monument Society – No comments.

PLANNING POLICY

Local Policy

2.18 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.

HE13: States that developments which adversely affect the site and setting of a scheduled monument or protected wreck will not be permitted.

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.

Emerging Local Plan

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

SUS1: Presumption in Favour of Sustainable Development – The Council will take a positive approach to considering development proposals.

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.

HE4: Heritage Assets – The Council will seek to preserve, protect and enhance heritage assets.

Regional Policy

2.20 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

2.21 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.

PLANNING CONSIDERATIONS

2.22 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, the impact on residential amenity, the impact on visual amenity, highway safety, archaeology and drainage.

Principle of Development

2.23 The site is located within the limits to development. Policy Hsg5 of the adopted Local Plan (2006) states that planning permission will not be granted for proposals which would lead to the strategic housing requirement being significantly exceeded. The site is classified as a windfall site in that it has not been previously allocated for housing and as such the principle of residential development in this location is acceptable. Policy Hsg9 of the Local Plan (2006) states that proposals for new residential development will be allowed subject to a number of considerations including, the scale of the development and the impact on occupiers of new and existing development. Policy ND4 of the emerging Local Plan (2012) reflects policy Hsg9 in that it seeks a high quality design for all new developments. Paragraph 49 of the National Planning Policy Framework (2012) states that housing applications should be considered in the context of the presumption in favour of sustainable development.

2.24 Policy HE4 of the emerging Local Plan (2012) states that the Council will seek to preserve, protect and enhance heritage assets. The policy states that development proposals affecting the site or setting of heritage assets should take account of the character of the asset and should, clearly demonstrate how it would conserve or enhance the site or the setting, or clearly demonstrate that any harm to or loss of significance is necessary and would result in a public benefit which outweighs that harm or loss.

Residential Amenity

2.25 The closest residential property is Low Throston house to the north 45m away. The associated annexe is located closer to the application site, some 22m to the north. Beyond that the closest residential properties outside of the applicant's land is 3 Netherby Gate which is 60m to the north-east and 50m to the south properties on Fellston Close and Burnston Close. It is considered that the proposed development adheres to the relevant separation distances set out in the Hartlepool Local Plan (2006). Given the size and siting of the dwelling, it is considered unlikely to have a significant impact upon the amenity of surrounding residential properties.

Visual Amenity

2.26 Two historical permissions at the site, HOUT/1995/0457 and HOUT/1987/0373 were both refused for one and two dwellings respectively. Both applications were refused on the grounds of visual intrusiveness in respect of views of the site from Hart Lane.

2.27 The site is visible from Hart Lane in certain locations notably through a gap in planting adjacent to the bus-stop and approaching the roundabout with Dunston Road. The boundary of the site along Hart Lane is dominated by established planting which offers significant screening of the site. Nevertheless, those views of the site from Hart Lane at present are dominated by Low Throston House and the annexe, as well as beyond that the properties of Padstow Close. Furthermore, there are properties on Fellston Close and Burnston Close which are elevated above Hart Lane, sited closer to the road and are more visible than the application site.

2.28 It is therefore considered that the proposal will be acceptable in visual amenity terms and the dwelling is unlikely to appear unduly incongruous or visually intrusive upon views from Hart Lane and the wider area.

Highway Safety

2.29 The application site is accessed from Netherby Gate, which in turn is accessed from Hart Lane. The road is an un-adopted, private road which currently serves four dwellings. Low Throston House annexe is within the curtilage of the main house and is accessed from the same private drive as Low Throston House itself. Hartlepool Borough Council Highways Design Guide indicates that the maximum number of properties to be served from a private driveway is five dwellings. The Council's Traffic and Transportation section have indicated that provided the detached annexe remains as an annexe to Low Throston House and not an independent dwelling, then for the purposes of the design guide the proposed dwelling would result in five from a private drive and therefore be acceptable.

2.30 Concerns have been raised that the annexe constitutes an independent dwelling rather than being linked to Low Throston House and therefore the proposal would result in six dwellings from a private drive. Officers are satisfied that the annexe is self-contained living accommodation occupied in conjunction with the use of the main property as a single dwellinghouse in accordance with the original planning permission (H/2008/0057). Notwithstanding that Members will recall a recent application (H/2011/0651) for ten dwellings at Newholm Court. Members approved the application with six dwellings being accessed from a private drive. As such it is considered that, even in the event Low Throston House annexe was considered to be a independent property, it would be difficult to sustain a refusal on the basis of the design guide given Planning Committee's previous stance on this issue.

2.31 There are good sight lines onto Hart Lane and sufficient width for two cars to pass one another at the junction. The 1995 refusal for a dwellinghouse was refused on the grounds of highway safety. However, circumstances have changed over time, notably design guidance has changed, allowing greater numbers of properties to be accessed from private drives. In addition, speed limits have been lowered on Hart Lane during that time.

2.32 The concerns that the proposal will increase traffic flows and usage of Netherby Gate are acknowledged. However, there is sufficient parking provision within the site to accommodate the additional dwelling and the Council's Traffic and Transportation

team are satisfied that the proposal will not significantly impact upon highway safety. On balance, the proposal is considered acceptable in highway safety terms.

Archaeology

2.33 The site is directly adjacent to Low Throston Deserted Medieval Settlement which is a Scheduled Ancient Monument (SAM) and is therefore a designated heritage asset in accordance with Annex 2 of the NPPF. The site consists of well preserved earthworks representing former buildings, route ways and a field system dating from 11th to 16th centuries. The application site was de-scheduled from the SAM during the 1980s and therefore lies outside of the SAM boundary.

2.34 The physical setting of a SAM can be a potential contributor to a site's significance. In this instance, it is considered, and the view is endorsed by English Heritage, that the setting of the monument is not a major contributor to the site's significance as it has already been partially compromised by modern developments that surround it.

2.35 The developer has provided an archaeological evaluation in support of the application which indicates that the application site has been levelled at some point, ultimately concluding that the levelling operation will have removed archaeological deposits from parts of the site but preserved them in other parts.

2.36 Given the previous damage to the deposits on the application site (and its subsequent de-scheduling) in principle it is considered the development is unlikely to have a direct impact on archaeological remains. Notwithstanding that it is proposed to impose a condition, as per the recommendation in the archaeological evaluation, requiring a programme of monitoring during the development.

2.37 Both Tees Archaeology and English Heritage initially objected to the application, as the foul drainage proposed included a storage tank and drainage within the SAM site. The application has been amended since to remove the drainage from the SAM. Both Tees Archaeology and English Heritage have subsequently removed their objections. On that basis it is considered that the proposal is acceptable in archaeological terms.

Drainage

2.38 Both storm and foul drainage from the dwelling are to be positively drained to the existing sewerage system. There are known issues with surface water on the adjacent land affecting the properties on Padstow Close. Given that the drainage does not proposed surface drainage over land or to ground, it is considered to be acceptable and will not compound those issues.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.40 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.

2.41 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plan(s) '2', '3', and '4' received on 18/10/2012, '1b' received on 16/11/2012 and '1a' received on 17/12/2012.
For the avoidance of doubt.
3. 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.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), 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.

6. 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.
7. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
8. No development shall 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;The site is of archaeological interest.
9. No development shall take place other than in accordance with the Written Scheme of Investigation approved under condition 8.
The site is of archaeological interest
10. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition 8 and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
The site is of archaeological interest
11. Notwithstanding the approved details the final extent of the curtilage associated with the hereby approved dwelling shall be submitted to and agreed in writing by the Local Planning Authority.
For the avoidance of doubt
12. The drainage shall be carried out in accordance with sheet 1b received on the 16/11/2012.
In the interest of protecting the scheduled ancient monument and in the interests of providing adequate drainage for the development.

BACKGROUND PAPERS

2.43 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

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

LOW THROSTON HOUSE



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

COPYRIGHT RESERVED LICENCE 1000233902011

Scale: 1:2000
Date : 17/12/12
Drg No: H/2012/0547

No: 3
Number: H/2012/0600
Applicant: Mr Ian Ness Elwick Road HARTLEPOOL TS24 0LQ
Agent: High Tunstall College of Science Mr Ian Ness Elwick Road HARTLEPOOL TS24 0LQ
Date valid: 26/11/2012
Development: Erection of a new vehicle maintenance and construction workshop and associated external works including the provision of a flammable liquid store and fencing
Location: HIGH TUNSTALL COMPREHENSIVE SCHOOL ELWICK 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 NONE

PROPOSAL AND SITE CONTEXT

3.3 The application site is the High Tunstall College of Science located at the junction of Elwick Road and Dunston Road at the western end of the town.

3.4 The site which lies within a predominantly residential area comprises a wide variety of modern school buildings, mostly flat roofed of one and two storey.

3.5 There are residential properties to the north in Blaise Garden Village, to the east in Elwick Road and Woodlands Grove and to the south in West Park.

3.6 The proposal involves the erection of a single storey building between the existing swimming pool and the youth centre which are located at the eastern boundary of the site on an area of land which formerly housed a small garage block (now demolished).

3.7 The building would be used to deliver vocational training for the school, its neighbouring secondary school partners and for the community and will provide purpose built accommodation for motor vehicle maintenance and construction workshops. The facility will allow the school to develop courses on site to develop skills and qualifications for students to progress at 16 years of age.

3.8 The information provided states that the intention would be to also provide high quality vocational training after school hours and in holiday periods for adult training and development.

3.9 The new building consists of two adjoining workshops for construction and car maintenance with vehicular access from the existing service road. The flat roofed building measures 18.8m by 7.5m. The garage half of the building will have 2 roller shutter doors facing west onto the school and a single personnel door on the north elevation facing the swimming pool. This part of the structure will be 5.1m in height. The south element of the building which is to be used for construction purposes will have a roller shutter door facing the school and a set of double doors facing south. This part of the building is 3.6m high.

3.10 The building will be constructed in bands of contrasting facing brickwork with powder coated steel doors and roller shutters. There are no windows in the structure.

3.11 The site will be made secure with 2.4m high security fencing and gates – powder coated twin wall fencing. A small separate structure is proposed within this secure compound to the west of the workshops. This will be constructed in brick with steel doors and measure 1.678m by 0.890m with a height of 1.05m. This is to be used as a flammable liquids store for small amounts of petrol/fuel required for the vehicle maintenance courses. The doors to this small building will be secured with a padlock.

3.12 A disabled drop off only parking bay is to be formed immediately to the west of the building together with a concrete lay-by parking space.

3.13 The hours of operation requested are 7am to 9pm Monday to Friday.

PUBLICITY

3.14 The application has been advertised by way of neighbour letters (22) and site notice. To date, there has been one letter of objection. The concerns raised are:

- a) The school site is starting to look like an industrial estate
- b) There are so many added on buildings
- c) This is a residential area demanding high rates of council tax
- d) Detrimental to our environment
- e) Does not seem to be much thought given to the surrounding area.

Copy Letters A

The period for publicity expires before the meeting

CONSULTATIONS

3.15 The following consultation replies have been received:

Traffic and Transport – no highway or traffic concerns

Public Protection - This development is situated some considerable distance from the nearest residential properties intercepted by a main road. The site is secure and

there are proposed restrictions on the hours of operation. I would therefore have no objections to this application.

Sport England – No comments

PLANNING POLICY

Local Policy

3.16 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.

Emerging Local Plan

3.17 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.

Regional Policy

3.18 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

3.19 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.

PLANNING CONSIDERATIONS

3.20 The main planning considerations 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 school itself, on neighbouring properties and the street scene in terms of amenity and on highway safety.

Principle of development

3.21 The site is located in a well established residential area towards the western boundary of the urban area. The proposal involves the erection of a modest sized building for educational use in order for the school to offer a more varied range of skills for the community. The principle of the development would therefore be in accordance with policy.

3.22 The NPPF which encourages sustainable development states that the planning system must do everything it can to support sustainable economic growth. Paragraph 72 states that weight should be given to the need to create, expand or alter schools. The proposed development would provide additional educational/vocational facilities in a well established area in order to serve the local community.

Siting and design

3.23 The proposed building is to be sited close to existing school buildings between the former youth club and the swimming pool and on a site which formerly housed a double garage.

3.24 The building is simple in design and will blend in with the existing school buildings. The actual site of the building is lower than the street level on Elwick Road. The land slopes down from the main road towards the school buildings and at street level there is a high fence with hedges and trees which offer a degree of screening. Notwithstanding this however, dwellings opposite the site on Elwick Road and at the entrance to Woodlands Grove are situated on an elevated site which overlooks the school complex.

3.25 The separation distances to these neighbouring properties range from approx 78m to 86m and in view of this it is considered that the siting and design of the new building would have little impact on the visual amenities of either neighbouring residential properties or on the street scene in general.

Impact on neighbouring properties

3.26 The Council's Principal Environmental Protection Officer has offered no objections to the development in terms of noise and disturbance. As previously mentioned, the new building is sited more than 70m from the nearest dwelling. Although the proposal involves construction and engineering activities, the hours of operation will be until 9pm weekdays with no use proposed at the weekend.

3.27 The site is separated from dwellings to the east and north by Elwick Road which is a busy road in constant use throughout the day and night. Houses in West Park to the south are screened by fences, trees and shrubs and present their side elevations to the site. In view of this, it is considered that any noise generated by the new use would be insignificant over the noise generated by the road and by the school itself. The school itself generates a degree of noise throughout the day from outside activities and comings and goings by visitors and vehicles.

3.28 The proposed scheme also includes the provision of a small brick store to the west of the new building which will provide secure storage for flammable liquids such as petrol that will be used in connection with the workshop. This facility will be secured by padlocked metal doors and will be located between the new workshops and the existing school buildings. Further the store will be located within the compound surrounded by 2.4m high fencing.

3.29 The storage of flammable liquids is covered by The Petroleum Consolidation Act 1928 which states that for the storage of more than 15 litres of petroleum a petroleum licence will be required. The applicant has confirmed that only small quantities of fuel (less than 15 litres) will be stored if and when required for the workshop.

Highway Safety

3.30 Lay by parking has been provided within the compound for one vehicle together with a disabled space for drop off only. The new building is accessed from the existing service road within the site. No objections have been raised by the Councils Highway Engineer in terms of parking or highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.32 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.

3.33 Security measures have been included as part of the application. Therefore there are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – Approve subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans numbered 717/50/ARCH/001, 717/50/ARCH/003 rev A, 717/50/ARCH/004 rev D, 717/50/ARCH/005 and 717/50/ARCH/008 rev B and details received on 22-11-2012 by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
4. No open storage shall take place on the site unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties.
5. The workshops shall only be used between the hours of 0700hrs and 2100hrs Mondays to Fridays inclusive and at no time on Saturdays, Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

3.35 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:

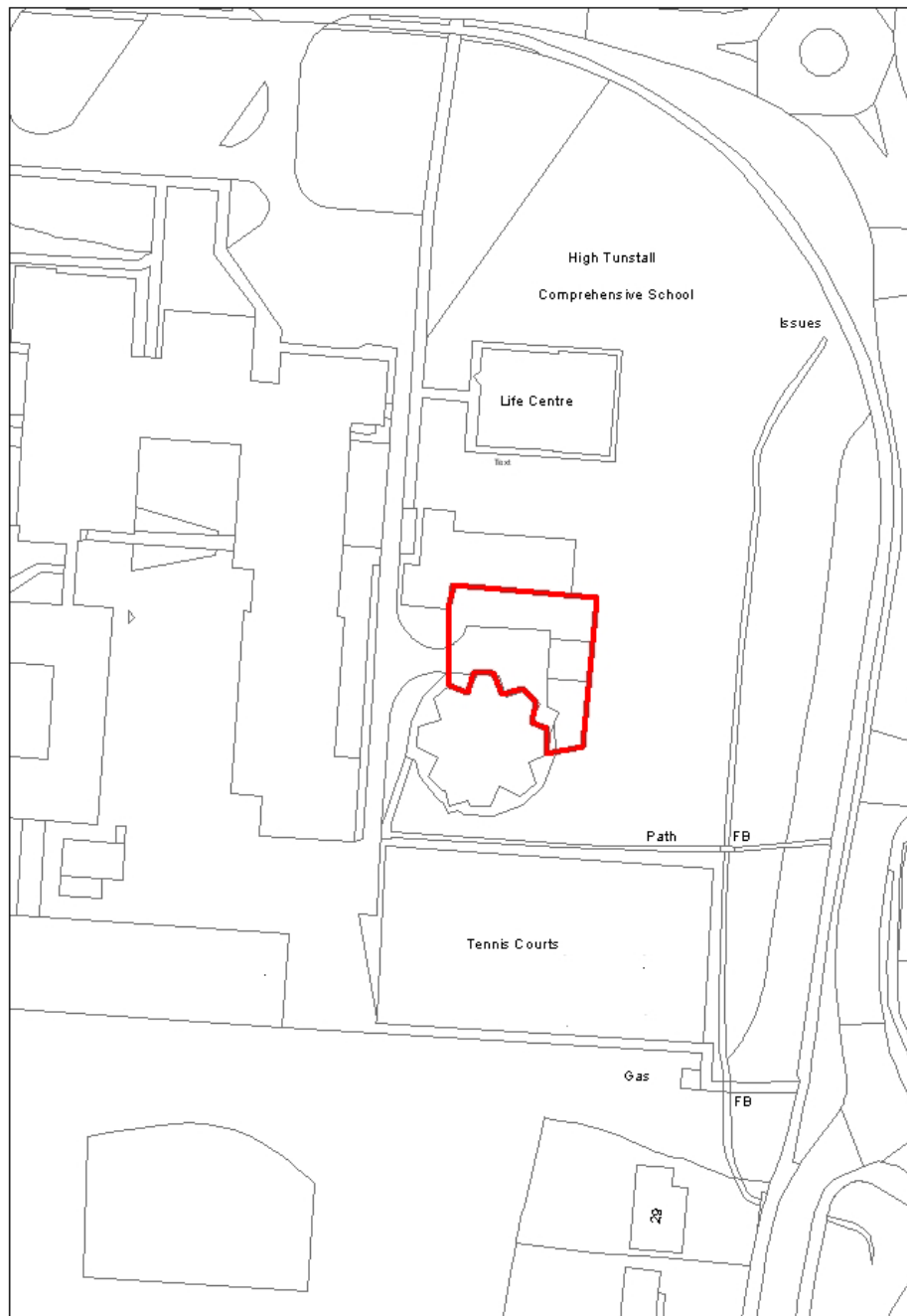
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

HIGH TUNSTALL COMPREHENSIVE SCHOOL



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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:1000
Date : 17/12/12
Drg No: H/2012/0600

No: 4
Number: H/2012/0537
Applicant: Mr Terence Bates 24 Westbourne Road HARTLEPOOL
 TS25 5RE
Agent: Mr Terence Bates 24 Westbourne Road HARTLEPOOL
 TS25 5RE
Date valid: 12/10/2012
Development: Change of use of agricultural land to equestrian use,
 erection of stables and siting of caravan
Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE
 HARTLEPOOL

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 consists of a group of fields in open countryside on the west side of Dalton Back Lane. Access to and from the site is from a lane which connects to Dalton Back Lane and bisects the site. To the north, south and west are fields. The applicant owns land to the west where permission was recently granted for a caravan and camping site with amenity buildings (H/2008/0001). Part of the land to the west and the field which forms the southern part of the application site was also subject to a planning application to provide additional amenity space for the caravan/camping site which members were minded to approve but which awaits the completion of a legal agreement (H/2011/0348). The applicant also owns a building and land to the east where planning permission has been granted for a craft workshop/furniture work shop (H/2011/0461& H/2011/0439). Beyond the building to the east and north east respectively are Crow's Meadow Farm and Fernbeck established equestrian businesses which also offer livery. An overhead line passes close to the western side of the site and crosses a corner of one of the fields included for equestrian use.

4.3 Full planning permission is sought for the erection of a stable block accommodating 22 stables, a tack room and store also accommodating two disabled toilets, a manager's caravan and associated car parking for 27 cars. The stable block will be rendered with brick quoins and roof tiles. The stables will be arranged in a horse shoe with the tack/room store building in the centre. To the west of the stable block a schooling arena and equestrian arena are also proposed. The car park and caravan will be located to the north of the stable block. It is proposed that fields to the south and north west of the building accommodating 8.2 ha will be used for equestrian purposes.

4.4 In the supporting information the applicant explains that it is his intention to develop an equestrian enterprise. The model has developed over the course of the application however it is understood that this will provide full time livery for customers in 12 of the stables with 10 of the stables used for horse schooling/racehorse rehabilitation with the balance, when not in use for the above, occupied by the applicant's own racehorses or horses. The applicant has provided financial projections which indicate the expected profit levels generated by the enterprise.

PLANNING HISTORY

4.5 The site and the neighbouring sites have a complicated planning history.

4.6 The holding once formed part of a larger unit in the current applicant's ownership which has since been subdivided into three. At the time the current applicant owned the larger unit he obtained planning permission for a livery and temporary caravan (H/2005/5320) before selling that south eastern portion of the land now Crow's Meadow Farm to the current owner. This is then the second such application the applicant has brought forward in this area.

4.7 The south eastern portion of the land (Crow's Meadow Farm) is now in separate ownership and benefits from permission for a livery stable and a permanent house associated with the livery enterprise which is close to completion on site (H/2005/5320, H/2007/0663, H/2011/0268).

4.8 The land to the north east again is now in separate ownership and benefits from planning permission for livery stables, a caravan and a permanent house associated with the livery enterprise (H/2006/0573, H/2007/0663 H/2011/0294, H/2011/0439). The permanent house is now nearing completion.

4.9 An application for a quad and motor cycle track on land to the east of the application site by the current applicant, (This land now forms part of the neighbours holding) was refused in July 2006 for the following reasons. "It is considered that the proposed development would by its nature lead to an increase in noise and general disturbance to the detriment of the amenities of the occupiers of nearby farms and the well being of animals there contrary to policies GEP1 and Rur16 of the adopted Hartlepool Local Plan 2006". (H/2006/0311).

4.10 In December 2010 an application by the current applicant for the change of use of a building and land immediately adjacent to the east of the site for the storage of scaffolding equipment and materials (H/2010/0559) was refused for reasons that the location was not considered suitable for this type of business, that it was not an appropriate form of farm diversification and concerns over whether that visibility improvements at the access could be provided. A further application to change the use of the same building for use to manufacture and store garden furniture (H/2011/0439) was refused in September 2011 for reasons that the location was not considered suitable for this type of business and that it was not an appropriate form of farm diversification. The appeal was allowed. A similar application to change of use of the same building to a craft workshop producing bespoke wooden sculptures was approved in June 2012 in light of the appeal decision. (H/2011/0461).

4.11 In June 2011 permission was granted to the current applicant for a touring caravan and camping site with associated amenity facilities (H/2008/0001) in fields to the west of the current application site which are also in the applicant's ownership. This development is proposed to share the same access onto Dalton Back Lane. An application to change the use of the land within the site and to the west of the site to provide amenity space for the approved caravan and camping site is currently awaiting the completion of a legal agreement. (H/2011/0348).

PUBLICITY

4.12 The application has been advertised by neighbour notification (6), site notice and in the press. The time period for representations has expired. No representations have been received.

CONSULTATIONS

4.13 The following consultation responses have been received.

Tees Archaeology : I have checked the proposal against the Historic Environment Record. The only known nearby site is a record of two sherds of Romano-British pottery found in the field to the south during fieldwalking in 1990. There are currently insufficient grounds for any archaeological recommendation and I have no objection to the proposal and have no further comments to make.

Natural England : From the information provided with this application, it does not appear to fall within the scope of the consultations that Natural England would routinely comment on. The lack of specific comment from Natural England should not be interpreted as a statement that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated sites, landscapes or species. It is for the local authority to determine whether or not this application is consistent with national or local policies on biodiversity and landscape and other bodies and individuals may be able to help the Local Planning Authority (LPA) to fully take account of the environmental value of this site in the decision making process, LPAs should seek the views of their own ecologists when determining the environmental impacts of this development.

Northumbrian Water : No comments.

Parks & Countryside : As far as I am aware there are no known recorded or no known unrecorded public rights of way that are affected by this proposed development.

Landscape Planning & Conservation : There does not appear to be any ecological issues associated with this proposal. There would be a requirement to provide screening of the stable block and caravan therefore a landscaping scheme to achieve that end should be submitted for approval.

Traffic & Transportation : There are no highway or traffic concerns with this application. The expected traffic generated by the development is fairly light. Sight lines onto Dalton back lane are controlled by an existing condition.

Environment Agency : No objections but request a planning condition relating to the approval of details for the disposal of foul sewage.

Dalton Parish Council : The council remain concerned at the plethora of planning applications made for this address over the last few years. they object to this latest one on the grounds of already known traffic problems on Dalton Back Lane. unless the road is to be altered it already has heavy traffic as it "rat runs" the main routes. This is also the emergency road for the A19 should the latter suffer incidents. Add to this the number of houses planned for Claxton in the core strategy plan when passed. Where will that traffic from those new houses be directed to? Dalton Back Lane?

Public Protection : Although I would have no objections in principle to this application I would make the following observations / comments ;

Parking; The car park on the plan is laid out for parking of cars there does not seem to be any arrangements shown on the plan for the parking of trailers & horseboxes yet the application indicates that there is provision being made. Since such vehicles are larger than cars it is unclear where they will be parked.

Grazing; There is only one field identified for grazing on the plans, however it appears that additional grazing may be provided to the north of the stables as shown on the land that the application relates to. Since the total area of the site is 20 acres, I have assumed that the total area of grazing is in the region of 18 acres once the land for the stables, schooling etc has been removed. Each horse will require in the region of 1 acre of grazing as there are 22 stables shown on the plan the grazing shown would appear to be a little low for the number of horses.

Manure Spreading; If manure is to be periodically spread on the fields as indicated where will the horses graze as it will take some time for the manure to rot down and the field be suitable for grazing again. Do they intend to rotate grazing? They may try to burn manure on site to reduce the volume.

Storage; There is one building shown on plan for storage, the application states that this is a tack room. There is no indication as to where stable equipment, feeding stuffs, bedding and forage (hay & haylage) are to be stored. This needs to be determined as straw & hay would need to be protected from the elements and therefore additional buildings may be needed.

Riding facilities; There is one small schooling area identified on site and another slightly larger equestrian area. With potentially 22 horses on site I would question if this provision is adequate or will people need to ride on the roads and will lighting be provided to the schooling & equestrian areas. There is no other off road areas for riding identified which would suggest that hacking will be on roads. If these premises are to be used as a Riding School they will need to obtain a license from Public Protection.

Requirements for such a license include:

- Adequate accommodation must be provided for forage, bedding stable equipment & saddlery

- Is there sufficient grazing
- Is there an isolation box
- Suitability of teaching facilities

I am not aware of anyone enquiring about obtaining a license for a riding school

Greatham Parish Council: Objection. The council expressed initial concerns about the application itself, several parts of which are unclear. For example the application is to change agricultural land to a livery. The land has been through several other uses over the years, none of which seemed to have flourished. The last use was for bespoke garden furniture and not agriculture. It states there is no floorspace at present. There is a "store" there built in approximately 2008. On the mains drainage information page it states that there will be 2 permanent occupants and 12 temporary. Who are they and where will they live? On the same page the question asked is the system new or existing and the answer is "yes" which is it? The number of stables seems far more than the number of horses as it is unclear if the 40% of horses referred to as the applicant's own are the same horses he mentions when it is stated he will have 5-7 of his own. Why is such a large stable block needed? The development will clearly be seen from the road when the applicant says it will not. Finally, there seems to be a large number of livery businesses in the area already most of who report hard times in the "horse business". Why is another needed unless there is another reason for its presence, the building of a house for example in three years time?

PLANNING POLICY

National Policy

4.14 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.

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

Para	Subject
14	Presumption in favour of sustainable development
55	New isolated homes in the countryside
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

4.16 In accordance with paragraphs 14, 196 and 197 the suitability of the proposals should be determined by the Development Plan bearing in mind the presumption in favour of sustainable development. With specific regard to the development proposals paragraph 55 in the NPPF is the main consideration.

4.17 Paragraph 55 states that:

“Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

(1) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or

(2) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or

(3) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or

(4) The exceptional quality or innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*
- reflect the highest standards in architecture;*
- significantly enhance its immediate setting; and*
- be sensitive to the defining characteristics of the local area.”*

4.18 Notwithstanding this view, paragraph 196 states:

“The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise.”

With regard to the specific development proposals officers cannot see any material considerations why the application should not be determined in accordance with the Development Plan. Therefore the application should be determined based on the policies contained in the NPPF and the 2006 Local Plan.

Regional Policy

4.19 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.

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

Local Policy

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

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

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

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

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

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

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

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

Rur7: Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements of agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

Emerging Local Plan

4.22 The following Local Plan 2012/13 policies are relevant to this application:

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

LS1 : Locational Strategy; 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.

HSG3: New Dwellings Outside of Development Limits; The Borough Council needs to be satisfied that proposals are in accordance with the criteria established in the policy:

- 1) there is a clearly an established essential functional need for a full time rural worker to live permanently at or near the rural based enterprise.
- 2) that the rural based enterprise is financially sound.
- 3) that the need for a dwelling can not be met by another existing dwelling nearby.
- 4) that the dwelling is of a size commensurate with the size/value of the rural based enterprise.
- 5) Or where the development would represent the best viable use of secure the future of a heritage asset.
- 6) Or that the dwelling is groundbreaking/innovative in design or construction.

HSG4: Overall Housing Mix; The Borough Council will ensure that all new housing will contribute to achieving an overall balanced housing stock that meets local needs and aspirations.

RU1: The Rural Area; The Borough Council will encourage activities in the countryside that support the rural economy and encourage sustainable communities provided that they are of a scale and nature that is suitable to a rural location.

4.23 For the purpose of this specific development proposal, in this specific location, at this current time, the relevant policies contained in the 2006 Local Plan (GEP1, GEP2, GEP3, Hsg5, Hsg9, Rur7, Rur12 and Rur14) are up-to-date and as a result there is not the current need to refer to the emerging policies in the 2012/13 Local Plan.

PLANNING CONSIDERATIONS

4.24 The main planning considerations are considered to be policy, highway considerations, impact on the visual amenity of the area, and the impact on the amenity of nearby residential properties. The applicant has been asked to clarify various matters. It is hoped that these matters will be concluded shortly and an update report will follow.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.26 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

4.27 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

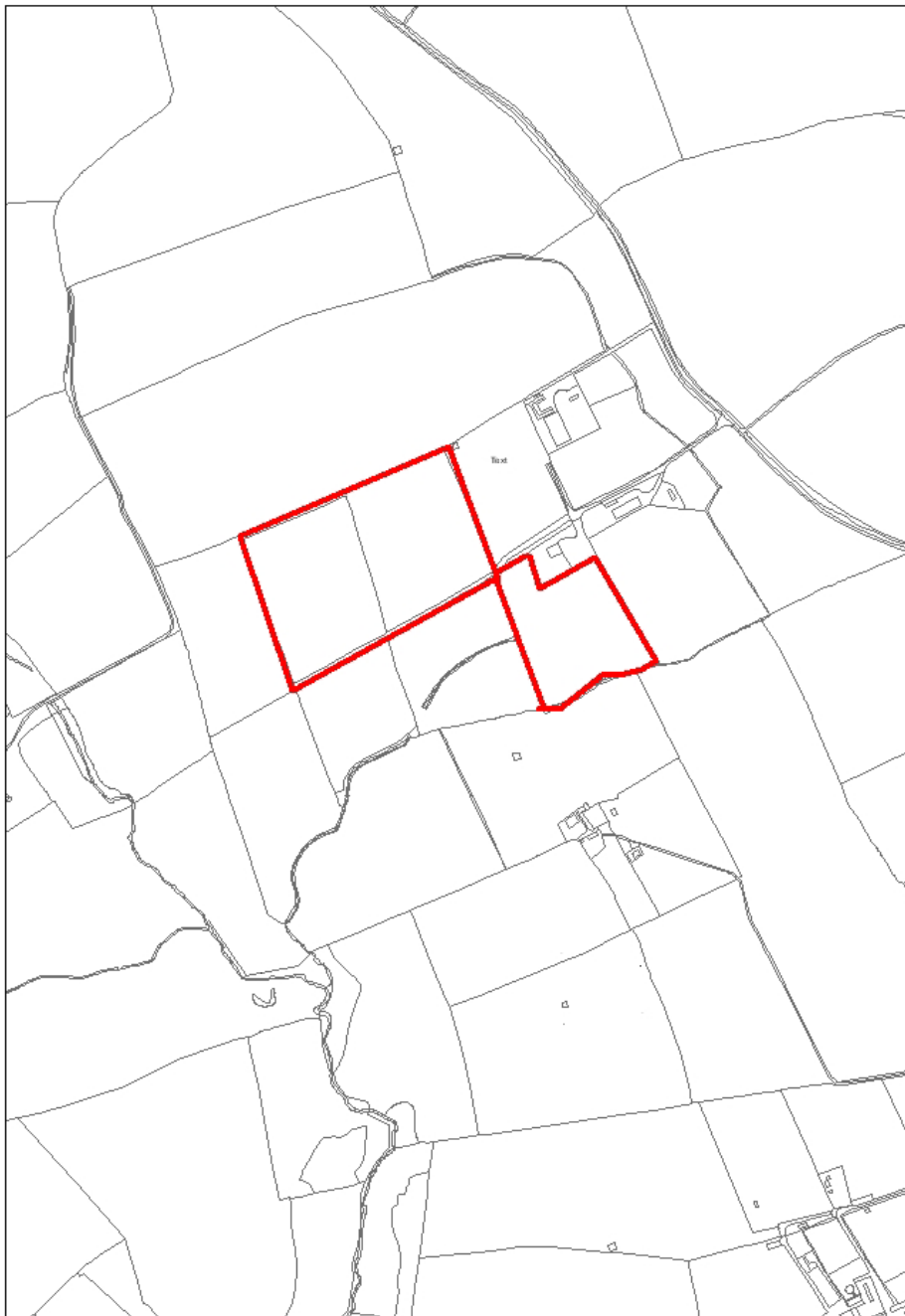
Damien Wilson
Level 3
Civic Centre

Hartlepool
TS24 8AY

Tel: (01429) 523400

E-mail: damien.wilson@hartlepool.gov.uk

BRIERTON MOORHOUSE FARM



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

COPYRIGHT RESERVED LICENCE 1000233902011

Scale: 1:7000
Date : 22/11/12
Drg No: H/2012/0537

No: 5
Number: H/2012/0422
Applicant: Ms M Daurat Sir William Gray House Clarence Road
HARTLEPOOL TS24 8BT
Agent: Hartlepool Borough Council Ms M Daurat Sir William Gray
House Clarence Road HARTLEPOOL TS24 8BT
Date valid: 25/10/2012
Development: Use of car park to hold weekly car boot sales/farmers
markets on Saturday mornings from 8am to 1pm and
other temporary events on an ad hoc basis
Location: Hartlepool Historic Quay Maritime Avenue
HARTLEPOOL

PURPOSE OF REPORT

5.1 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

5.2 None.

PROPOSAL AND SITE CONTEXT

5.3 The application relates to the car park of the Hartlepool Maritime Experience, located within the Marina area, to the east of Anchor Retail Park and to the north of The Highlight.

5.4 To the north of the site is The Highlight retail park, to the north west of the site are the residential apartments on Harbour Walk.

5.5 The application seeks consent for the use of the car park for car boot sales between 8am and 1pm every Saturday, farmer's markets between 8am and 1pm every other Saturday and for ad hoc temporary events which have in the past included the vintage car rally, the bi-annual Maritime Festival and the Race for Life. Individual events will require varying amounts of the car park to be taken up. A degree of car parking will remain available within the site during events.

PUBLICITY

5.6 The application has been advertised by way of neighbour letters (1) and site notice. To date, there have been no objections.

5.7 The period for publicity is ongoing and expires before the meeting.

CONSULTATIONS

5.8 The following consultation replies have been received:

HBC Economic Regeneration – No objections.

HBC Public Protection – No objections subject to hours restriction and an annual limit to the number of ad hoc events.

HBC Traffic and Transportation – Insufficient parking on site however close to town centre and excellent public transport links. The site has historically been used for large events, although such events will cause disruption to the highway system, this can be managed and disruption kept to a minimum. Restricting these potential events to a maximum of 6 per year would be acceptable.

There would therefore be no Highway or Traffic concerns with this application.

Hartlepool Water – No comments received.

Cleveland Police – No comments received.

PLANNING POLICY

Local Policy

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

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

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

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

To1: States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

Emerging Local Plan

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

SUS1: When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

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.

RC1: The Borough Council has identified and defined a hierarchy of retail and commercial centres that will offer a variety of sites that are economically attractive, diverse and in appropriate sustainable locations throughout the Borough. The defined hierarchy and sequential preference of the centres in the Borough are:

- 1) The Town Centre, then;
- 2) The Marina, then;
- 3) Edge of Town Centre Sites, then;
- 4) Local Centres.

Proposals for main town centre uses in excess of 200m² gross floorspace, not located in the town centre or a sequentially preferable centre, will be required to provide a robust sequential assessment. Proposals in excess of 500m² will require a retail impact assessment. Proposals not located in a sequentially preferable centre which would have the potential to undermine a centre's vitality and viability will not be permitted.

RC3: The Borough Council will seek to support, protect and enhance the Marina. In accordance with policy RC1, after the town centre, the Marina, will be the next sequentially preferable locations for A1 – A5, B1, C1, D1 and D2 and theatres and nightclubs.

LT1: The Borough Council will work with key partner organisations to develop leisure and tourism facilities, including high quality accommodation. Major leisure and tourism developments which are likely to attract large numbers of visitors should be preferably located within the following established key tourist areas: Town Centre; The Marina; Seaton Carew; or The Headland. Development at the Marina will be a key priority for the Borough Council. The area will continue to develop as a major visitor attraction and new developments which complement and build on the success of the Maritime Experience will be encouraged. The Borough Council will work pro-actively to help develop schemes which would enhance the historic nature of the Headland. Seaton Carew will be promoted and developed as a tourism destination.

RC3: The Marina

LT1: Leisure and Tourism

Regional Policy

5.11 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

5.12 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.

PLANNING CONSIDERATIONS

5.13 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the proposals upon residential amenity and highway safety.

Principle of Development

5.14 Policy RC3 of the emerging Local Plan highlights the Marina as the next sequentially preferable location after the town centre for uses including retail. Policy RC1 sets out the retail hierarchy. The Local Plan makes clear that the Council will need to be satisfied that proposals for main town centre uses are located in a sequentially preferable centre and that proposals do not impact on the function of the main town centre. It is considered that whilst there is a retail element to car boot sales and farmers markets, their transient and temporary nature means they are unlikely to be suitable as a town centre use given the lack of available and suitable space. The proposal is therefore in accordance with Policy RC1 and RC3 in that it is located within a sequentially preferable location.

5.15 Policy LT1 of the emerging Local Plan indicates that leisure and tourism developments which are likely to attract large numbers of visitors should be located within the key tourist areas, including The Marina. The policy goes on to state that development at the Marina will be a key priority. It is therefore the proposal to use the site for temporary events is in accordance with policy LT1.

5.16 The principle of the development in policy terms is considered acceptable.

Amenity

5.17 The closest residential properties to the site are located in excess of 100m to the north-west within the flats upon Harbour Walk. Conditions are proposed to restrict operating hours of any temporary events, and also to limit the number of temporary events which can take place in any one year. It is considered that the conditions offer sufficient mitigation to preclude any significant detrimental impacts upon those residents closest to the site. The Council's Head of Public Protection has raised no objections to the proposals.

Highway Safety

5.18 Each individual event will require differing car parking levels which will be determined in consultation with the Hartlepool Independent Safety Advisory Group. The plans provided show the maximum amount of the site which will be required which retains an area for public car parking. It is proposed to impose a condition which requires this area to be retained only for car parking.

5.19 Although it is acknowledged that certain events will increase demand for car parking well beyond the capacity of the parking areas shown, the site is located close to the Town Centre and within the Marina where there is good accessibility to public transport, including the road and rail transport interchange to the south and public car parking is also available off-site. Again the limit to not more than 6 temporary events per annum will reduce impacts on the highway network. The Council's Traffic and Transportation section have raised no concerns with the proposals and on balance, the application is considered acceptable in respect of highway safety.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.20 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.21 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.

5.22 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour,

offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The use(s) to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the plan(s) no(s) E/G/559 and E/G/560 received by the Local Planning Authority on 25 10 12 and plans no(s) E/G/547 (1:5000) and E/G/547 (1:1250) received by the Local Planning Authority on 01 08 12.
For the avoidance of doubt.
3. The car boot sale and farmers market hereby approved shall only be open to the public between the hours of 07:00 and 17:00 Saturdays and at no other time.
In the interests of the amenities of the occupants of neighbouring properties.
4. All temporary events hereby approved shall only be open to the public between the hours of 07.00 and 23.00 and at no other time.
In the interests of the amenities of the occupants of neighbouring properties.
5. Not more than six temporary events shall be held on the site within a calendar year. No single event shall exceed 14 days in duration.
For the avoidance of doubt.
6. Visitor car parking shall be provided in the areas shown blue on approved plan 'E/G/560' and 'E/G/559'.
In the interests of highway safety.

BACKGROUND PAPERS

5.24 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

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

No: 6
Number: H/2012/0599
Applicant: Mr Frank Stokle 14 Oxford Street HARTLEPOOL TS25 1TA
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert HARTLEPOOL TS26 0SR
Date valid: 22/11/2012
Development: Change of use of first floor together with first floor extensions and alterations to form residential unit to be used in conjunction with existing club premises (part retrospective)
Location: FORMER YACHT CLUB FERRY ROAD HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

6.1 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

6.2 The property is the former Old Yacht Club. The ground floor of the building is used as licensed premises. The first floor area to which this application relates was previously used by the Coast Watch Team as it provided an excellent vantage point overlooking the Tees Estuary and beyond. The first floor area consisted of office space and a 'look out' platform.

PROPOSAL AND SITE CONTEXT

6.3 The application seeks consent for the change of use of the first floor area together with first floor extensions and alterations to form a residential unit to be used in conjunction with the existing club premises at ground floor level. The application is part retrospective. Officer's conducted a site visit on the 9th October 2012 to the premises during which it was apparent that works had recently been completed to provide a residential unit in the existing first floor area.

6.4 The Design and Access Statement submitted in support of the application outlines that the purposes of the flat is to provide a managers accommodation to enable on site living of this secluded building thereby providing better security. The Statement advises that the main access to the dwelling is to be from the existing concrete staircase at the rear accessed from the yard/lounge emergency access area.

6.5 The premises are bounded to the south of the site by Middleton beach and the North Sea. To the east of the site is Middleton Jetty. The Lifeboat Station is located

to the north and Ferry Road, an area of fisherman's chalets and The Port area are located to the west of the site and beyond.

PUBLICITY

6.6 The application has been advertised by way of site notice. Given the remote location of the site no formal neighbour notifications have been posted. PD Teesport and The RNLI have both been contacted as consultees. The comments of PD Teesport are detailed in the section below.

6.7 The period for publicity is still outstanding and expires prior to the committee meeting. Any further representations received will be tabled at the meeting.

CONSULTATIONS

6.8 The following consultation replies have been received:

Public Protection - This site is located directly adjacent to the industrial land at the Port which has recently been declared as an enterprise zone. Any residential accommodation in this location could result in restraints on developments within the enterprise zone as any complaints from any resident would have to be investigated and could result in formal action being taken for statutory nuisance. Irvines Quay is also directly adjacent to the site and the Port operations on this quay are 24 hour operations throughout the year, this includes the loading and unloading of ships etc. These activities are likely to cause substantial nuisance to any resident in such close proximity to the quay. I am therefore of the opinion that this application should be resisted.

PD Teesport – PD Teesport would hereby object to the subject planning application on the following ground:

1. The subject proposal in effect constitutes piecemeal residential development in an established industrial locality, and would be an inappropriate use adjacent to a working commercial port which operates on a 24 hour a day basis. The proposal in such close proximity to the Dock would conflict with the industrial planning designation in the locality and the use of Hartlepool Dock by PD Ports and the international business interests the Port attracts to Hartlepool
2. Hartlepool Borough Council has recently introduced a Local Development Order at the Port of Hartlepool aimed at attracting inward investment and the proposed use would conflict with this.
3. The Design and Access Statement does not make it clear that the property does not adjoin adopted highway. The property is located off private land within the ownership of PD Ports, and PD Ports has not granted access rights over the land, and would not be minded to permit access for residential or the servicing of such a use over this land. The applicants were aware of this position both prior to and after purchasing the property, but have chosen to access over this private land without consent. We would question what new pedestrian and vehicular access is to be provided to serve the building as the application does not deal with this.

4. The property does not have an electricity supply from the utility companies and the applicant has been taking electricity from PD Ports private supply. This electricity was taken from our supply without our consent and we have still to receive payment for the electricity used. We offer no guarantee that the property will be able to draw down electricity from this source in the future.
5. The nearest residential properties to the proposal are at Mariners point some distance away and these are separated from the subject property by large areas of industrial/port land. If there was to be any extension of residential development in the area then it would be more logical for this to be by way of sequential extension to the Mariner Point residential area rather than a piecemeal island development.

Economic Development – Objects on the grounds of potential constraints on the adjacent port operations and Enterprise Zone Inward Investment opportunities.

Cleveland Fire Brigade – No representations to make regarding the planning application

Engineering Consultancy – No comments received

Landscape and Conservation – No comments received

Parks and Countryside – No comments received

Neighbourhood Services – No comments received

Cleveland Police – No comments received

RNLI – No comments received

Traffic and Transportation – There are no highway or traffic concerns

PLANNING POLICY

Local Policy

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

Com15: States that proposals for business, office, hotel, tourism, leisure and residential development will be permitted within this area where they meet the criteria set out in the policy and take account of the site's unique potential including its water front location and its links to the Marina and the Headland. A high quality of design and substantial landscaping will be required on main road frontages and development will need to take account of the need for flood risk assessment. Port, port related and general industrial development will also be allowed subject to the criteria set out in policy GEP1.

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.

Hsg6: Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without detriment to the strategic housing requirement. A flood risk assessment may be required.

Emerging Local Plan

6.10 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.

EC6: The Borough Council has employment land of 106.1ha of which the application site forms part of to accommodate specialist industries of appropriate port related and offshore renewable energy related development at the Port.

Regional Policy

The North East of England Plan – Regional Spatial Strategy to 2021 (RSS) was published in mid July 2008 in its finalised format and forms part of the Development Plan. The RSS has a vision to ensure that the North East will be a Region where present and future generations have a high quality of life. Central to the RSS is a key principle of delivering sustainable communities. Of particular relevance are the following policies:

Policy 2 (Sustainable Development) essentially requires new development proposals to meet the aim of promoting sustainable patterns of development.

Policy 8 (Protecting and Enhancing the Environment) seeks to promote measures such as high quality design in all development and redevelopment and promoting development that is sympathetic to its surroundings.

Policy 18 (Employment Land Portfolio) requires Local Development Frameworks to provide adequate employment land and LPA's should undertake employment land assessments taking into account the need to protect employment land, undertake appropriate reallocation of employment land, upgrade existing employment land, ensure that employment land provision is appropriate and the need to maximise opportunities where there may be a shortfall.

Policy 24 (Delivering Sustainable Communities) establishes that all development should be designed and located to deliver sustainable communities. Development should be assessed against a wide range of criteria with sustainability in mind including the locational requirements of the development, the need to concentrate development in urban areas, links with infrastructure and impacts of a development upon the social cohesion of local communities.

However, 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

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.

PLANNING CONSIDERATIONS

6.11 Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, impact upon the character and appearance of the area, impact upon the amenity of the proposed occupiers and the impact the introduction of a residential unit could have on the existing and allocated industrial land uses in close proximity.

Principle of Development

6.12 The Hartlepool Local Plan 2006 forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 2006 Local Plan is in the process of being replaced by the Hartlepool Local Plan submission document June 2012 (emerging Local Plan). Notwithstanding this, there are policies in the 2006 Local Plan, including Com15 and Hsg6 which are not considered to be up-to-date or relevant to the determination of this application.

6.13 The site to which the application relates is designated under Policies Com15 and Hsg6 of the Hartlepool Local Plan 2006, however the strategic planning situation with policies Com15 and Hsg6 has been fundamentally changed. Policies Com15 and Hsg6 were to support the strategic mixed used regeneration site that would provide much of Hartlepool's development over the plan period. However in late 2009 it became apparent that the mixed use regeneration site at Victoria Harbour was not going to deliver (in the short to medium term) any significant housing numbers. The Port owners indicated their intentions not to proceed with the anticipated mixed use development of Victoria Harbour and have expressed their intention to focus on port-related development including offshore wind and sustainable energy solutions. This is fully supported by the Council as an alternative to the now undeliverable Victoria Harbour mixed use development. Therefore these policies can now be considered as not fit for purpose.

6.14 Fundamental to this proposal is the principle of the provision of a residential unit being formed above the licensed premises within an area designated for specialist industries, to which Policy EC6 in the emerging Local Plan relates.

6.15 Further to the above, The Port area is now guided by an Enterprise Zone Local Development Order (LDO). The western boundary of the application site abuts the

boundary of the LDO. The LDO allows development to be undertaken without the need for planning permission to be obtained, providing the development is carried out in accordance with established guidance and conditions in the form of a compliance form.

6.16 The application has been accompanied by a Design and Access Statement which states that the purposes for the creation of the unit is to allow the manager of the premises to be able to live on the site thereby providing better security. Notwithstanding this, officer's consider that the development proposes residential accommodation within an area allocated for industrial uses in the emerging Local Plan and in close proximity to the boundary of The Port LDO and would therefore result in the introduction of a residential use which could impose constraints on the existing industrial land uses contrary to policy GEP1 of the Hartlepool Local Plan 2006 and policies ND4 and EC6 of the emerging Local Plan.

6.17 Furthermore to the above, It is considered that the proposed development would result in an incompatible use within an industrial area which would be detrimental to the living conditions of the occupants of the residential unit in terms of noise, disturbance, odours, dust and vibration contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan. The reason for the justifications as outlined above will be discussed further in the remainder of this report.

Impact upon the Character and Appearance of the Area

6.18 Whilst the building is located upon a site allocated for industrial uses in the emerging Local Plan it is not considered that the proposed change of use, alterations and extensions at first floor to form a residential unit would significantly impact upon the character and appearance of the area to a level whereby the Local Planning Authority could sustain a refusal.

6.19 The existing licensed premise is somewhat of an anomaly in the context of the wider area in terms of the surrounding land uses. Given this, it is not considered that the provision of a manager's flat used in conjunction with the existing premises would create any further impact upon the character of the area.

6.20 In terms of visual amenity it is not considered that the appearance of the proposed works would create any significant impact upon the general appearance of the area. The visual impact of the proposals upon the outlook from the surrounding neighbouring sites and areas of public realm are considered to be negligible.

Impact upon the Amenity of the Proposed Occupiers

6.21 The provision of a residential unit within an area allocated for specialist industries by way of Policy EC6 of the emerging Local Plan poses some concern over whether the proposed occupiers would receive acceptable levels of amenity as required by Policies GEP1 of the Hartlepool Local Plan 2006 and ND4 of the emerging Local Plan.

6.22 Whilst it is accepted that the formation of a residential unit above a licensed premises will by way of its location be subject to issues of noise and disturbance from the use below, Officer's consider that in being a managers flat in conjunction with the existing club premises the occupier would have control over the noise levels omitting from downstairs. It is not considered by officer's that the occupier has any control over any other uses located in the vicinity of the site.

6.23 As outlined in this report, the land to which the application site relates is allocated for specialist industries. The allocation would allow for specialist industries falling into use classes including B2 (General Industry) to be operated, providing there would be no adverse impact on any European designated nature conservation sites. In theory, this could result in a B2 use (such as concrete pipe coating facility) with associated noise and disturbance being operated on the site bounding the application site 24 hours of the day. With this in mind, it is considered that the formation of a residential unit at the premises could jeopardise future uses in close proximity to the site. It is likely that any planning application submitted in close proximity to the Yacht Club would be required to conduct assessments (such as noise and dust assessments) to assess the potential impacts on the occupants of the residential unit.

6.24 Further to the above, the boundary of The Port Enterprise Zone abuts the site. In terms of this designation the LDO allows development to be undertaken without the need for planning permission to be obtained, providing the development is carried out in accordance with established guidance and conditions in the form of a compliance form. Within the Port Enterprise Zone planning permission is permitted for the following land uses, buildings and associated development:

1. (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
2. (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;
3. (B8) Storage and Distribution.

On the basis that they relate to the following business sectors:

1. Advanced Engineering & Advanced Manufacturing
2. Renewable Energy Manufacturing

6.25 As outlined above development will only be permitted providing it is in accordance with established guidance and conditions. As per the scenario outlined above feasibly a B2 operation with associated noise and disturbance (such as dust and vibration) could be implemented on the site adjoining the application site. It is prudent to state that during the consideration of the boundary of the LDO considerable consultation was carried out between Officer's and the Council's Head of Public Protection in terms of noise. The conclusion of the discussions resulted in the LDO being established subject to noise thresholds. Therefore, unless agreed by the Local Planning authority, development generating noise in excess of defined thresholds as measures at the boundary of the LDO site will not be permitted through the LDO. For the avoidance of doubt there are five clearly defined

boundaries of the LDO. Key to the determination of this application is that whilst there are several other residential units located in close proximity to the boundary of the LDO, noise thresholds have been established in light of this in the interests of protecting amenity. It is prudent to state that there are no defined noise thresholds upon the boundaries of the LDO in close proximity to the application site, in particular the boundaries abutting the application site.

6.26 It is considered appropriate to advise further that irrespective of the land use allocation and the LDO designation there are a number of existing heavy industries operating within close proximity to the application site. The Head of Public Protection has advised that Irvines Quay is directly adjacent to the site and the Port activities in this Quay are 24 hour operations throughout the year, this includes the loading and unloading of ships etc. The Head of Public Protection has advised that the aforementioned activities are likely to cause substantial nuisance to any resident in such close proximity to the quay. PD Teesport has commented on the proposed application and considers that the residential unit would be an inappropriate use adjacent to a working commercial port.

6.27 With the above in mind, it is considered that the formation of a residential use upon the site, in the context of the wider area in terms of existing land uses and operations, allocations and designations the application is contrary to Policy GEP1 of the Hartlepool Local Plan 2006 and Policy ND4 of the emerging Local Plan. It is considered that the provision of a residential use next to an existing busy port and its associated uses will or has the potential in the future to be detrimental to the living conditions of the occupants of the residential unit in terms of noise, disturbance, odours, dust and vibration.

Impact upon Existing and Future Land Uses

6.28 Fundamental to the determination of this application is the impact the formation of a residential unit could have on the immediate industrial area and any existing or future operations on/in nearby land and buildings.

6.29 Paragraph 123 of the NPPF outlines that planning decisions should recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

6.30 Officers consider that given the relatively close proximity of the site to the surrounding industrial area the residential occupation of the unit created/formed could prejudice existing and future businesses as their day to day activities and associated noise, dust and vibration omitting from the uses could result in complaints from the occupiers of the residential unit.

6.31 With regard to the above, the Head of Public Protection has raised concerns that any residential accommodation in the proposed location could result in restraints on development within the Enterprise Zone as any complaints from any resident would have to be investigated and could result in formal action being taken for statutory nuisance. It is prudent to state that this could potentially result in the working practices of businesses being altered if any such complaints were upheld.

As previously outlined in the report above, should a residential unit be formed at the premises it is considered likely that any future operators on the immediate industrial land would be required to conduct noise and other appropriate assessments (such as dust and vibration) to assess the impact, in particular on the occupants of the flat. Officers consider that the formation of the residential unit could potentially jeopardise future uses on the neighbouring sites.

6.32 Given the above, it is considered that the formation of a residential use upon the site could prejudice existing industrial land uses contrary to policy GEP1 of the Hartlepool Local Plan 2006 and policies ND4 and EC6 of the emerging Local Plan.

Other Matters

6.33 PD Teesport has raised concerns regarding the ownership of the access to the premises. PD Teesport have advised that the premises is located off private land within the ownership of PD Ports, and PD Ports have not granted access rights over the land, and would not be minded to permit access for residential or the servicing of such a use over the land. With regard to this it is considered prudent to state that this is a civil issue between the applicant and the land owners.

6.34 Further to the above, PD Teesport has advised that the property does not have an electricity supply from the utility companies and the applicant has been taking electricity from PD Ports private supply. Again it is considered prudent to state that this is also a civil issue between the applicant and the land owners.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.36 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.

6.37 Whilst onsite security would be preferable in terms of crime prevention the yacht club has operated without a managers flat for a considerable time. It is considered that the security of the site could be achieved via other mechanisms.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE

It is considered that the proposed residential unit is sited within an area allocated for industrial uses in the submitted Hartlepool Local Plan submission document June 2012 and in close proximity to the boundary of The Port

Enterprise Zone Local Development Order and would result in the introduction of a residential use which could impose constraints on the existing industrial land uses contrary to policy GEP1 of the Hartlepool Local Plan 2006 and policies ND4 and EC6 of the submitted Hartlepool Local Plan submission document June 2012.

It is considered that a residential unit would result in an incompatible use within an industrial area which would be detrimental to the living conditions of the occupants of the residential unit in terms of noise, disturbance, odours, dust and vibration contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006 and policy ND4 of the submitted Hartlepool Local Plan submission document June 2012.

BACKGROUND PAPERS

6.40 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.

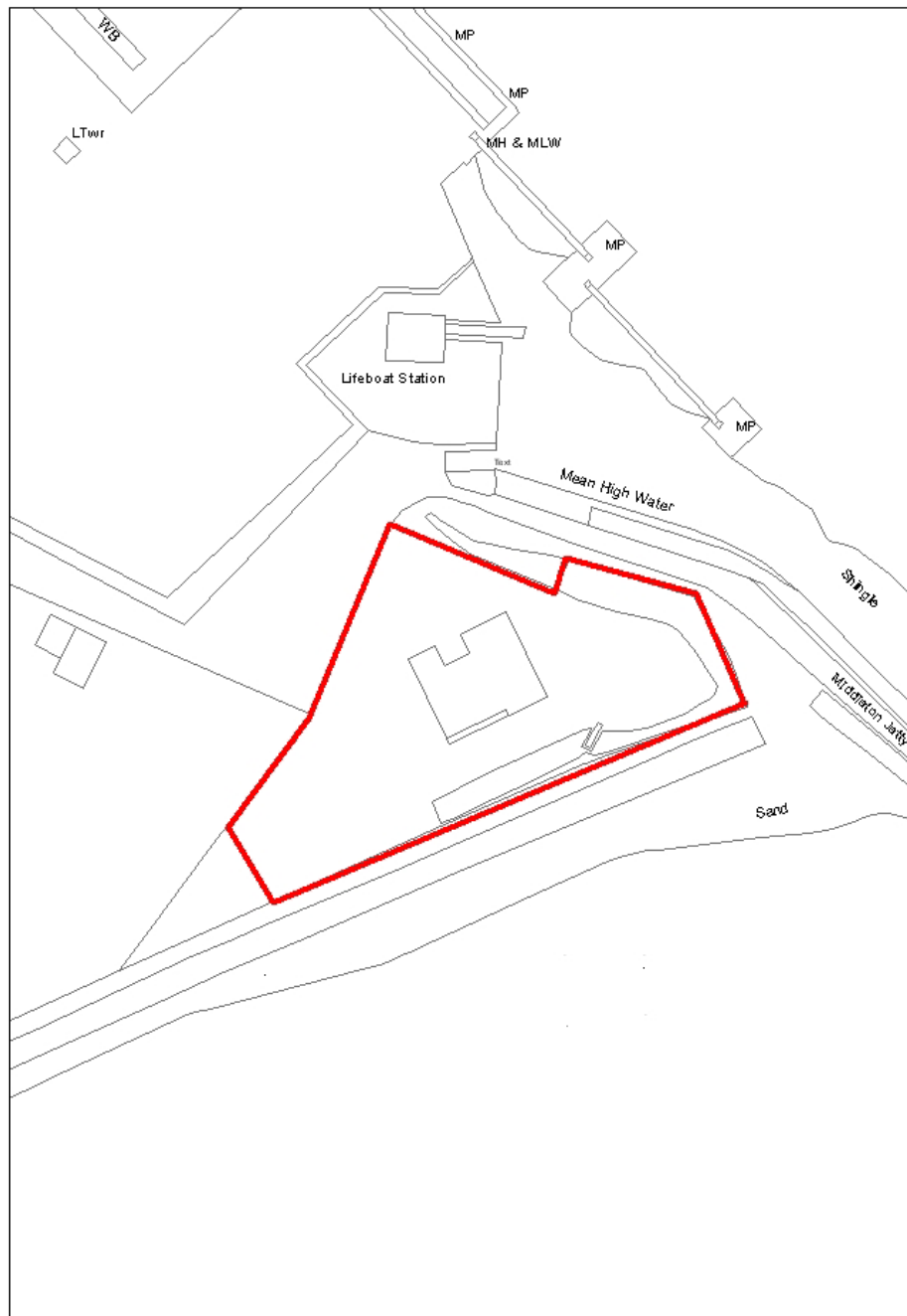
CONTACT OFFICER

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



YACHT CLUB, FERRY 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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:1000
Date : 17/12/12
Drg No: H/2012/0599

No: 7
Number: H/2012/0555
Applicant: MR D RESAEI DALTON PIERCY ROAD HARTLEPOOL
TS27 3HW
Agent: Mr George Hind 100 Spalding Road Hartlepool TS25
2JP
Date valid: 23/10/2012
Development: Conversion of barn and kennels to detached dormer
bungalow
Location: THREE GATES FARM DALTON PIERCY ROAD
HARTLEPOOL

PURPOSE OF REPORT

7.1 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

7.2 The application is being presented to Planning Committee at the request of a Councillor to allow Members to consider the design and visual amenity of the proposal.

PROPOSAL AND SITE CONTEXT

7.3 The application site is Three Gates Farm located between Dalton Piercy village and the A19 trunk road. The property which covers a site area of approx 8250 sq m comprises a large detached dwelling with a range of sheds, barns and other outbuildings. The group of buildings which are well set back into the site are serviced by a 75m long driveway which also forms part of a public right of way (footpath no 4 Dalton Piercy). The barns are used for accommodation for family horses.

7.4 The site is surrounded by open fields. Neighbouring properties are Meadow View, a residential property set in large grounds and located directly to the south west of the application site. The Windmill Hotel/restaurant lies approx 250m to the west with a small number of dwellings to the south east on Dalton Back Lane collectively known as Three Gates.

7.5 The proposal involves the conversion of 2 outbuildings described on the plans as kennels and equipment store with yard area in between, to a dormer bungalow with integral double garage.

7.6 At present these single storey buildings are described as disused and falling into disrepair. A structural report which has been included with the planning application states that the equipment store is 'concrete block work with mono pitched corrugated steel sheet roof built off a concrete floor slab' and the kennels are 'a long low

building with solid brick walls, pitched roof covered with asbestos cement single skin corrugated sheets’.

7.7 The new dwelling will be constructed around the kennels and store and over the yard area, linking the 2 out buildings.

7.8 The resulting structure will provide an L- shaped 3 bedroom dwelling with integral double garage making use of the floor space in the main area of the roof.

7.9 The building which will be constructed in brick and clay pan tiles will have double glazed windows with 4 dormer windows to the main front elevation. The property will be accessed by the existing driveway used by the main house and will have gardens to the north, south and west.

PUBLICITY

7.10 The application has been advertised by way of neighbour letters (2) and site notice. No representations have been received.

The period for publicity has expired.

CONSULTATIONS

7.11 The following consultation replies have been received:

Neighbourhood Services – No response received

Traffic and Transport – No highway or traffic concerns

Parks and Countryside – The driveway to the property, named Three Gates Farm, forms part of a public right of way with the designation: Public Footpath No.4, Dalton Piercy. At no time must the driveway, and thus the public footpath, be obstructed by any builders vehicles, material or machinery/tools. To do so would be a criminal act and the breaking of the Highways Act 1980, as per section 137 of the said act.

Engineering Consultancy – Verbally concerns regarding how existing building would be retained

Public Protection – No objections

Northumbrian Water – No comments

Dalton Piercy Parish Council – No comments

Tees Archaeology - No objections

PLANNING POLICY

Local Policy

7.12 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.

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

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

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

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

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

Emerging Local Plan

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

LS1 : Locational Strategy; 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: Design of New Development; 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.

HSG3: New Dwellings Outside of Development Limits; The Borough Council needs to be satisfied that proposals are in accordance with the criteria established in the policy:

- 7) there is a clearly an established essential functional need for a full time rural worker to live permanently at or near the rural based enterprise.
- 8) that the rural based enterprise is financially sound.
- 9) that the need for a dwelling can not be met by another existing dwelling nearby.
- 10) that the dwelling is of a size commensurate with the size/value of the rural based enterprise.
- 11) Or where the development would represent the best viable use of secure the future of a heritage asset.
- 12) Or that the dwelling is groundbreaking/innovative in design or construction.

RU1: The Rural Area; The Borough Council will encourage activities in the countryside that support the rural economy and encourage sustainable communities provided that they are of a scale and nature that is suitable to a rural location.

Regional Policy

7.14 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

7.15 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.

PLANNING CONSIDERATIONS

7.16 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 National Planning Policy Framework and in particular the impact of the development on neighbouring properties and the surrounding countryside in terms of visual amenity, the ecology of the area, archaeology, public rights of way and on highway safety. The design of the new dwelling itself will also be considered.

National Policy

7.17 Para 55 of the NPPF states that 'to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

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

7.18 In this particular case the applicant has not submitted any information with regard to (a) justifying the development through the need for a rural worker to live permanently at or near their place of work in the countryside and in fact states that the farmstead no longer is tied to any current farming activity. Therefore the development cannot be justified through rural enterprise need.

7.19 With regard to (b) the applicant has not demonstrated that the buildings constitute a heritage asset to be retained. Hartlepool Borough Council Conservation officers have reviewed the proposed buildings and accept that the buildings, by their age, design and current repair have no heritage interest. Therefore the development cannot be justified through heritage need.

7.20 With regard to (c) the applicant has stated that the development would re-use redundant and/or disused buildings that would lead to an enhancement to the immediate setting. The development proposals appear to show the 2 existing separate outbuildings being retained, linked and converted into a residential dwelling via partial demolition of the equipment store building and an in-fill extension which will link the two buildings together. The method of conversion appears to involve retaining the existing walls of both buildings and constructing the outer skin of the new dwellinghouse around the existing walls of the two buildings; therefore the single skin walls of the existing buildings will become the internal walls of the new dwellinghouse. The external walls of the dwelling house will completely obscure the retained walls and will (according to the plans) be constructed to a roof eave height greater than that of the existing buildings. As a result, no features/remains of the existing buildings will be able to be observed as part of the new dwellinghouse.

7.21 Notwithstanding the view that no features of existing buildings can be “seen” in the new dwellinghouse, officers are concerned that by the nature of the works, the existing buildings will not “survive” the incorporation into the fabric of the new dwellinghouse. Officers are concerned that works to (i) underpin and/or install foundations for the external walls of the new dwellinghouse, (ii) remove the existing roofs (iii) to install a damp proof course into the existing building walls (which will form the internal walls of the new dwellinghouse) (iv) ensure the existing walls would be capable of bearing the load of the new floor/roof and (v) form new window/door openings, will have the potential to result in the damage/demolition of the walls of the existing buildings. As the existing roof(s) are proposed to be removed the only remaining features of the existing buildings will be the walls and if the walls are unintentionally, through the works carried out, damaged beyond repair or demolished, then the existing buildings will cease to exist and would be classed as a demolished site. By the nature of the works (i)(ii)(iii)(iv)(v) needed to incorporate the existing buildings into the fabric of the new dwellinghouse it is officers opinion that the works proposed, intentionally, or unintentionally will lead to the removal of the building fabric that constitute the kennels and the equipment store buildings.

7.22 It should also be noted that the two buildings are separated by a yard which is proposed to be incorporated into the new build to effectively link the two buildings.

7.23 It is considered that the extent of the works proposed to form the new dwellinghouse would therefore constitute a “new build” residential development on the site and as a result the development would not re-use redundant or disused buildings as required by paragraph 55.

7.24 With regard to (d) the applicant has not demonstrated that the design, quality of materials used and construction methods used are of exceptional quality. Therefore the development cannot be justified through design or construction methods.

7.25 The proposals are therefore not in accordance with NPPF paragraph 55.

Local Plan 2006

7.26 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 2006 Local Plan is in the process of being replaced by the emerging 2012/13 Local Plan. Depending upon the nature of the development proposals certain policies in the 2006 Local Plan may not be up-to-date when considering the NPPF and the emerging Local Plan.

7.27 Notwithstanding these developments, until superseded by the 2012/13 Local Plan, the 2006 Local Plan still forms part of the Development Plan and relevant policies should be considered; where appropriate.

7.28 Providing there are no concerns expressed by other Consultees, the proposals are in accordance with policies GEP1, GEP2, GEP3, HSG9 and Rur14 of the 2006 Local Plan. However the proposals are not in accordance with policy Rur12.

7.29 Policy Rur12 states that isolated new dwellings will not be permitted in the open countryside unless it can be demonstrated that:

- a) They are essential for the efficient functioning of agricultural, forestry or other approved or established uses in the countryside,
- b) The enterprise for which they are required is economically viable,
- c) They are of a size commensurate with the established functional requirement,
- d) The siting, design, scale and materials will not be significantly detrimental to the rural environment.

7.30 As previously discussed with regard to the NPPF the applicant does not seek to justify the new isolated dwellings in the open countryside through the need for a rural worker to live permanently at or near their place of work in the countryside. Justification is only sought through the re-use of redundant and disused buildings which will enhance the immediate setting. Policy Rur12 does not allow for such justification and as a result the proposals are not in accordance with the policy.

7.31 However, for the purpose of this specific application at this current time, the policy Rur12 is not in accordance with the NPPF when considering paragraph 55, and as a result is out of date. Policy Rur12 has limited weight as a material consideration in determining this planning application. Bearing this in mind paragraph 55 in the NPPF and policy HSG3 in the emerging 2012 Local Plan are the most appropriate policies in the Development Plan with which to determine the application.

Emerging Local Plan (2012/13)

7.32 The 2006 Local Plan is in the process of being replaced by the 2012 Local Plan. Currently the 2012/13 Local Plan is at Submission stage (the final stage prior to adoption) and has been through significant public consultation to reach this stage. As

a result the policies in the 2012/13 Local Plan hold significant weight when determining planning applications.

7.33 Providing there are no concerns expressed by other Council officers, the proposals are in accordance with policies LS1, ND4 and RU1 of the emerging 2012/13 Local Plan.

7.34 Policy HSG3 is the main policy with regard to the proposals. The policy wording in the Local Plan 2012 Submission document is subject to change going towards the Local Plan Public Hearing (Jan/Feb 2013) in order to be in accordance with the NPPF. The proposed changes to the HSG3 policy wordings exclusively and only relate to points (7), (8), (9), (10) and (11) of the policy. As previously discussed the main material consideration concerning this application specifically relates to point (9) *“significantly enhances the immediate setting”*. As a result, for this specific application, it is not appropriate to consider policy HSG3 and therefore paragraph 55 in the NPPF should be the main material consideration with regard to the principle of development.

Design of the dwelling

7.35 Whilst the new dwelling is to be constructed in traditional materials - brick and tile, the property is modern in design and would not be considered out of place in many locations within the urban area of the borough. Notwithstanding this, many of the surrounding dwellings are of mid to late 20th century design and of no particular architectural style or merit. For this reason it would be unlikely that a refusal of planning consent could be sustained on design alone. However, the NPPF states that in order to allow a new dwelling in the countryside such as this, the design should be outstanding ie of exceptional quality and of the highest architectural standards.

7.36 Again, although the application states that the new dwelling is a conversion of the existing out buildings, none of the existing fabric of the outbuildings will be retained in the external appearance of the property. The new dwelling will be constructed around the kennels and store and will have no resemblance to the existing buildings. The existing kennels and store are both less than 3.2m in height. The new dwelling would be 7m high.

7.37 It should be noted the existing floorspace of the two buildings equates to 147.01m² whereas the proposed floorspace of the dormer bungalow would equate to 425.1m² this is a considerable increase in scale in the open countryside. The new dwelling would be approx 65% increase in floorspace, this is not considered to equate to a conversion.

7.38 Neither the kennels nor the store is of any architectural or historic merit and would not be considered worthy of retention.

7.39 In view of the above considerations, the proposed development clearly does not meet the criteria outlined in the NPPF or the emerging Hartlepool Local Plan. The dwelling is not required in connection with agriculture, not for the preservation of a

heritage asset, nor considered to be the conversion of redundant buildings and is not considered to be exceptional in terms of design.

Impact on neighbouring properties and the area in general

7.40 The new dwelling would be located 20m west of the main house (Three Gates Farm) and 22m from the rear of the neighbouring dwelling Meadow View. Although there are main windows in both of the above dwellings, current Council Guidelines require a minimum of 20m between main elevations and as such the proposed dwelling would meet this separation distance.

7.41 In terms of its wider impact on the surrounding area, the new building would be much more intrusive and would be visible from a number of points within the countryside and along the main road leading from the A19 to Dalton Piercy village.

7.42 The existing buildings at just over 3m in height are subservient to the main dwelling and are considered to have little impact on the visual amenities of the area. The new dwelling at 7m in height would result in a structure which would have a significant impact on the landscape. The new building is not considered to be sensitive to the defining characteristics of the local area and does not significantly enhance the immediate setting.

Highways

7.43 No objections have been offered by the Councils Highway Engineer in terms of highway safety regarding either parking or access to the new dwelling. The Countryside Officer has commented that the existing access to the site also forms part of a public right of way and should not be impeded in any way.

Archaeology

7.44 Tees Archaeology has offered no objections to the scheme as there are no known archaeological sites in the development area.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.46 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.

7.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. The proposal is considered to be contrary to policy Rur12 of the adopted Hartlepool Local Plan 2006 and paragraphs 14, 55, 196 and 197 of the NPPF and HSG3 of the emerging Local Plan (Submission Document) June 2012. The site is outside any defined development area. It is not considered that the development would meet any of the circumstances which would support a dwelling in this unsustainable rural location:
 - No evidence has been submitted to demonstrate that there is an essential need for a rural workers dwelling in the local area.
 - The outbuildings do not constitute a heritage asset which would be worthy of preservation or securing its future use.
 - The development would effectively be a new build and not be a re-use of redundant/disused buildings which would enhance the immediate setting.
 - The proposed dwelling is not of an exceptional/innovative design or construction.

BACKGROUND PAPERS

7.49 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

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



THREE GATES FARM



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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:2000
Date : 17/12/12
Drg No: H/2012/0555

No: 8
Number: H/2011/0550
Applicant: G O'BRIEN & SONS LTD EAST BOLDON TYNE AND WEAR NE36 0AJ
Agent: R & K WOOD PLANNING LLP MRS KATIE WOOD 1 MEADOWFIELD COURT MEADOWFIELD INDUSTRIAL ESTATE PONTELAND NE20 9SD
Date valid: 27/10/2011
Development: Application for extension of time limit for planning application H/2008/0155 for removal of condition 2 attached to application EZ3/7/HO/577/83 to allow general industrial use (B2 use)
Location: FORMER EASTMANS SITE BRENDA ROAD HARTLEPOOL

PURPOSE OF REPORT

8.1 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

8.2 The current application seeks to extend the life of an earlier approval (H/2008/0155) on a site at Brenda Road. The earlier permission (H/2008/0155) approved in November 2008 was to remove a condition attached to an earlier approval (EZ3/7/HO/577/83), which restricted the use of the site to the manufacture of polyester granules, to allow for the general industrial use (B2 Use) of the site. The applicant has indicated that should the application be approved he will implement a waste recycling use on the site falling within class B2 (General Industry) of the Town & Country Planning (Use Classes) Order 1987 as amended.

8.3 Following extensive discussions the applicant has provided further details of the proposed waste recycling use including an indicative future layout of the site. The applicant advises that the site will be developed as a purpose built waste recycling centre. The applicant has advised that overall at least 80 new jobs will be created as a result of the development. The applicant currently operates from a site on Coronation Drive and has offered to unilaterally surrender the waste permit for that site, through a unilateral undertaking, should permission be granted here. However, this would not prevent another operator setting up on the Coronation Drive site.

8.4 The type of waste to be brought on site will be predominantly construction and demolition type waste consisting of brick, concrete, rubble, soil and timber from skip hire. It will also include inert, household, commercial or industrial waste including paper, cardboard, metals and plastics. The applicant acknowledges that, given the nature of the business, other types of waste may arrive on site in skips (For example

bonded asbestos, oils, fuels, batteries, tyres, electrical goods) and procedures will be put in place to deal with these safely and secure their prompt removal.

8.5 The existing office block on site will be refurbished and accommodate the administrative staff associated with business. An existing staff welfare and canteen building and a transformer building will be retained. An existing large industrial building on site will be extended (H/2011/0242 in part refers, the further proposed extension will require a separate permission) and will be used for the reception, tipping and processing of waste imported into the site. The waste materials will be sorted and baled in this building. Residual materials which cannot be recycled will be separated out and removed from the site for disposal or to another facility within 24 hours of arriving. Materials which cannot be baled, soil and aggregates, will be stored in external outside steel storage bays following processing, with materials crushed to produce secondary aggregates for use in construction. Initially it is anticipated that this crushing will take place outside, but it is anticipated that this process will also be brought undercover (A separate planning permission would be required for any new building). It is anticipated that once baled dry recyclable material will be stored before dispatch in a new building which will be erected alongside the existing one on site. (A separate planning permission will be required for this new building). In addition a weigh bridge and office, a vehicle workshop and paintshop are ultimately proposed (Separate planning permission will be required for these new buildings). All external areas will be hard surfaced with concrete. A hardstanding area for the parking of vehicles and plant, including skips, bins and trailers will be accommodated to the east of the existing buildings (H/2012/0111 refers).

8.6 The site will be landscaped including screening mounds some 4m high constructed along the western Brenda Road boundary and eastern boundary, and a belt of tree planting on the southern edge of the site with the active landfill.

8.7 Machinery will largely be located in buildings, aside from the crusher which will operate intermittently, the applicant has prepared a noise assessment which indicates with suitable noise control measures any issues can be addressed. Odour control, and dust control measures will also be operated on site. A wheelwash facility will be installed on site during the construction phase. Operations within the buildings on site will operate on a 24hour basis. It is proposed the crusher will only operate during normal working hours 08:00 to 18:00.

8.8 The application site is a large industrial site formerly known as the Eastman's site. To the east is an area of rough ground which is the subject of a related application (H/2012/0111). In the north east corner of the site is a large industrial building. There are also a number of single story buildings to the south within the centre of the site and an office building located at the western end of the site. To the west is the main estate road and beyond Brenda Road on the opposite side of which are other commercial properties. To the south is Seaton Meadows which is an active landfill although the closest part of the site is currently inactive and awaiting restoration with landfilling activities now taking place largely on the south side of the landfill. To the North is a grassed area and a factory unit (formerly Stadium) which faces the site with a blank gable. To the north east is another factory unit which faces the site with a blank gable (Knauf).

Related Applications

8.9 H/2011/0242 Alterations to existing industrial building to raise the height of the existing industrial building by five metres. This related application to alter and raise the height of a building in the north east corner of the site by five metres is also before members.

8.10 H/2012/0111 Removal of topsoil and subsoil and replacement with inert crushed recycled demolition/building material to provide hard standing area for storage of plant and material. The above application for works to the land to the east of the site to provide a hard standing is also currently under consideration. The Environment Agency are currently maintaining an objection to this application as the Phase 1 Contamination assessment does not include specific information in relation to the site and therefore does not meet the requirements of a preliminary risk assessment. This has been raised with the applicant and it is understood that whilst they are willing to provide the information, in light of the fact that the current application is outstanding they are reluctant to proceed until the situation is resolved.

Planning History

8.11 In January 1985 Outline planning permission for plant for the production of polyester granules at the site was approved (EZ3/7/HO/577/83). This approval was subject to several planning conditions. Including condition 2 which restricted the use of the site as follows: “Notwithstanding the provisions of the Town and Country Planning Use Classes Order, 1972 the site shall be used only for the manufacture of polyester granules unless the written consent of the local planning authority is first obtained to changes in the process or product.” The approval was subject to a legal agreement which amongst other things also restricted the use to the production of polyester granules.

8.12 A reserved matters application was subsequently approved for the erection of plant for the production of polyester chips including ancillary warehousing, utilities building, offices and car park. (H/EZ3/246/85).

8.13 In November 2008 an application (H/2008/0155) to remove condition 2 attached to EZ3/7/HO/577/83 to allow for the general industrial use (B2 Use) of the site was approved subject to conditions including pre-commencement conditions requiring amongst other things that prior to any proposed use as a construction yard or waste operation within class B2 final details of a dust suppression scheme and wheel washing facility be submitted to and approved by the LPA and installed before the use commences. Further the condition advised that any use where the details cannot be agreed by the authority shall not be undertaken. Condition 3 required details of the method of external storage including locations, screening and heights be agreed before any use is commenced. Finally a condition restricted any use which involved COMAH regulations/processes. It was stated in the original Committee report that the section 52 agreement would allow the Council additional controls over the use of the site. However a request to release the legal agreement was submitted and this was subsequently agreed on the grounds that given the proposed conditions it was no longer required. This permission expired in November

2011 however prior to this in October 2011 the current application to extend the life of the permission was submitted.

8.14 In March 2011 an application for a Lawful Development Certificate for a proposed use or development was submitted. (H/2011/0133) The proposed use related to a waste recycling use (B2 General Industrial Use) and the applicant sought confirmation that this use of the site would be lawful. On the basis of the submitted information it was considered that the proposed use of the site as a waste recycling facility would be lawful for the following reasons. “(a) That the proposed use as a waste recycling facility would not be such that could be carried out in a residential area without detriment to the amenity of that area by reason of environmental factors including noise, vibration, fumes, dust etc. As such it would not fall within Class B1 of the Town and Country Planning (Use Classes) Order 1987 as amended. (b) Having regard to the fact that it is proposed that all of the materials received on site would be subject to an industrial process falling within the definition of Article 2 of the 1987 Order combined with the factors at (a) above the proposed use would fall within Class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended. As the site currently has an extant planning permission that permits the use of the site for uses falling within Class B2 of the Town and Country Planning (Use Classes) Order 1987 as amended the activity would not involve the development of the land in accordance with Section 55(2)(f) of the Town and Country Planning Act 1990 and would consequently be lawful. “

PUBLICITY

8.15 The application has been advertised by neighbour notification. One response was received the writer advised that consideration should be given to the proposed local housing and recreational development at the Mayfair Centre to the north (H/2011/0550).

Copy letters C.

CONSULTATION RESPONSES

8.16 The following consultation replies have been received:

Traffic & Transportation : No objections.

Public Protection : No objections. I accept that there is potential for noise to be channelled towards the housing between the Stadium and Knauf buildings towards the housing to the North West of the site. A 4m high solid acoustic fence would dominate this aspect of the site. I would therefore recommend a condition requiring the applicant to agree a suitable noise barrier to the North West boundary of the site or agree suitable alternative noise mitigation measures to alleviate any potential noise breakout which may affect the residential properties to the North West of the Industrial Estate.

HSE (PADHI+) : Does not advise, on safety grounds, against the granting of planning permission in this case.

Engineering Consultancy : No objections.

Environment Agency : We have no objection to the development as proposed, however we wish to offer the following informatives:

Environmental Permitting: Before any recycling activities can take place at the site, a relevant authorisation must be in place, such as an Exemption, Standard permit or Bespoke permit depending on the planned operation and meeting the relevant criterion:<http://www.environment-agency.gov.uk/business/topics/permitting/default.aspx>

Considerations must be given to the adjacent land south of the Former Eastman site. Water voles, under the Wildlife and Countryside Act 1982 (Amendment 1998), section 9, fully protects both the water vole and their resting places making it an offence to deliberately, capture, injure or kill them or to damage, destroy, obstruct or disturb their breeding or resting places. Water voles have been recorded at this site on three separate occasions in the last thirteen years. For this reason, operation methods must be in place to ensure that no contaminated drainage enters from the development site onto this land or into any of its waterbodies. This consideration should continued both through the development phase and the implementation.

Appropriate pollution prevention measures will be a requirement of the environmental permit.

POLICY

Local Policy

8.17 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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Other relevant national and local policies are discussed below.

PLANNING CONSIDERATIONS

8.18 The main planning consideration are considered to be policy, impact on neighbours, impact on the visual amenity of the area and highways.

POLICY

National Planning Policy Framework (2012)

8.19 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.

8.20 The NPPF advises that “Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.”(11) This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.”(12)”

8.21 The plan led approach is also reflected in the core principles of decision making (17) as is the need to promote good design, support economic growth and ensure a good standard of amenity.

8.22 The NPPF places considerable emphasis on the need to support suitable economic growth it states “18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country’s inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

8.23 In making decisions local planning authorities are advised “Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions. (196). In assessing and

determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.(197)". Further that in making decisions local planning authorities should "approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground."(186).

8.24 In terms of waste it is advised "This Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. However, local authorities preparing waste plans and taking decisions on waste applications should have regard to policies in this Framework so far as relevant."

PPS10 Planning for Sustainable Waste Management (2005)

8.25 The National Planning Policy Framework (2012) does not replace PPS10 which therefore remains extant.

8.26 PPS 10 Planning for Sustainable Waste Management (2005) sets out the government's policies in relation to waste management. PPS10 sets out a plan-led approach to the delivery of waste management facilities. There is considerable emphasis on the identification of sites and areas suitable for waste management so as to secure confidence for industry and local communities in the forward planning process and to deliver obligations arising from the Waste Framework Directive.

8.27 It advises that "Positive planning has an important role in delivering sustainable waste management:– through the development of appropriate strategies for growth, regeneration and the prudent use of resources; and, – by providing sufficient opportunities for new waste management facilities of the right type, in the right place and at the right time."(2)

8.28 In searching for sites and areas suitable for new or enhanced waste facilities waste planning authorities are asked to consider opportunities for on site waste management and broad range of locations including industrial sites, looking for opportunities to collocate facilities together and with complementary activities. (20)

8.29 In deciding which sites and areas to identify for waste management facilities, waste planning authorities should assess their suitability against the following criteria: the policies of PPS 10, the physical and environmental constraints of the site; the cumulative impact on the well being of the local community; and the capacity of the transport infrastructure. Waste Planning Authorities are also asked to give priority to the reuse of previously developed land.(21)

8.30 In determining planning applications PPS10 advises that "22. Development plans form the framework within which decisions on proposals for development are taken." In determining applications on unallocated sites it is advised "24. Planning applications for sites that have not been identified, or are not located in an area identified, in a development plan document as suitable for new or enhanced waste management facilities should be considered favourably when consistent with:
(i) the policies in this PPS, including the criteria set out in paragraph 21;
(ii) the waste planning authority's core strategy."

8.31 In terms of design it advises “Waste management facilities in themselves should be well-designed, so that they contribute positively to the character and quality of the area in which they are located. Poor design is in itself undesirable, undermines community acceptance of waste facilities and should be rejected.”

8.32 PPS10 makes clear that there should not be a duplication of control between planning and licensing regimes. Planning authorities should work on the assumption that the relevant pollution control regime will be properly applied and enforced. The planning system operated by the Borough Council is therefore essentially responsible for the control of land use. The pollution control system is concerned with the processes and substances in order to control the risk of pollution and to public health and is operated by the Environment Agency through the environmental permit (EA). The amounts and types of waste is a matter for the licensing authority. It is up to the waste licensing regime to deal with the likely impact upon pollution or public health. On that basis it is clear that the day to day management of the site in terms of odours, noise, vermin, pests, dust controls and the control of waste streams rests with the EA. The Environmental Health role of the Council is very limited in relation to odours, noise etc and only then can be undertaken with the agreement of the Secretary of State.

Regional Policy

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

Local Plan Policy

8.34 In terms of the extant Hartlepool Local Plan 2006 saved policy Ind 5 advises that B1 and B8 uses would be acceptable in this location. In terms of B2 uses it is advised such uses will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. In this respect the policy advises that planning conditions may be imposed to restrict general industrial developments to appropriate operations within the B2 use class. A high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

8.35 The Tees Valley Joint Minerals & Waste Core Strategy DPD (TVJM&WCSDPD) was adopted in 2011. The strategy seeks to locate larger sites within a designated area to promote the formation of clusters of waste facilities and to encourage the development of symbiotic relationships between waste treatment and processing industries (5.3.2). In identifying the area account has been taken of allocations within the borough's development plans, existing and planned development and land use, designated environmental sites and any associated

functional land and proximity to rail lines and/or the river frontage. The glossary attached at appendix F to the Minerals & Waste Plan 2011 (TVJM&WCSDPD), defines large waste management sites as those over 1 hectare in size and which deal with at least 25,000 tonnes of waste per annum. Policy MWC8 the key spatial policy regarding the distribution of waste sites across the Tees Valley identifies a broad area within which large scale waste management facilities should be located. The current application site lies within this area. The Minerals & Waste Plan 2011 also makes a specific allocation to meet the Borough's needs for such developments in the Graythorp area some 460m to the south west of the application site, however the site to which this application relates is located outwith this specific area. This is adopted policy and therefore significant weight can be afforded to it. The proposal does not therefore entirely accord with the current policy for the area in that it is a large scale waste management facility and whilst it is within the broad area identified for such facilities it is outside the area specifically allocated to meet the Borough's need.

8.36 The policies of the emerging Submission Local Plan (2012) EC4 and EC5 reflect the policies of the Minerals and Waste Plan 2011(TVJM&WCSDPD), discussed above. These are emerging policies however significant weight can be afforded to them as they have no outstanding objections.

8.37 In summary in policy terms the use of the site for appropriate B2 uses is acceptable in principle in terms of the extant Hartlepool Local Plan 2006 however in terms of the of the Minerals and Waste Plan 2011 (TVJM&WCSDPD) whilst the site is within the broad area identified for large scale waste management operations it is outwith the specific allocation within that broad area which is also carried forward in the emerging Local Plan. However, to date the allocated site has not been brought forward and the proposal has attracted no technical objections. It is considered that in respect to the other relevant planning issues arising from the development, identified below, the proposal is acceptable.

8.38 Finally against the policy issues must be weighed the positive benefits of the development, significant employment benefits, the fact that the applicant will move off the Coronation Drive site (Though the possibility that another operator might take up the permission there cannot be ruled out) and the fact that the application site could benefit considerably from being brought into productive use, and the landscaping and general tidying up proposed.

8.39 It is concluded that notwithstanding the fact that the proposal does not accord with the specific site allocation in the Minerals and Waste Plan 2011(TVJM&WCSDPD), given the fact that the site is within the broad area identified for large scale waste facilities, the significant benefits arising from the development and the absence of other technical or planning objections, any refusal would be difficult to sustain. The proposal is therefore considered acceptable.

IMPACT ON THE VISUAL AMENITY OF THE AREA

8.40 In terms of the impact on the visual amenity of the area the site lies within an established industrial area. The site is in a somewhat derelict state and its sensitive redevelopment would be beneficial to the visual amenity of the area. The applicant

is proposing landscaped bunds and tree planting to critical areas. It is considered that with appropriate conditions (Landscaping/screening & external storage) any impact on the visual amenity of the area arising from the use could be managed.

IMPACT ON NEIGHBOURS

8.41 In terms of impacts on the amenity of neighbours the activities on site are primarily controlled by an environmental permit which is issued and regulated by the Environment Agency.

8.42 Notwithstanding this the site is located within an established industrial area and adjacent to an existing landfill. It is located some 550m from the closest existing residential property to the north and some 480m from the closest proposed residential property to the north associated with the Mayfair development (H/2011/0489). It is also some 350m away from the existing/proposed recreation/leisure uses at the Mayfair Centre. A substantial landscape mound also largely screens the northern boundary of the industrial estate from the residential areas to the north. Machinery will be located in buildings, aside from the crusher which will operate intermittently. The applicant has prepared a noise assessment which indicates with suitable noise control measures any issues can be addressed. The Head Of Public Protection and the Environment Agency, who through the permit will principally enforce any amenity issues arising on the site, have raised no objections.

8.43 It is not considered that, with the operation of the site controlled by the permit and appropriate planning conditions, the proposed B2 waste recycling use, would have a significant detrimental impact on the amenity of neighbouring occupiers or prejudice the development of adjacent sites.

IMPACT ON HIGHWAYS

8.44 The site is located in an area of the town with good transport links. It is intended that during construction activities a wheel washing facility will be installed and that operational surfaces will be hard standings. No objections have been raised by the Head of Traffic & Transportation and in Highway terms the proposal is considered acceptable.

CONCLUSION.

8.45 The use of the site for general industrial (B2 use) is considered acceptable subject to appropriate conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

8.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

8.47 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 – APPROVE subject to the conditions. The conditions are being finalised and will be tabled at the meeting.

BACKGROUND PAPERS

8.48 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:

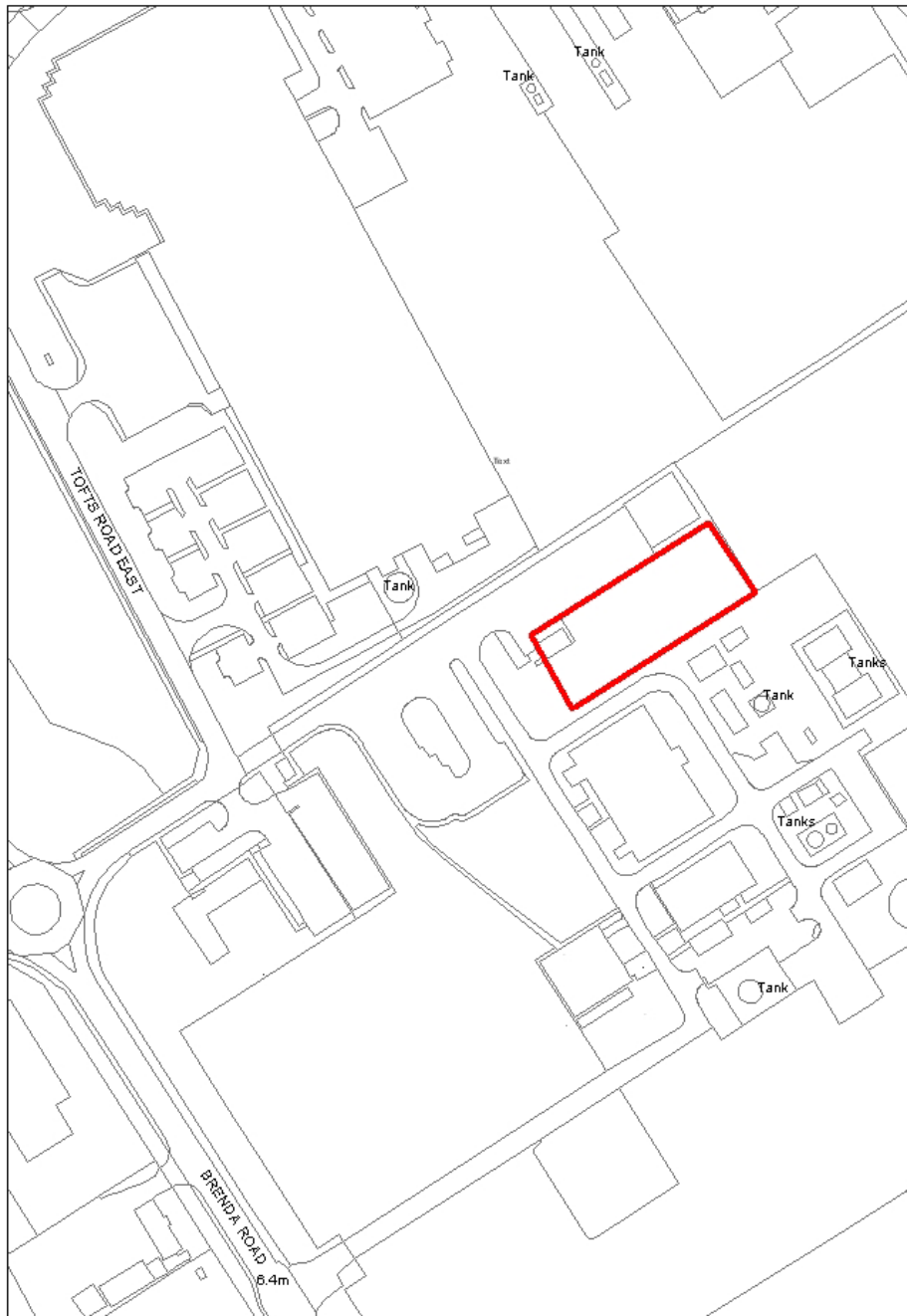
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

EASTMANS SITE, BRENDA 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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:2000
Date : 17/12/12
Drg No: H/2012/0550

No: 9
Number: H/2011/0242
Applicant: G O'Brien & Sons Ltd Cleadon Lane EAST BOLDON
 Tyne & Wear NE26 0AJ
Agent: BHP Develop Eldon Chambers 23 The Quayside
 NEWCASTLE UPON TYNE NE1 3DE
Date valid: 09/05/2011
Development: Alterations to existing industrial building to raise the height
 by five metres
Location: Former Eastmans Site Brenda Road HARTLEPOOL
 HARTLEPOOL

PURPOSE OF REPORT

9.1 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

9.2 This application is the second of two applications received in relation to the site which are before members. The first application seeks permission to extend the life of a previous permission to allow for the general industrial use (B2 Use) of the site. As the related report (H/2011/0550) indicates this would allow the applicant to implement his proposal for a waste recycling centre, a B2 use.

PROPOSAL AND SITE CONTEXT

9.3 The application site is located at the southern end of Brenda Road. It was formerly occupied by Eastman's Chemicals for the manufacture of polyester granules. Some of the previously existing structures on site, notably a large processing building have been demolished. To the south lies the Seaton Meadows landfill. To the west is Brenda Road on the opposite side of which are commercial premises. To the East is an area of rough ground beyond which are commercial premises. To the north are commercial premises.

9.4 The current application seeks consent to alter and extend an existing large single storey commercial building on site. It is proposed to raise the roof of the building by 5m (giving a building height of some 11m) and extend it slightly to the west side in an area current occupied by silos and small buildings which will be cleared. In addition four roller shutter doors will be added to the southern elevation. The overall floor space of the building will be increased by 54 square metres. The alterations will facilitate the use of machinery and mobile plant requiring more headroom than is available in the existing building and provided increased ancillary storage. The applicant has indicated that he will implement a waste recycling use falling within class B2 (General Industry) of the Town & Country Planning (Use Classes) Order

1987 as amended. It is understood that the building will be used for the reception, tipping and processing of waste imported into the site. The waste materials will be sorted and baled in this building.

PLANNING HISTORY

9.5 The planning history of the site is outlined in the report on the related application (H/2011/0550) also on this agenda.

RELATED APPLICATIONS

9.6 H/2011/0550 Application for extension of time limit for planning application H/2008/0155 for removal of condition 2 attached to application EZ3/7/HO/577/83. An application to extend the time limit for an earlier approval on the site (H/2008/0155) is also under consideration. This permission was to remove a condition attached to an earlier approval (EZ3/7/HO/577/83) to allow for the general industrial use (B2 use) of the site. This application is also before members.

9.7 H/2012/0111 Removal of topsoil and subsoil and replacement with inert crushed recycled demolition/building material to provide hard standing area for storage of plant and machinery. The above application for works to the land to the east of the site is currently under consideration. The Environment Agency are currently maintaining an objection to this application as the Phase 1 Contamination assessment does not include specific information in relation to the site and therefore does not meet the requirements of a preliminary risk assessment. This has been raised with the applicant and it is understood that whilst they are willing to provide the information, in light of the fact that application H/2011/0550 is outstanding they are reluctant to proceed until the situation is resolved.

PUBLICITY

9.8 The application has been advertised by site notice and neighbour notification. The time period for representations has expired. Two representations were received. The writers advised that they had no objections.

The time period for representations has expired.

CONSULTATION RESPONSES

9.9 The following consultation responses have been received:

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

Engineering Consultancy : No objections.

Public Protection : No objections. I accept that there is potential for noise to be channelled towards the housing between the Stadium and Knauf buildings towards the housing to the North West of the site. A 4m high solid acoustic fence would dominate this aspect of the site. I would therefore recommend a condition requiring the applicant to agree a suitable noise barrier to the North West boundary of the site

or agree suitable alternative noise mitigation measures to alleviate any potential noise breakout which may affect the residential properties to the North West of the Industrial Estate.

Environment Agency : No objections.

HSE (PADHI+) : Does not advise, on safety grounds, against the granting of permission.

POLICY

National Policy

9.10 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.

Regional Policy

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

Local Policy

9.12 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.

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.

Ind5: States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Emerging Local Plan

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

LS1 : Locational Strategy; 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: Design of New Development; 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.

EC4: General Employment Land; [Proposals](#) for general industrial development (B2 use class) will be approved where the Borough Council is satisfied that they will not have a significant detrimental effect on the amenities of the occupiers of adjoining and nearby properties or prejudice the development of adjacent sites.

EC5: Waste Operations; The Borough Council has allocated a site at Graythorp Industrial Estate for facilities to manage and recycle commercial and industrial waste which will meet expected need within the plan period. Beyond this allocation no further new facilities will be approved.

PLANNING CONSIDERATIONS

9.14 The main planning considerations are policy, design/the impact of the development on the visual amenity of the area and impact on neighbours.

POLICY

9.15 The site lies within an established employment area where in policy terms commercial developments including alterations and extensions to commercial buildings are in principle considered acceptable. In the report on the related application (H/2011/0550) the policy implications of the proposed use of the site, including the building, for a waste recycling use are discussed. It is concluded that the proposed use is acceptable.

DESIGN/IMPACT OF THE DEVELOPMENT ON THE VISUAL AMENITY OF THE AREA

9.16 The site lies within an established industrial area. The alterations to the building involve raising the height of the building some 5m, an extension to the west side and adding doors to the southern elevation. The building is large however it is located centrally on the site, on an estate where large buildings are commonplace. It is also noted that the large silos on the site will be removed to facilitate the development and this will have a positive impact in terms of visual amenity. It is considered that the design of the resultant building and the impact on the visual amenity of the area is acceptable.

IMPACT ON NEIGHBOURS

9.17 In terms of the potential impact on any neighbouring businesses. The building to be extended is located well away from the existing margins of the site, some 25m from the closest commercial neighbours on the northern boundary of the site, and the proposed new doors will be located on the south side of the building away from these neighbouring business. The closest part of the neighbouring commercial buildings face the site with largely blank elevation save for personnel doors. In terms of its impact on the neighbouring businesses the proposed extensions and alterations are considered acceptable.

9.18 In terms of residential neighbours which are located some distance to the north. This issue is considered in the related application (H/2011/0550) where it is concluded that “It is not considered that, with the operation of the site controlled by the permit and appropriate planning conditions, the proposed B2 waste recycling use, would have a significant detrimental impact on the amenity of neighbouring occupiers or prejudice the development of adjacent sites”.

CONCLUSION

9.19 The proposal is considered acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

9.20 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

9.21 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 – APPROVE subject to the conditions. The conditions are being finalised and will be tabled at the meeting.

BACKGROUND PAPERS

9.22 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:

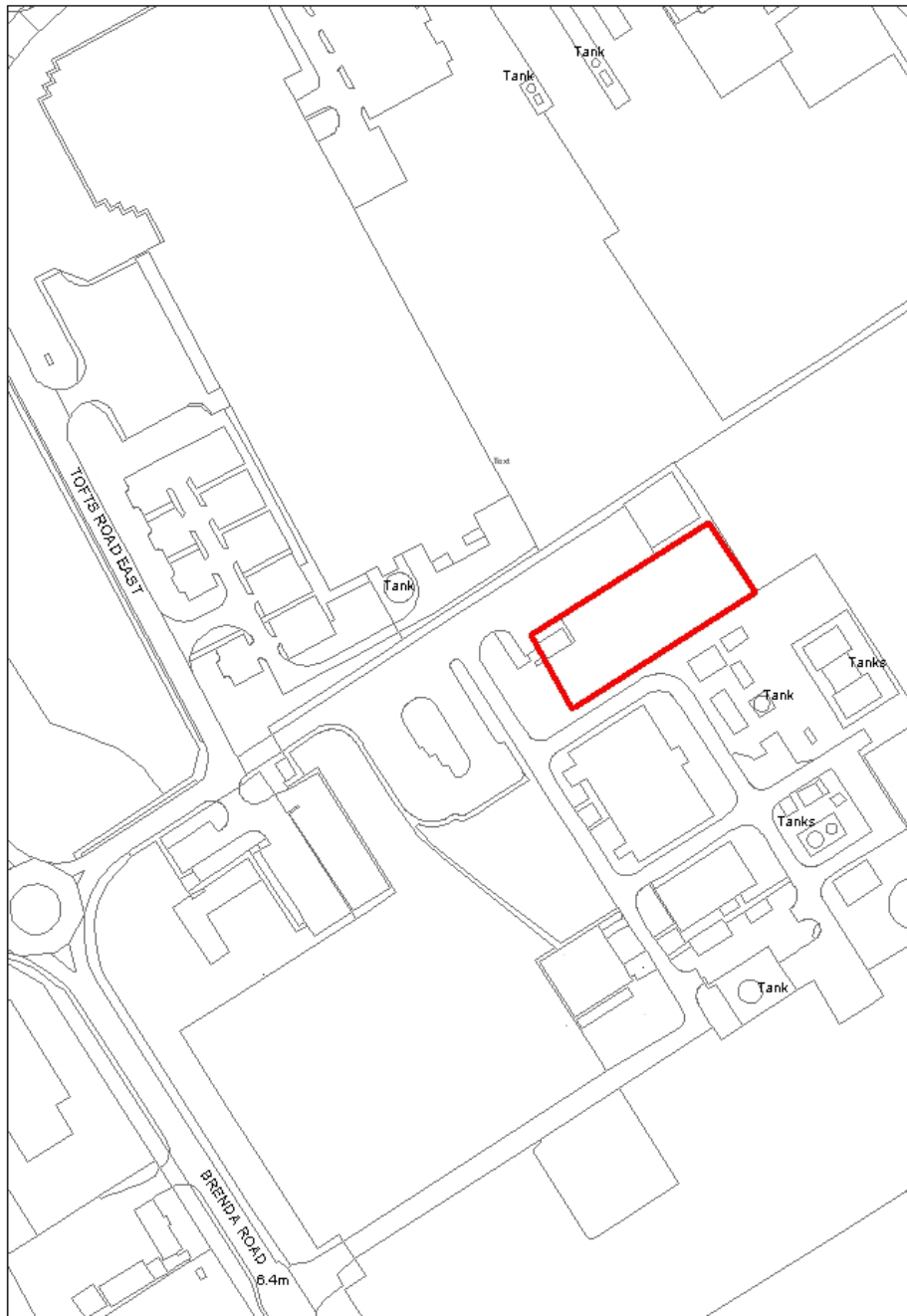
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

EASTMANS SITE, BRENDA 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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:2000
Date : 17/12/12
Drg No: H/2012/0242

No: 4
Number: H/2012/0537
Applicant: Mr Terence Bates 24 Westbourne Road HARTLEPOOL
TS25 5RE
Agent: Mr Terence Bates 24 Westbourne Road HARTLEPOOL
TS25 5RE
Date valid: 12/10/2012
Development: Change of use of agricultural land to equestrian use,
erection of stables and siting of caravan
Location: BRIERTON MOORHOUSE FARM DALTON BACK LANE
HARTLEPOOL

4.1 This application appears on the main agenda at item 4 the recommendation was left open as further information was awaited from the applicant.

ADDITIONAL CONSULTATION RESPONSES

Engineering Consultancy : No objections

National Grid : National Grid exercises its right to place a Holding Objection to the above which is in close proximity to a High Voltage Transmission Overhead Line

PLANNING CONSIDERATIONS

4.2 The main planning considerations are considered to be policy, design/impact on the visual amenity of the area, drainage, highway safety and relationship with the overhead line.

POLICY

4.3 The site is located in open countryside outside the limits to development.

4.4 In terms of the use of the land as a base for an equestrian business including the stable block and related development the principle of such a use in this area is acceptable and has been approved on adjacent holdings.

4.5 In terms of the residential element (the caravan) National guidance (NPPF) and Local Plan policies in relation to isolated new homes in the countryside are restrictive unless there are special circumstances including the essential need for a rural worker to live permanently at or near their place of work.

4.6 Local Plan Policies require that there is an essential functional need for the dwelling (The need for a residential presence might arise for example for animal welfare reasons), that the enterprise is economically viable, that the dwelling is of a size commensurate with the established functional requirement and its siting, design, scale and materials will not be significantly detrimental to the rural environment.

4.7 Given the nature of the business it is accepted that there is likely to be a

functional need for a dwellinghouse on the site. The enterprise however is a new enterprise and therefore the viability of the business is unproven. In support of the application however the applicant has provided financial projections of income for three years. These indicate that the projected profit from the enterprise will be some £29,930 (2013), £54,640 (2014) and £70,540 (2015). In light of the fact that the business is a new enterprise, as is established practice reflecting previous guidance, temporary accommodation in the form of a caravan is proposed in the first instance. This will allow the opportunity for the business to establish itself and to demonstrate its viability over a three year period. A further application for a permanent dwelling house on the site might then be considered in light of experience. In order to ensure that the occupation of the caravan remains tied to the holding to meet the needs of the business a planning condition is proposed as is a condition securing its removal after three years.

4.8 The proposed caravan will accommodate three bedrooms, a bathroom, lounge, kitchen and dining area. It is considered to be commensurate with the functional requirements of the enterprise. The issues of design and impact on the visual amenity of the area are discussed below.

DESIGN/IMPACT ON THE VISUAL AMENITY OF THE AREA

4.9 The proposed caravan will be of a modern design but is a temporary structure. The stable block will be in a traditional horse shoe form and will incorporate a tiled roof with rendered walls and brick quoins. External finishes will be conditioned. The site is located in a relatively low lying area set well back from the public road with rising land to the north and south. The proposed buildings will be located in relatively close proximity to an existing large building and other buildings on an adjacent holding. The schooling and equestrian areas will be located adjacent to the stable building. In the light of the above it is not considered therefore that the development will have a significant visual impact on the character of the rural area.

4.10 It is considered that the design of the proposed development is acceptable and that it will have an acceptable impact on the visual amenity of the area.

DRAINAGE

4.11 The site has no mains drainage. Foul sewage will be disposed of to a sewage treatment plant. Surface water will be disposed of to a soak-away. The Environment Agency and HBC Engineering Consultancy have raised no objections to the proposal. A condition is proposed requiring the final details of foul drainage to be agreed.

HIGHWAY SAFETY

4.12 Traffic & Transportation have raised no objections to the proposal. The applicant has amended the site layout to accommodate parking for wagons and trailers. The final comments of the Traffic & Transportation Section on the proposed parking layout are awaited.

RELATIONSHIP WITH OVERHEAD LINE

4.13 An overhead electricity line crosses part of the site. The National Grid have been consulted and issued a holding objection prior to their detailed review of the plans. Their comments are awaited.

CONCLUSION

4.14 The proposal is considered acceptable subject to the final views of the National Grid and Traffic and Transportation and subject to conditions.

RECOMMENDATION – That subject to the receipt of satisfactory comments from National Grid and Traffic and Transportation and their consideration by the Planning Services Manager, the application be approved subject to the following conditions and any additional conditions arising from these outstanding consultations.

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 (PL-SB-01 Existing Site Plan, PL-SB-02 Proposed Site Plan, PL-SB-03 Proposed Plans And Elevations, Untitled Plans & Elevations of stables at 1:100, 1:10000 Plan showing red line site area and other land in applicant's ownership in blue, 1:5000 Plan showing red line site area and other land in applicant's ownership in blue) and details received by the Local Planning Authority on 10th October 2012, as amended in respect to the details of the proposed construction of the schooling arena and equestrian arena by the details entitled "Construction details of proposed all weather riding", and in respect to the details of fencing, by the plans received at the Local Planning Authority on 26th November 2012, as amended in respect to the details of the proposed caravan by the details received at the Local Planning Authority on 11th December 2012, as amended in respect to the vehicle parking layout by the plan entitled "Proposed allocated parking for 6 Wagon/Trailers & 15 Car Parking Bays" received at the Local Planning Authority on 2nd January 2013, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted details the development hereby permitted shall not be commenced until such time as a scheme to dispose of foul water has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as approved prior to the development being brought into use and shall thereafter be retained for the lifetime of the development.
To prevent pollution of the water environment.
5. Before the development is brought into use the approved vehicle parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.
In the interests of highway safety.
6. 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.

7. 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.
8. 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.
11. The occupation of the caravan shall be limited to a person solely or mainly employed in the equestrian business operating from the unit (Brierton Moorhouse Farm, identified by the areas shaded red and enclosed blue on the 1:10,000 plan submitted to the Local Planning Authority on 10th October 2012), together with any resident dependents.
To ensure that the caravan is not used as general residential accommodation.
12. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the general public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site operates in a way which will not be detrimental to the amenities of the area and highway safety.
13. There shall be no burning of materials or waste at the site.
In interests of the amenities of the area.
14. No fixed jumps shall be erected at the site.
In the interests of the visual amenity of the area.
15. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenities of the area.
16. No floodlight(s) of any type shall be used or erected at the site unless in accordance with details first agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
17. The caravan hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of three years from the date of this permission, 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 to an extension of this period.
The building is not considered suitable for permanent retention on the site.

18. No Tannoy of any type shall be used or erected at the site.
In the interests of the amenities of the area.

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

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk



PLANNING COMMITTEE

9th January 2013

Report of: Assistant Director (Regeneration and Planning)

Subject: RELAXATION OF PERMITTED DEVELOPMENT RIGHTS FOR HOMEOWNERS AND BUSINESSES

1 PURPOSE OF THE REPORT

- 1.1 To advise members of the response sent on behalf of the Planning Committee with regard to the proposed changes to Permitted Development Rights as delegated to the Planning Services Manager in consultation with the Chair of the Planning Committee and the Assistant Director of Regeneration and Planning at the Planning Committee on the 10th October 2012.

2 BACKGROUND

- 2.1 On the 6th September 2012 the Department for Communities and Local Government issued a statement entitled 'Housing and Growth' in which the Secretary of State for Communities and Local Government proposed a number of measures to 'get the economy growing'. One of these measures was 'Helping homeowners improve their homes' and was presented as follows:

As a nation, we have great pride in our homes, and I want to make it easier for families to undertake home improvements: not just to cut red tape and strengthen individual homeowners' rights, but also to help generate economic activity which will support small traders in particular.

I am announcing today a further package of simplification measures to remove red tape and ease the burden on local authorities. We will consult shortly on changes to increase existing permitted development rights for extensions to homes and business premises in non protected areas for a three-year period. This will mean less municipal red tape to build a conservatory and similar small-scale home improvement and free up valuable resources in local authorities.

- 2.2 At the Planning Committee on the 10th October 2012 Members were minded to object to the proposed changes given the significant concerns raised by officers as outlined in the Planning Committee report however the details of the proposed relaxation of permitted development (PD) rights were not known at that time

- 2.3 The consultation document ‘Extending permitted development rights for homeowners and businesses’ was published in November by the Department for Communities and Local Government (DCLG) and a response was submitted in December on behalf of the Planning Committee, a copy of the response is attached for information. The Government consulted on a set of proposals to amend the Town and Country Planning (General Permitted Development) Order 1995 to allow homeowners and businesses to make larger extensions to their homes and business premises without requiring planning permission, and to allow quicker installation of broadband infrastructure.

3 PROPOSED CHANGES AND CONSULTATION RESPONSE

- 3.1 It is proposed that the changes will be time-limited and are due to expire after 3 years (except for the delivery of broadband which is proposed for a period of five years). According to DCLG it is hoped this will encourage households and business to bring forward plans to spend on improvements. The proposed changes and response submitted on behalf of the Planning Committee are briefly outlined below:

3.2 Homeowner rear extensions and conservatories

Under the current “existing permitted development” rules, single-storey rear extensions and conservatories can be constructed, subject to conditions and on the basis that PD rights have not been removed. For terraced and semi-detached properties, the current limit to extend beyond the rear of a property is three metres and for detached homes four metres, or half the length of their garden whichever is the lowest.

- 3.3 Under the proposed temporary rules the limits are proposed to be doubled, and whilst it was indicated that this would include a caveat to restrict the developable area to half the length of the garden (as per the existing rules) this has not been proposed. Instead the consultation specifies that an extension would not be able to cover more than 50% of the curtilage. In reality this could include a front, side and rear garden areas and as such in some instances the entire rear garden could be fully covered in an extension (theoretical examples of this are shown in the appendix in the response from HBC attached).

- 3.4 Concerns in the response include:

- 1) That relaxing planning restrictions on the size of house extensions could lead to more neighbour disputes;
- 2) That these rules could increase unsympathetic developments;
- 3) That this will increase planning complaints received, burdening already under resourced Local Planning Authorities;

- 4) That this does not take into account the need for Building Regulation Consent, the costs of which are in excess of the fees associated with planning applications;
- 5) That these changes take decision making away from a Local Authority and therefore there are concerns with regard to how this fits with Localism;
- 6) That these changes dilute neighbours rights to comments on and object to proposals which may have a significant detrimental impact on their amenity.
- 7) That the changes do not take into account the financial implications of challenging decisions under different regimes such as the party wall act or right to light act.

3.5 Extensions to shops and financial/professional services establishments, with development to the boundary of the premises

Under the current rights shops and financial/professional services are currently able to extend their premises by up to 50m², or up to 25% of the original gross floor space whichever is lower. It is proposed to increase this to 100m² and up to 50% whichever is lower. It is also proposed to allow these extensions to be built right up to the boundary unless it bounds a residential property where a requirement to leave a 2metre gap would be required.

3.5 Concerns in the response include:

- 1) Potentially allow out of town retail units such as supermarkets to further increase their floor area, thus increasing the range of products and services available. This would be to the detriment of the town centre;
- 2) Concerns in terms of parking and amenity impacts;
- 3) Potential issue with where refuse storage would go and potential spill out onto the highway;
- 4) Potential impact on amenity for example the siting of refrigeration units in locations which would adversely affect neighbours;
- 5) Would result in much more prominent buildings being erected often to the detriment of visual amenity.

3.7 Increased limits for extensions to offices

Offices are currently able to extend their premises by up to 50m² or up to 25% of the original gross floor space whichever is lower. It is proposed to increase this to 100m² or up to 50% of the original grossfloor whichever is lower.

3.8 Concerns in the response include:

- 1) In many instances development could extend into car parking areas which may be to the detriment of adequate parking provision and highway safety;

- 2) Extension may also be provided on landscaping areas which provide significant benefits to amenity and wildlife

3.9 Increased limits for new industrial buildings

At present new industrial buildings or warehouses up to 100m² can be built in the curtilage of an existing industrial building provided this does not increase the gross floor space of the original building by more than 25%. It is proposed these limits are increased to 200m² and 50%, subject to conditions.

3.10 Concerns in the response include:

- 1) Mitigation against the provision of extraction, ventilation, air conditioning equipment being upon elevations of premises in close proximity to neighbouring properties;
- 2) Impact upon the living conditions of the occupants of neighbouring residential properties;
- 3) Noise and disturbance from the operations being undertaken within the new buildings.

3.11 Delivery of Superfast Broadband

It is proposed to remove the prior approval process for the installation of equipment associated with the provision of broadband, such as cabinets, telegraph poles and overhead power lines in conservation areas (this does not include telecommunications masts) for a temporary period of five years. No concerns have been raised regarding this proposal as it is considered that such equipment is wholly necessary to ensure that country's infrastructure network is enhanced and developed. The scale and massing of such equipment is largely minimal within the context of the area, and the regulations will retain sufficient protection to ensure conservation areas are protected.

4 EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 These proposed changes would be national legislation and as such there are no equality or diversity implications for Hartlepool Borough Council.

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

- 5.1 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. As the proposed changes would be at a national level this in effect would allow developments where previously

consideration would have been given to crime and disorder reduction to proceed with no involvement by the local authority.

6 FINANCIAL IMPLICATIONS

- 6.1 There will be a loss of fees if the proposed regulations are implemented. This could be significant in terms of a funding impact on the planning service to ensure the service is able to function efficiently and effectively.

7 RECOMMENDATION

- 7.1 That the Planning Committee note the response to the DCLG consultation 'Extending permitted development rights for homeowners and businesses'.

8 BACKGROUND PAPERS

- Ministerial Statement: 'Housing and Growth' (6th September 2012)
- Planning Committee Minutes from the 10 October 2012 Planning Committee
- Department for Communities and Local Government Document: Extending permitted development rights for homeowners and businesses: Technical consultation
<https://www.gov.uk/government/consultations/extending-permitted-development-rights-for-homeowners-and-businesses-technical-consultation>
- Response Form to the DCLG consultation (attached).

9 CONTACT OFFICER

Damien Wilson
Assistant Director (Planning & Regeneration)
Department of Regeneration & Neighbourhoods
Hartlepool Borough Council

01429 523400
damien.wilson@hartlepool.gov.uk



Department for
Communities and
Local Government

Response Form

Extending permitted development rights for homeowners and businesses: Technical consultation

We are seeking your views to the following questions on the proposals to increase the permitted development rights for homeowners, businesses and installers of broadband infrastructure.

How to respond:

The closing date for responses is 5pm, 24 December 2012.

This response form is saved separately on the DCLG website.

Responses should be sent to: PlanningImprovements@communities.gsi.gov.uk

Written responses may be sent to:

Helen Marks
Permitted Development Rights – Consultation
Department for Communities and Local Government
1/J3, Eland House
Bressenden Place
London SW1E 5DU

About you

i) Your details:

Name:	Councillor Rob Cook
Position:	Chairman of the Planning Committee
Name of organisation (if applicable):	Hartlepool Borough Council
Address:	Civic Centre, Victoria Road, Hartlepool, TS24 8AY
Email:	Rob.cook@hartlepool.gov.uk
Telephone number:	

ii) Are the views expressed on this consultation an official response from the organisation you represent or your own personal views?

Organisational response ☒

Personal views ☐

iii) Please tick the box which best describes you or your organisation:

District Council ☐

Metropolitan district council ☐

London borough council ☐

Unitary authority ☒

County council/county borough council ☐

Parish/community council ☐

Non-Departmental Public Body ☐

Planner ☐

Professional trade association ☐

Land owner ☐

Private developer/house builder ☐

Developer association ☐

Residents association ☐

Voluntary sector/charity ☐

Other ☐

(please comment):	
-------------------	--

**iv) What is your main area of expertise or interest in this work?
(please tick one box)**

- | | |
|---|-------------------------------------|
| Chief Executive | <input type="checkbox"/> |
| Planner | <input type="checkbox"/> |
| Developer | <input type="checkbox"/> |
| Surveyor | <input type="checkbox"/> |
| Member of professional or trade association | <input type="checkbox"/> |
| Councillor | <input checked="" type="checkbox"/> |
| Planning policy/implementation | <input type="checkbox"/> |
| Environmental protection | <input type="checkbox"/> |
| Other | <input type="checkbox"/> |

(please comment):	
-------------------	--

Would you be happy for us to contact you again in relation to this questionnaire?

Yes ☒ No ☐

ii) Questions

Please refer to the relevant parts of the consultation document for narrative relating to each question.

Question 1: Do you agree that in non-protected areas the maximum depth for single-storey rear extensions should be increased to 8m for detached houses, and 6m for any other type of house?

Yes ☐ No ☒

Comments

Planning Implications

The current permitted development rights strike an intricate balance between allowing people to extend their homes substantially, whilst ensuring that significant, detrimental impacts upon the amenity of neighbouring properties are minimised. The proposals to double the projection of single storey rear extensions allowed for under permitted development rights could result in a dramatic increase in extensions which have a significant impact on the amenity of their neighbours. In modern developments particularly, detached properties can often sit side-by-side with only a 1m gap either side between. Allowing 8m extensions along shared boundaries, even with the conditions proposed, has the potential to significantly impact upon the neighbours living conditions in terms of overlooking, loss of light and overshadowing, and upon their outlook. This will be amplified in semi-detached and terraced situations where there is no gap between properties and in some instances, neighbouring properties will be faced with a 6m expanse of brickwork directly outside of habitable rooms.

Householder appeals form the bulk of the work undertaken by the Planning Inspectorate. Rear extensions and impacts upon neighbouring amenity feature strongly in a large proportion of those appeals. For example, Government appointed Inspector's dismissed three recent appeals in Oxford (12/00559/FUL), Ilford (0253/12) and Islington (P112893) for rear extensions on the grounds that the extensions would detrimentally impact upon the residential amenity of their neighbouring properties. In all cases, the extensions proposed were less than what could be carried out under the proposed permitted development rights.

A significant proportion of Local Planning Authorities has adopted or are seeking to adopt Supplementary Residential Extensions design guides to support the aims of adopted or emerging Local Plans/Core Strategies. Currently Hartlepool Borough Council's guidance sets guidance at 3m for extensions along shared boundaries. Comparatively, Barking and Dagenham District Council set the guidance at 3.65m (adopted 2010), Barnsley Metropolitan Borough Council's SPD sets the limit at 4m (adopted 2012) and Bolton Council's SPD (also 2012) sets the limit at 3m for attached and 4m for detached.

With reference to Minister for Local Government and Communities statement of 13 December 2010, within which he stated, in introducing the Localism Bill that, "by getting out of the way and letting councils and communities run their own affairs we can restore civic pride, democratic accountability and economic growth." It would therefore seem somewhat contradictory for central government to impose law which would allow for developments to be carried out which are significantly larger than Local Planning Authorities have planned for, on the basis of consultation with local communities, by-passing the Local Planning Authority in making that decision.

Impacts on Local Authorities resources will also be significant. Workloads are unlikely to reduce as the consultation correctly recognises that the proposals will increase demand for pre-application services. It will result in a substantial loss

of income for Planning Departments, who at the same time will be required to maintain resources to fulfill the demand for the service. More importantly, it will place significant demand on already stretched resources in terms of enforcement and neighbour disputes.

In relation to the 'right to light' act which is cited in paragraph 19 of the consultation document as an existing protection it should be noted that this act was enacted in 1832 and only appears to relate to a property which has enjoyed for a full period of 20 years without interruption the right to light. Taking this into account with the proposed regulations concerns must be expressed towards protection for new housing estates or those younger than 20 years that would not have the benefit of claiming 'right to light'.

It is understood that there is also a 'Light Obstruction Notice' (LON) which allows a developer to serve notice on an adjoining property/building to prevent the acquisition of a prescriptive 'right to light'. As such this can restrict a neighbouring property's rights of challenge under this regime.

Should these proposal be implemented it would be imperative that the Government considers revising the 'right of light' legislation and produced a leaflet on the issue as with the party wall act in order that both developers and householders can be advised of the rights whilst minimizing disruption to the functioning of planning authorities.

Time Implications

In the first quarter of 2012, Local Planning Authorities granted 88% of householder planning applications. Furthermore, 84% of householder applications were determined within the statutory 8 week period. It is flawed to suggest that eight weeks out of a typically far greater timescale for constructing home extensions is a primary barrier to people seeking to extend, particularly given the necessary Building Regulations processes which will continue to be required.

It is also flawed not to acknowledge that during the determination period amendments to a scheme to make it acceptable may be required, i.e. in terms of design or alterations to ensure the extension would have minimum impact on any neighbour. The lack of this appreciation is evident in the last sentence of paragraph 1 it is somewhat disconcerting that the Government considers the planning application process to add little value in many cases. It suggests that central Government has little understanding of how the planning system operates. In reality the planning application process plays a key role in balancing the aspirations of the various parties involved.

Financial Implications

The consultation document suggests bypassing the application process will save the average applicant somewhere in the region of up to £2500 in planning fees and professional fees. Notwithstanding the £172 saving in planning fees,

this fails to acknowledge the expense in professional fees which will continue to be incurred outside of the planning process. The majority of expenses in professional fees for householder extensions are incurred in order to have appropriately scaled plans drawn. Most homeowners are likely to still incur this cost for both the Building Regulations and indeed as a blueprint for the build process itself.

The document fails to acknowledge that the most significant barrier to people extending their homes is financial. Lower levels of lending, the decline in the housing market leading to reduction in available equity for those able to borrow to extend their homes and increased costs in living expenses are all major factors in deciding whether to pursue home improvements, all of these are outwith the planning process.

The document also fails to acknowledge the vast costs neighbours and applicants may accrue in relation to the legal challenges brought forward under the 'right to light' legislation. Any neighbour would be able to use this legislation to defend their position. In addition it is assumed that legal aid may be able to be used to undertake such a challenge and as such this would divert precious Government resources/funds to resolve unnecessary disputes.

Local Implications

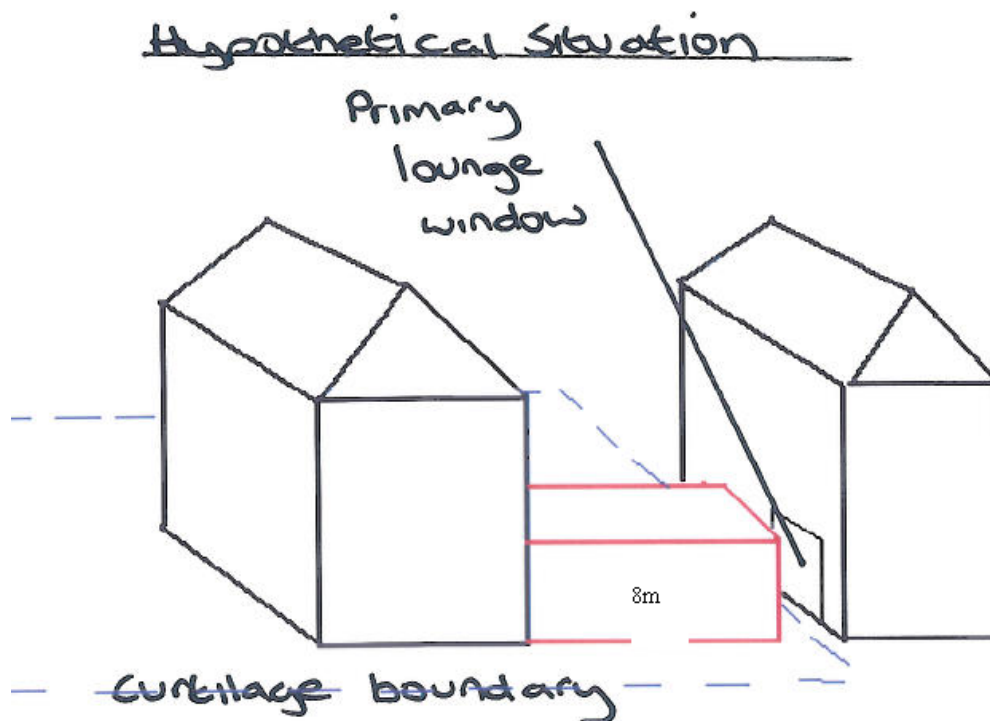
The building of extensions, particularly in built up areas can be very contentious. The Communities Secretary's initial reaction to this issue was:
With regard to arbitration between neighbours, we are expecting people to operate in a neighbourly fashion... (Col 407, commons debate).

The period to determine householder applications is 8 weeks which includes a 21 days consultation with neighbours. It should be noted that delays in determining householder applications generally arise from arbitrating neighbours' objections to the proposal.

The current level of permitted development rights has been determined following a number of reviews and is designed to reflect a balance between undue interference in a householder's aspiration and the possible adverse impacts on their neighbours and surrounding area. The NPPF in its core principles stresses that it's important to empower local people to shape its community; however the proposed changes will have a detrimental impact on a significant amount of people, who will be powerless to stop it. Some affected neighbours will not have financial resources or 'where with all' to pursue an action under 'right to light' legislation.

The proposals would allow for a large proportion of homeowners to undertake the optimum allowance of extension (6 or 8 metres). Such scenarios in a number of cases would have significant detrimental impact upon the amenity and living conditions of neighbouring properties. It is considered that a 6m extension projecting along a party boundary or an 8m extension projecting from the rear wall of a detached dwellinghouse with in most instances only a 1m

separation from the party boundary will appear oppressive, dominant, incongruous, overbearing and visually intrusive upon the outlook of neighbouring properties. It would also in most cases significantly affect light to the adjacent property and its garden particularly if the extension would be located due south of the affected neighbour. The plans in the appendix associated with this response highlight the potential extensions which could be built under the new regulations. This would particularly be apparent in high density locations, such as many new housing developments which have sought to maximise the efficient use of land. It should be noted that the most significant criteria for falling foul of the requirements is that the development should not cover more than 50% of the curtilage of the house. Given that this criteria relates to the whole of the curtilage not just the rear curtilage in a significant amount of instances this conditional requirement will not be breached if the entire rear garden area was covered by an extension allowed under these proposed changes. Please see the diagram below:



Hartlepool Borough Council has also provided as an appendix plans detailing some typical estates within the Borough, annotated on these plans are some extensions which could be built under these proposals. These plans clearly demonstrate the significant impact that these proposals could have on home owners within Hartlepool, in terms of large dominant extensions blocking light, potentially causing a tunneling effect, potentially of poor design, overlooking and in general having an adverse effect on the health, wellbeing and living conditions of neighbouring households who do not extend their properties.

Design Implications

It is considered that the designs of extensions in many instances under the proposed changes would be inappropriate, as experience suggests that

homeowners often seek to achieve greater space at the expense of good design.

It is not considered that a typical roof pitched formation will be able to be achieved on an extension projecting 8m and yet achieve the 4 metre height restriction. This may result in substantial flat roof extensions being constructed, for instance for a detached house should an extension of up to 8m projection (up to 4m at the eaves if outside of 2m from a boundary) be constructed flat roofed and completed. There would not appear to be any provisions within the existing or proposed regulations prohibiting the homeowner from adding at a later date a pitched roof to the extension (50 cubic metres in the case of a semi and detached dwelling). It is considered that such allowances could potentially allow homeowners to construct a 'single storey extension' which over time could have the appearance (and use) of a two storey extension.

In the 12 core principles of the NPPF one of the points is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings; how is this principle reflected in the proposed changes?

Furthermore extensions to properties in the open Countryside of up to 8m could potentially have a significant impact if viewed from across a large expanse of open space or from different ground levels, particularly if they are of a poor design to try and circumvent the planning process.

Conclusions

In light of the overarching financial restrictions for homeowners looking to extend, the economic argument for the proposals is rendered somewhat superfluous. It is seemingly incomprehensible that those homeowners, who are dissuaded from extending by the £172 cost for a planning application, are likely to take up the opportunity to effectively double their build costs simply because they are given the opportunity to circumvent the application process and take advantage of permitted development allowances. These savings might well be eroded, or eclipsed by costly legal actions under 'right to light' legislation brought forward by aggrieved neighbours. It is considered that these potential legal challenges could create uncertainty and considerable distress for all concerned.

Notwithstanding the misgivings, any economic benefits achieved from the proposals would be particular short term, whilst having significant, detrimental long term consequences for those neighbouring homeowners who have their living conditions unduly comprised by the proposals.

Ultimately it is considered that these proposed changes will produce poor quality development and create neighbour conflicts without real evidence that the changes would boost the economy.

Question 2: Are there any changes which should be made to householder permitted development rights to make it easier to convert garages for the use of family members?

Yes ☐ No ☒

Comments

The consultation document correctly identifies that there are already provisions within the existing regulations allowing garages to be converted to form ancillary accommodation without the need of planning permission. Given this, it is not considered that there is any need for changes to permitted development rights.

In many instances, difficulties arise when annexes over time are used as separate dwellings.

Question 3: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes ☐ No ☒

Comments

Within Hartlepool it is understood that the existing provisions have never been used. Whilst it is not known the exact reasons for this it may be due to a lack of land available for development for a commercial property in a typical street, or again lack of finance, or that there is little demand for such development.

It is considered that such a change in legislation may potentially allow out of town retail units such as supermarkets to further increase their floor area, thus increasing the range of products and services available. This would be to the detriment of the town centre given the lack of a sequential test or retail impact assessment being required.

There are also concerns in terms of parking and amenity impacts. This change could potentially allow a commercial premises to cover their curtilage in development, thus refuse storage could be an issue and may lead to refuse spilling out onto the highway to the detriment of the area. The changes could also allow development on areas of landscaping which contributes to the amenity of the area, or car parking which is needed to serve the premises; this could result in highway safety issues and also potential neighbour disputes.

The type of extension or alteration may also impact on amenity for example the siting of refrigeration units in locations which would adversely affect neighbours.

Question 4: Do you agree that in non-protected areas, shops and professional/financial services establishments should be able to build up to

the boundary of the premises, except where the boundary is with a residential property, where a 2m gap should be left?

Yes ☐ No ☒

Comments

It is considered that such provisions would result in much more prominent buildings being erected often to the detriment of visual amenity. It is considered that such provisions would need to be subject to materials; currently Part 42 is silent on this matter, unless it is article 1(5) land.

Refer to the response to question 3 above which cites concerns regarding refuse storage and car parking.

Question 5: Do you agree that in non-protected areas, offices should be able to extend their premises by up to 100m², provided that this does not increase the gross floor space of the original building by more than 50%?

Yes ☐ No ☒

Comments

The main concern with regard to this proposal is how such extensions will be provided upon a site. In many instances development could extend into car parking areas which may be to the detriment of adequate parking provision and highway safety. Extension may also be provided on landscaping areas which provide significant benefits to amenity and wildlife. For instance Hartlepool has a site regional importance in terms of employment which has permission for offices (275,205m² of B1 floor space) to be provided. It is in an area which is not served by public transport, should this permitted development change be enacted potentially each office block could be extended resulting in the loss of necessary car parking spaces and/or in the loss of important landscaping which would screen the development.

Should this change be progressed satisfactory mechanisms (conditions of such proposals) to control unacceptable impacts are required, however it is considered that the existing planning application process would maintain control over such matters.

Question 6: Do you agree that in non-protected areas, new industrial buildings of up to 200m² should be permitted within the curtilage of existing industrial buildings and warehouses, provided that this does not increase the gross floor space of the original building by more than 50%?

Yes ☐ No ☒

Comments

Again, with reference to the response outline above for question 5, the proposed change would allow for a significant building to be erected it is considered necessary that control through the planning process is maintained in order to protect the amenities of the occupants of nearby residential and commercial properties. It is also necessary that adequate parking provision is retained, ground conditions are assessed and where necessary contamination is mitigated against as well as any issues in terms of flood risk etc.

It is prudent with regard to this proposal as well as those outlined within questions 3, 4 and 5 that adequate conditions are provided within such proposals to mitigate against the provision of extraction, ventilation, air conditioning equipment being provided upon elevations of premises in close proximity to neighbouring properties. Whilst the location of a residential property in close proximity to a commercial property is uncommon it is prudent to state that in Hartlepool there are many instances where commercial sites bound residential properties. The above proposals outlined in questions 3, 4, 5 and 6 would undoubtedly have an impact upon the living conditions of the occupants of such properties. Please see the image below demonstrating concerns which would be actualised by way of the proposals.



Further to the above, it is prudent to state that the provision of new industrial buildings in close proximity to existing residential dwellings could create issues in terms of noise and disturbance from the operations being undertaken within the new buildings.

Question 7: Do you agree these permitted development rights should be in place for a period of three years?Yes ☐ No ☒

Comments

It is not considered appropriate to impose a three years temporary period on the proposals. This would result in inconsistencies and place further demand on resources. If the impacts of the proposals are considered acceptable for three years, it follows that it is acceptable on a permanent basis.

The temporary period of three years would make similar development proposals brought forward in future years difficult to resist given the amount of precedents which would be apparent if people implemented the proposed permitted development rights and the Governments view which is strongly disputed that the amenity of neighbours could be in all cases safeguarded with the limits proposed.

Question 8: Do you agree that there should be a requirement to complete the development by the end of the three-year period, and notify the local planning authority on completion?Yes ☒ No ☐

Comments

It is considered that if the proposals are to be implemented over a period of three years it is imperative that the works are completed before the expiry of 3 years following the commencement of development. Otherwise, developers may try to abuse the temporary rules and make a material start to development and finish at a much later date, in many instances many years, this could lead to enforcement issues and additional costs for the Local Planning Authorities.

The consultation states uncompleted development could be the subject to enforcement action. In reality what would enforcement action seek to achieve; the removal of the development and restoration to the original building? This would create abortive costs to the householder or the completion of the development making a nonsense of the three year rule.

Question 9: Do you agree that article 1(5) land and Sites of Special Scientific Interest should be excluded from the changes to permitted development rights for homeowners, offices, shops, professional/financial services establishments and industrial premises?Yes ☒ No ☐

Comments

However why should the living conditions of a home owner in a non designated area be regarded as any different than that of a home owner of a property sited in a conservation area. Essentially it's about the impacts of development on people's lives.

Question 10: Do you agree that the prior approval requirement for the installation, alteration or replacement of any fixed electronic communications equipment should be removed in relation to article 1(5) land for a period of five years?

Yes ☒ No ☐

Comments

Such equipment is wholly necessary to ensure that country's infrastructure network is enhanced and developed. The scale and massing of such equipment is largely minimal within the context of the area, and the regulations will retain sufficient protection to ensure article 1(5) assets are protected.

Do you have any comments on the assumptions and analysis set out in the consultation stage Impact Assessment? (See Annex 1)

Yes ☒ No ☐

Comments

There is uncertainty in relation to the statement 'There are also potential growth benefits where development takes place that would not otherwise have done so due to the requirement to obtain local authority planning permission'. Planning is there to enable growth whilst protecting the natural and built environment for this and future generations. It is considered that the only benefit this will have for developers is permitted development which may potentially have been refused due to its impact. There does not appear to be any evidence brought forward to suggest that businesses/homeowners are not developing because of the need for planning permission.

Fees for planning permission are minimal in relation to the costs of the development itself. It is not considered that these proposals will boost growth, rather split communities.

Should the Impact Assessment be signed and dated, as indicated on page 21.

In relation to the cost benefit analysis on page 26 it is suggested that the amount of information required to accompany planning applications rather than the fee is the area which could be reviewed. For instance the National Validations Requirements for applications which puts a requirement on developers to provide design and access statements and heritage statements could be reviewed, as could the requirements for publicity in particular

advertising developments in the press.

It is somewhat disconcerting that it states on page 27 'It is not possible to estimate the number of applicants that are currently deterred from making changes to their homes because of the economic costs the planning system imposes.' This clearly demonstrates that there is no evidence/justification for the proposed changes.

The statement: 'They will also save on the associated transaction costs such as professional fees, production of scaled drawings, time spent compiling and presenting information etc. If the requirement to seek planning permission were removed these costs would no longer be incurred.' is frankly ludicrous, Building Regulations will still be a requirement along with plans for builders to build to, it would also be extraordinary for a business to not have plans drawn up/employ professional services for a new build or extension to ensure the needs of the business are met.

In terms of economic benefits it is considered that these are rather overstated, if the fee of planning is a barrier how would the development be afforded, as stated above plans/professional services would still be required.

In terms of the costs and benefits to neighbours and communities, it is considered that there is no recognition of potential costs due to neighbour disputes.

With regard to rural proofing this is only relevant if the rural areas has a designation, there are significant areas of rural land which are not covered by any designation.

Should the proposals be adopted the proposed monitoring through a 'light touch review' would not ascertain the impacts these proposals would have on neighbours or communities.

Additional Comments

At Hartlepool there is an acknowledgement that unnecessary burdens/bureaucracy should be removed, however the proposed changes (with the exception of the proposed change for delivery of superfast broadband) obliterate vital protections for the general everyday person in the street, in the interests of an obsession with the deregulation of planning.

The consultation document in paragraph 1 describes application forms as 'complicated'. It is agreed that application forms can require unnecessary information to be provided, the failure of which to provide can lead to delay. The onus is on the Government to seek to revise application forms and information requirements to streamline the system. As stated above regarding page 26 of the cost benefit analysis, simplification of the application form such as ownership and agricultural holdings certificates, and the requirements for design and access statements or heritage statements would result in far fewer

applications being made invalid and more applications being determined in a speedy manner. The Government's requirements that applications are advertised in the press would also reduce delays and costs.

Paragraph 9 refers to 'municipal red tape'. The Government should make clear that the 'red tape' to which it refers is not 'municipal' in the traditional sense of the word, and is mostly, if not wholly imposed through Government legislation.

With regard to the consultation overall it is not considered that a sound case has been presented in terms of the economic benefits of the changes. It is considered that the proposed changes overestimated the time delays and costs associated with the existing planning process. The proposals have no regard for neighbouring properties and a community right to express their views on proposals.

NOTE: This response has been compiled on behalf of Hartlepool Borough Council at the request of the Planning Committee who are extremely concerned about the proposals in consultation with the Assistant Director of the Regeneration and Planning, and the Planning Services Manager.

Thank you for your comments.

Appendix – Theoretical Examples



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

COPYRIGHT RESERVED LICENCE 1000233902011
Scale: 1:1000
Date : 05/12/12
Drg No: gs



TORCROSS CLOSE



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

COPYRIGHT RESERVED LICENCE 1000233902011

Scale: 1:1000
Date : 05/12/12
Drg No: gs



EMPIRE SQUARE



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

COPYRIGHT RESERVED LICENCE 1000233902011

Scale: 1:1000
Date : 05/12/12
Drg No: gs

PLANNING COMMITTEE

9 January 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT BENKNOWLE FARM BENKNOWLE
LAND HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To notify Members of the lodging of an appeal against the Council's refusal of planning permission for the above mentioned development and to seek authority for officers to contest the appeal. The application was refused against officer recommendation by Members of the Planning Committee.

2. APPEAL

- 2.1 The appeal relates to refusal of the Local Planning Authority to allow "the erection of an agricultural building extension incorporating a grain store (retrospective application)"
- 2.2 The application was refused for the following reasons:
- 1 It is considered by the Local Planning Authority that the proposed development by reason of siting and scale would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of loss of light, being visually dominant and imposing contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.
 - 2 It is considered by the Local Planning Authority that the proposed development by reason of farm machinery being operated under the canopy would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of potential noise and disturbance contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.
 - 3 It is considered by the Local Planning Authority that the proposed development by reason of farm machinery, in particular the grain dryer being operated under the canopy would be detrimental to the occupiers of the neighbouring residential dwelling Benknowle Farm House in terms of potential health effects contrary to GEP1 and Rur7 of the adopted Hartlepool Local Plan 2006.
- 2.3 The Appeal is to be decided by written representations.

4. RECOMMENDATION

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

PLANNING COMMITTEE

9 January 2013



Report of: Assistant Director (Regeneration and Planning)

Subject: APPEAL AT 180 YORK ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/A/12/2188722/NWF
Variation of condition no 2 of planning application
H/FUL/0557/00 to allow opening until 2am
7 days a week

1. PURPOSE OF REPORT

- 1.1 To notify Members of the lodging of an Appeal against the Council's Refusal of planning permission for the abovementioned development and to seek authority for officers to contest the appeal. The application was refused by Members of the Planning Committee. The original officers report is attached.

2. APPEAL

- 2.1 The appeal relates to the refusal of the Local Planning Authority to allow "the variation of condition no 2 of planning application H/FUL/0557/00 to allow opening until 2am 7 days a week" at 180 York Road.

- 2.2 The application was refused for the following reason:

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.

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

3. RECOMMENDATION

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

No: 5
Number: H/2012/0442
Applicant: Mr Atilla Ozcan 1 Sharp Crescent DURHAM DH1 1PE
Agent: Mr Ted Jackson 7 Amble Close HARTLEPOOL TS26 0EP
Date valid: 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

PURPOSE OF REPORT

5.1 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

5.2 The application site is an existing takeaway with a flat above located in York Road. The property sits within a block of 5 commercial units with residential units above, although it is unclear from the officer site visit as to whether the units above were occupied as residential or used as storage space.

5.3 The application site was originally a retail unit (A1). In 2000 planning permission was refused (H/FUL/0557/00) for a hot food takeaway. The applicant appealed and in 2001 the hot food takeaway was granted planning permission on appeal with an hours restriction of 8am – 23.30pm Mondays to Saturday (inclusive), and at no time on Sundays or Bank Holidays.

5.4 In 2006 a temporary permission was given (H/2006/0401) to allow opening 7 days a week 8am till midnight. This temporary permission has lapsed.

5.5 The application has been referred to Committee by a Councillor for reasons of the potential impact on the surrounding area.

PROPOSAL AND SITE CONTEXT

5.6 The application seeks the variation of opening hours 8am – 2am 7 days per week. In support of the application the applicant states he has operated beyond the approved hours for in excess of five years without detrimental effects. That the complaint arose from a competitor. The applicant also has advised that without the additional opening hours the use would be uneconomic and employment would be lost.

PUBLICITY

5.7 The application has been advertised by way of neighbour letters (2) and a site notice. To date, there have been no letters of objection or comments received.

5.8 The period for publicity has expired.

CONSULTATIONS

5.9 The following consultation replies have been received:

Public Protection - This hot food takeaway is located in close proximity to residential properties in Lister Street and York Road. It is outside of the late night area as identified in the local plan and core strategy in an area where we would not usually approve this type of use beyond midnight. There are a number of other similar uses in the area with hours restrictions that restrict their opening hours to before midnight. In my opinion approving this application would probably result in a knock on effect in that the other hot food takeaways in the locality would also wish to open later in order to be able to compete. I am therefore of the opinion that this application should be resisted.

Police – With regard the above planning application the Police have had no recent reports of incidents of crime or disorder that are linked to the premises. However the proposed increased opening times would have the potential to increase the risk of incidents of crime and disorder as a result of more customers using and leaving the premises under the influence of alcohol which could result in increased demands on the Police resources.

PLANNING POLICYLocal Policy

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

Com1: States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com12: States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will

not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com2: States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

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

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

Rec13: States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Emerging Local Plan

5.11 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.

RC2: States that the town centre will continue to be the primary commercial centre in the Borough. In accordance with policy RC1 the Borough Council will seek to diversify, support and protect the town centre as the sequentially preferable location for main town centre uses. Appropriate uses will only be allowed provided they do

not adversely affect the character, appearance, function and amenity of the area and that they are in accordance with Policy ND4. The primary shopping area will be the sequentially preferable location for existing and new A1 shopping development. Other uses will only be permitted in the primary shopping area where it is demonstrated that they do not impact on its retail function. The re-use of upper floors will be encouraged provided it would not impact on the area's retail and commercial function. The Council will seek to enhance the vitality and viability of the town centre.

RC6: States that late night uses will be permitted only within the Church Street/Marina area subject to criteria relating to design, amenity issues and the function and character of these areas.

Regional Policy

5.12 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

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

PLANNING CONSIDERATIONS

5.14 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 impact on the amenity of neighbouring properties.

Principle of Development

5.15 The site lies within the defined Town Centre but is at its very edge in an area characterised by mixed commercial uses with an element of residential uses above the premises. Residential properties are also located nearby.

5.16 The current local plan policies and the emerging policies advise that late night uses (after midnight) will only be supported in the Church Street area and south west area of the Marina. The site is not located within these areas.

5.17 It is considered that the proposal to extend the opening hours would be contrary to current and emerging Local Plan policy.

Impact on the amenity of neighbour properties

5.18 The application site lies in close proximity to residential properties, particularly Lister Street to the east and flats above commercial premises on York Road. It lies outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006 and the emerging Local Plan.

5.19 There are a number of hot food takeaways within the area that have restrictions on opening hours, it is also acknowledged that there are a number of takeaways without restrictions which are long standing uses.

5.20 It is acknowledged that temporary permission granted to 180 York Road to operate on a Sunday has lapsed. However the owner is staying open beyond the hours that have permission and is therefore in breach of planning permission, this is a separate issue and will be investigated.

5.21 In recent years Inspectors decisions and decisions on planning applications, have acknowledged the sensitivity of areas where commercial uses give way to residential areas, and have consistently maintained a midnight time limit on opening hours in relation to takeaway and restaurant premises in such areas.

5.22 The police have advised that late night hot food takeaways have the potential to increase the risk of incidents of crime and disorder as a result of more customers using and leaving the premises under the influence of alcohol which could result in increased demands on the Police resources.

5.23 It is considered that the proposed extension of opening hours into the early morning would have a detrimental impact upon residential properties by reason of nuisance caused by noise and general disturbance in the early hours of morning. Any approval here may also encourage similar applications, which would be more difficult to resist, from other nearby premises which have been subject to the same hours restriction, to the further detriment of the amenity of neighbours.

Other matters

5.24 It is unfortunate that the applicant feels the only way to make the business viable is to open longer hours. However there are sound planning reasons that the hours restriction should be maintained and recent appeal decisions confirm this. It is not considered that the personal circumstances of the applicant should outweigh these concerns.

5.25 The closure of the premises would be unfortunate; however it is not considered that any desire to keep the business open at all costs would outweigh the valid planning concerns discussed above.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.26 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.27 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.

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

REASON FOR DECISION

5.29 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. 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.

BACKGROUND PAPERS

5.30 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

Damien Wilson
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

180 YORK ROAD

