

# PLANNING COMMITTEE AGENDA



**6 March 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 6 FEBRUARY 2013**
- 4. ITEMS REQUIRING DECISION**
  - 4.1 Planning Applications – *Assistant Director (Regeneration and Planning)*
    - 1 H/2012/0427 Land at Tanfield Road, Hartlepool. (page 1)
    - 2 H/2013/0027 Crookfoot Farm, Coal Lane, Elwick. (page 23)
    - 3 H/2013/0014 Summerhill Visitor Centre, Summerhill Lane, Hartlepool. (page 40)
    - 4 H/2012/0640 Bon Accord, Dalton Back Lane, Dalton Piercy. (page 48)
    - 5 H/2012/0641 Bon Accord, Dalton Back Lane, Dalton Piercy. (page 54)
    - 6 H/2012/0597 Land adjacent to 4-18 Percy Street, Hartlepool. (page 60)
  - 4.2 Planning and Development Brief Protocol - *Assistant Director (Regeneration and Planning)*
  - 4.3 Exemption Request by Hartlepool Borough Council in relation to Permitted development rights for change of use from commercial to residential - *Assistant Director (Regeneration and Planning)*



4.4 Appeal Ref: APP/H0724/A/12/2182316, H/2012/0181, Erection of a Two-Storey Extension at the Rear to Provide Garden Room with Bedroom Extension Above, 29 Courageous Close, Hartlepool - *Assistant Director (Regeneration and Planning)*

4.5 Complaints Update - *Assistant Director (Regeneration and Planning)*

**5. ANY OTHER 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 3 April 2013



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

6 February 2013

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

### **Present:**

Councillor: George Morris (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Keith Fisher, Marjorie James, Alison Lilley, Geoff Lilley, Linda Shields, Chris Simmons, Paul Thompson and Ray Wells.

In accordance with Council Procedure Rule 4.2 Councillor Stephen Akers-Belcher was in attendance as substitute for Councillor Carl Richardson

Officers: John Mennear, Assistant Director, Community Services  
Linda Wright, Senior Planning Officer  
Richard Trow, Planning Officer  
Kate McCusker, Commercial Solicitor  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Traffic Team Leader  
Katie Hammond, Cultural Events Officer  
Angela Armstrong, Principal Democratic Services Officer

### **272. Apologies for Absence**

Apologies for absence were received from Councillors Jonathan Brash, Rob Cook, Robbie Payne, Carl Richardson and Jean Robinson.

### **273. Declarations of interest by Members**

Councillor Jim Ainslie declared a personal interest in minute 275 – H/2012/0516 and minute 276 and Councillor Chris Simmons declared a personal interest 272 – H/2012/0600.

### **274. Confirmation of the minutes of the meeting held on 9 January 2013**

Confirmed.

## **275. Planning Applications** *(Director of Regeneration and Neighbourhoods)*

<b>Number:</b>	H/2012/0427
<b>Applicant:</b>	GLEESON DEVELOPMENTS LTD, CHRIS DODDS, LUMLEY COURT, CHESTER LE STREET
<b>Agent:</b>	CHRIS DODDS, GLEESON DEVELOPMENTS LTD, 3 LUMLEY COURT, CHESTER LE STREET
<b>Date received:</b>	02/08/2012
<b>Development:</b>	Demolition of existing buildings and erection of 45 No. residential dwellings with associated works (amended scheme)
<b>Location:</b>	LAND AT TANFIELD ROAD, TANFIELD ROAD, HARTLEPOOL
<b>Decision:</b>	<b>Withdrawn</b> from the Planning Committee agenda to carry out a site visit prior to determination of the planning application. This will take place immediately prior to the meeting of the Planning Committee on 6 March 2013.
<b>Number:</b>	H/2012/0600
<b>Applicant:</b>	Mr Ian Ness High Tunstall College of Science, Elwick Road, HARTLEPOOL
<b>Agent:</b>	High Tunstall College of Science, Mr Ian Ness, Elwick Road, HARTLEPOOL
<b>Date received:</b>	26/11/2012
<b>Development:</b>	Erection of a new vehicle maintenance and construction workshop and associated external works including the provision of a flammable liquid store and fencing
<b>Location:</b>	HIGH TUNSTALL COMPREHENSIVE SCHOOL ELWICK ROAD HARTLEPOOL
<b>Representations:</b>	The Applicant, Agent and Ward Councillor were in attendance and addressed the Committee.

**Decision: Planning Permission Approved**

**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. 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.

The Committee considered representations in relation to this matter.

**Number:** H/2012/0422

**Applicant:** Ms Marie Daurat  
Hartlepool Borough Council, Sir William Gray  
House, Clarence Road, HARTLEPOOL

**Agent:** Hartlepool Borough Council, Ms Marie Daurat, Sir  
William Gray House, Clarence Road,  
HARTLEPOOL

**Date received:** 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

**Representations:** The Applicant's representative was in attendance and addressed the Committee.

**Decision:** **Planning Permission Approved**

**CONDITIONS AND REASONS**

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. 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.

The Committee considered representations in relation to this matter.

**Number:** H/2012/0516

**Applicant:** Mrs G M Waugh  
Montague Street, HARTLEPOOL

**Agent:** Mrs G M Waugh, 48 - 50 Montague Street,  
HARTLEPOOL

**Date received:** 22/11/2012

**Development:** Installation of replacement windows and doors

**Location:** 48 - 50 Montague Street, HARTLEPOOL

**Representations:** The Applicant was in attendance and addressed the

Committee.

**Decision:** **APPROVE** 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 as originally submitted did not have a detrimental effect on the character of the conservation area. In light of these considerations the application was Approved subject to the final wording of the conditions being agreed by the Planning Services Manager.

The Committee considered representations in relation to this matter.

**Number:** H/2012/0548

**Applicant:** Mr Sherwan Mustafa  
7B Samuel Vale House, Nicholas Street,  
COVENTRY

**Agent:** Mr George Hind, 100 Spalding Road,  
HARTLEPOOL

**Date received:** 19/12/2012

**Development:** Change of use to hand car wash including the provision of a building incorporating valeting room, staff cloaks and pump room and the provision of a store

**Location:** Former Filling Station, 361 Stockton Road,  
HARTLEPOOL

**Decision:** **Planning Permission Approved subject to the final wording of the conditions outlined below being agreed by 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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 16/10/2012 (Drawing No: 1 and the site location plan), on 03/12/2012 (Drawing No's: 10, 11, 12, 13 and 14) and on 19/12/2012 (Drawing No: 2 Rev A), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.

3. Prior to the commencement of the development hereby approved a scheme of signage indicating the site entrance and exit shall have been installed, and the valet ports and queuing lanes shall have been marked out, in accordance with details that shall first be submitted to and approved in writing by the local planning authority. The signs and surface markings shall remain in place thereafter for the lifetime of the development, and the entrance and exit shall be used only for their respective purposes.

In the interests of highway safety.

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

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless



otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that

- the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.
5. Notwithstanding the details submitted prior to the commencement of development details of the proposed methods for the disposal of foul and surface water arising from the site (including the design of the systems and measures incorporating SuDS principles in accordance with the draft national standards and any attenuation) shall be submitted to and approved in writing with the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.  
To ensure that the site is adequately drained.
  6. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.  
In the interests of the amenities of the occupants of neighbouring properties and the visual amenity of the area.
  7. 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.
  8. The premises shall only be open to the public between the hours of 08:00 and 18:00, on any day, Mondays to Sundays inclusive.  
In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

## **276. Neighbourhood Plan Boundary Designations** (*Director of Regeneration and Neighbourhoods*)

Members were informed of the proposed boundary that had been submitted to Hartlepool Borough Council by the Headland Neighbourhood Plan Working Group for the Headland Neighbourhood Plan. The proposed Plan area was attached at Appendix A and included the Headland Parish area (part of which is a Conservation Area) and the Central Park. This green space is adjacent to the entrance to the Headland, and encompasses land prioritised through the imminent Green Infrastructure Strategy.

### **Decision**

The report was noted.

## **277. Appeal at 23 Jesmond Road, Hartlepool – Change of Use from Shop to Hot Food Takeaway (H/2012/0543)**

*(Director of Regeneration and Neighbourhoods)*

Members were notified that an appeal had been lodged against the Council's refusal of planning permission for a change of use from shop to hot food takeaway at 23 Jesmond Road, Hartlepool and authority was sought for officers to contest the appeal. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of the Committee. The original officer's report was attached by way of appendix.

### **Decision**

Authority was given to officers to contest the appeal.

## **278. Complaints Update** *(Assistant Director, Regeneration and Neighbourhoods)*

Members' attention was drawn to 8 ongoing issues which were currently being investigated. Further developments would be reported to a future meeting if necessary.

A Member sought further information on item 5) and item 7) of the report which would be forwarded to that Member direct.

### **Decision**

- (i) The report was noted.
- (ii) That the information requested on item 5) and 7) be forwarded direct to that Member.

## **279. Any Other Items which the Chairman Considers are Urgent**

None

The meeting concluded at 12.10 pm

CHAIR

**No:** 1  
**Number:** H/2012/0427  
**Applicant:** GLEESON DEVELOPMENTS LTD LUMLEY COURT  
CHESTER LE STREET DH2 1AN  
**Agent:** CHRIS DODDS GLEESON DEVELOPMENTS LTD 3  
LUMLEY COURT CHESTER LE STREET DH2 1AN  
**Date valid:** 02/08/2012  
**Development:** Demolition of existing buildings and erection of 45 No.  
residential dwellings with associated works (amended  
scheme)  
**Location:** LAND AT TANFIELD ROAD TANFIELD ROAD  
HARTLEPOOL

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## 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 This application was withdrawn from the agenda of the February Planning Committee to allow members to undertake a site visit.

## PROPOSAL AND SITE CONTEXT

1.3 The application site is the former Council depot located between Stockton Road and Stranton Cemetery. The site has been used for many years in connection with Tanfield Nursery providing a growing and maintenance facility for the Council. The site which forms an elongated triangular shape is accessed from Tanfield Road to the north with the Tanfield Nursery retail facility and Lodge also to the north. There is housing to the east on Stockton Road and Yarm Close. The main Stranton Cemetery lies immediately to the west. There are a number of bungalows on Tanfield Road itself.

1.4 Whilst the area is predominantly residential in character there are a few commercial properties to the south on Stockton Road including the Travellers Rest PH, a takeaway shop and a car wash. There is also a repair garage (Glenesk) on the east boundary of the site located at the head of Yarm Close cul de sac. This is a long established use and has been operating in the area for many years.

1.5 The site is currently arranged in two distinct parts. The north part contains the buildings and the south part is used for parking vehicles and plant and the storage of materials. Buildings include a range of poly tunnels, glass houses, storage containers and a brick built staff amenity block none of which are considered to be of any architectural or historic merit. The depot uses will be relocated to alternative facilities within the town.

1.6 As originally submitted the application proposed the erection of 48 dwellings with associated works. A number of amendments have now been made to the layout and the scheme now under consideration is for the erection of 45 dwellings with associated works.

1.7 Due to the shape of the site the layout has been arranged along a central access road with one small cul de sac. The site will be accessed from the north only via Tanfield Road directly opposite the Stranton Nursery retail unit.

1.8 The development will provide a range of 2 storey family homes including 10 house types ranging from 2 bedroom semi detached to 4 bedroom detached all of which have gardens and private parking. Many of the dwellings have garages.

1.9 A small area of open space has been included in the design with landscaping/planting throughout the site. The existing concrete post and mesh fencing which separates the site from the cemetery will be removed and replaced with 1.8m high close boarded timber fencing.

1.10 Five affordable housing units have been allocated within the site and will be transferred to an RSL (registered social landlord) to be provided as both rented and intermediate units. Intermediate housing is homes for sale and rent provided at a cost above social rent but below market levels. These can be shared equity (shared ownership and equity loans), other low cost homes for sale and intermediate rent but not affordable rented housing.

1.11 A number of supporting documents have been provided with the application including a sustainability statement, statement of community involvement, tree survey, security statement, flood risk assessment, affordable housing statement and site waste and construction management statement.

## **PUBLICITY**

1.12 The application has been advertised by way of neighbour letters (55), site notices (3) and press advert. To date, there have been 21 letters of objection from 14 addresses to the original scheme and 10 to date to the amended scheme.

The concerns raised to the original scheme include:

- 1) access onto Tanfield Road will cause traffic chaos and congestion
- 2) residents don't need this housing
- 3) additional noise and disturbance
- 4) Tanfield Road will be unable to cope with additional traffic
- 5) Tanfield Road will be used for parking
- 6) the new dwellings should be bungalows
- 7) too many new houses on site
- 8) will affect privacy of adjacent bungalows
- 9) we will be overlooked by new properties
- 10) will lose early evening sun from house and garden
- 11) no emergency access route

- 12) traffic from funerals should be respected
- 13) character of area would be lost
- 14) will underground tanks be removed?
- 15) there are bats and other wildlife in the area which would be affected
- 16) the new houses will be right on top of the cemetery and funerals could be disturbed with noise from houses and gardens
- 17) we don't know who will buy the houses
- 18) a new access should be provided onto Brierton Lane
- 19) there are serious problems with flooding in the area and this development will make it worse
- 20) we feel betrayed by the approach of the Council regarding the concerns of residents
- 21) Tanfield Road was never built to take this much traffic
- 22) we have complained a number of times to the Council about the drainage but nothing has been done
- 23) the land should be part of the cemetery
- 24) certain properties will be vulnerable from crime
- 25) devaluation of properties in the area
- 26) a bat survey should be carried out
- 27) properties at the south end of the site are prone to serious flooding even though the Council have laid land drains
- 28) the Councils Development Brief has not been adhered to particularly with regard to the provision of bungalows
- 29) not enough respect has been paid to the proximity of the cemetery and crematory
- 30) one of the new dwellings would be too close to the rear of my property which is only 3.5m from the boundary of the site
- 31) the density of the development is too high
- 32) there is a strip of land at the east boundary of the site (Council owned) which will become a problem
- 33) we may have to move in order to get the peaceful retirement we expected
- 34) we feel our concerns have been totally ignored
- 35) there are not enough parking spaces in the site
- 36) too many different businesses/uses for the site

The objections to the amended scheme include:-

- 1) the residents of Tanfield Road and the surrounding area all object to the amended proposal due to the extra volume of traffic
- 2) how many times do we have to object to the proposal
- 3) traffic congestion/highway safety
- 4) use of cemetery as cut through
- 5) road should be kept free from obstruction for funeral corteges
- 6) new houses will be close to cemetery and funerals could be disturbed by activities
- 7) loss of privacy and light
- 8) a second access should be considered
- 9) site should be used in association with crematorium as remembrance garden or environmental garden
- 10) noise and disturbance

- 11) drainage/flooding
- 12) development should be bungalows in keeping with area
- 13) residents ignored
- 14) noise from garage will disturb residents
- 15) loss of wildlife
- 16) loss of parking
- 17) detrimental to access for emergency services
- 18) crime
- 19) contamination/diesel tanks

### **Copy Letters B**

The period for publicity expires before the meeting.

### **CONSULTATIONS**

1.13 The following consultation replies have been received:

#### **Neighbourhood Services – No response received**

**Traffic and Transport** – The proposed access is onto Tanfield Road, which links up with Stockton Road. Tanfield Road has a width of 7.3 metres is more than acceptable to accommodate the proposed traffic increase from this development and the existing uses of the Nursing and Cemetery. This would have minimum impact on the highway network.

The roads/footways to be built to an adoptable standard either through a Section 38 of Advance Payment Code agreement. The material to be used for the road and footway construction to be agreed by the Highways Section.

The applicant is proposing to have driveways constructed in a permeable crushed aggregate, I have concerns with this type of material as it will spill onto the highway when vehicles drive on and off it. The applicant should look at either using tarmac for the full drive or a permeable block paving.

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

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

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

**Ecologist** – I inspected the buildings on the site in 2011 to determine their likelihood of being used by roosting bats. Although the flat roofed building next to Tanfield Road has some fascia boards that bats might typically use to roost behind, those were either tightly sealed or covered with cobwebs, indicating that they would not be suitable for bats to use. In addition there were no signs of bats, such as droppings, on or in any of the buildings. Consequently a bat emergence survey was not required.

The proposal would see the removal of a number of trees and hedges. These are very likely to be used by breeding birds. Therefore any trees and hedges should be removed outside of the breeding bird season, that is March-August inclusive, unless they are first checked by a qualified ecologist who confirms in writing to the LPA that no breeding birds are present at the time of removal.

**Arborist** - The proposed tree planting to complement the development consists of trees that are unlikely to become a problem in future and form a fitting boundary treatment to this "sensitive" site. I am still concerned however about the proximity of garage g45 to the existing fastigiated hombeam within the cemetery and situated near to the main entrance. If it is not possible to pull the garage back then it will be necessary to construct a ring beam on which the garage should sit. This tree is particularly special as a feature within the cemetery and every provision should be made to retain it for many years to come. Likewise, I will need to see clear details of how this will be achieved.

I have not previously raised the issue of the overgrown hedge around this site which is being removed as this was assessed as being incompatible with the small gardens and which has been mitigated with the planting of the Sorbus 'Joseph Rock'

**Public Protection** – I have looked at the noise assessment and I am happy that it demonstrates that the activities at the Glenesk Garage are unlikely to have an impact on the properties to the rear. I can confirm that we have not received any noise complaints from neighbouring premises in Yarm Close. I therefore do not have any objections to the amended scheme.

**Housing Services** – No response received

**Property Services** – No objections

**Environment Agency** – The surface water drainage from the site is being directed to Northumbrian Water sewers at a reduced rate than existing, this being the case the Environment Agency has no objections to the proposals as submitted but would like to provide the following information:

Disposal of Foul Sewage



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

**Northumbrian Water** – In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control. Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

**Cleveland Police** – I am not aware if the developer is seeking to achieve Secured by Design accreditation for the development. I see no reason why the development cannot achieve the Secured by Design award if the following points are addressed in addition to the relevant requirements in the application document. Lighting to all footpaths and private estate roads and car parks must comply with BS5489.1:2003. Dwelling Boundaries to the cemetery should have a 200mm boxed trellis topping to ensure greater security to the rear of these properties.

Although not a requirement of Secured by Design I have concerns with regard the use of loose material for ground surface this can be used as ammunition for crime and anti social behaviour. I am aware of such problems on a new development in Hartlepool where residents are suffering problems with the use of gravel on this site to public and semi public areas. I would also recommend that consideration is given to the use of lead replacement material to prevent valuable metal theft particular during the construction period.

**Chief Fire Officer** – Vehicle access to be in accordance with B5 requirements of guidance in Approved Document B of the Building Regulations. Cleveland Fire Brigade's, Water Officer, has previously indicated that Hartlepool Water are aware of the development and are to provide adequate hydrant provision for the development. Most likely this amendment will not change the hydrant provision for the development.

**Tees Archaeology** - I have screened the details against the historic environment record and can confirm that there are no known archaeological sites. I therefore have no objections to the proposal and have no further comments to make.

## PLANNING POLICY

### NATIONAL PLANNING POLICY FRAMEWORK

1.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the draft National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the

Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

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

14	Presumption in favour of sustainable development
49	Housing and the Presumption in favour of sustainable development
56	Design of the built environment
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of and area
66	Community involvement
96	Minimise energy consumption
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development

1.17 Overall it is considered that the proposal accords with principles within the NPPF, the contribution towards green infrastructure and play facilities is particularly welcomed in line with NPPF paragraph 61.

## **REGIONAL SPATIAL STRATEGY**

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

1.19 Notwithstanding these developments, until revoked, the RSS still forms part of the Development Plan and relevant policies should be considered; where appropriate.

1.20 The following policies in the RSS are relevant to this application:

28	Gross and Net Dwelling Provision
29	Delivering and Managing Housing Supply
38	Sustainable Construction

1.21 The planning application contributes to meeting the requirements of policy 28 (Gross and Net Dwelling Provision) with relation to the average annual level of total dwellings to be constructed within the plan period and the requirements of policy 29 (Delivering and Managing Housing Supply) with regard to targets for development on previously developed land.

1.22 Policy 38 states that:

*“Planning proposals should encourage and promote opportunities for new developments or the redevelopment or refurbishment of existing buildings to achieve high energy efficiency and minimise consumption in terms of energy efficiency best practice, BREEAM rating and the Code for Sustainable Homes.*

*In advance of local targets being set in DPDs, major new developments of more than 10 dwellings should secure at least 10% of their energy supply from decentralised and renewable or low-carbon sources, unless, having regard to the type of development involved and its design, this is not feasible or viable.”*

1.23 Information on energy efficiency it is noted within the sustainability statement, the intention of the developer to “optimise the design and delivery to achieve good sustainable homes” and their success in “achieving an improvement in the Dwelling Emission Rate (DER) target over the Target Emissions Rate (TER) from the current building regulations standards” is welcomed.

## **ADOPTED LOCAL PLAN (2006)**

1.24 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 2013 Local Plan.

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

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

GEP12: States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows.

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

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

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

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

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

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

Tra14: Identifies the primary access point to this development.

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.

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

## **EMERGING LOCAL PLAN (2013)**

1.26 The 2006 Local Plan is in the process of being replaced by the 2013 Local Plan. Currently the 2013 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 2013 Local Plan hold significant weight when determining planning applications.

1.27 The following Local Plan 2013 policies are relevant to this application:

**SUS 1 The 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.

**CC1 Climate Change**

This advises that the Borough Council will work with partner organisations to help minimize and adapt to climate change.

**CC2 Energy Efficiency**

This advises that the Council will seek to ensure high levels of energy efficiency in all new developments.

**CC4 Flood Risk**

The Borough Council will see to ensure that new development will be focused in areas of lower flood risk where possible (Flood Zone 1). Where necessary developers will be required to provide the sequential and exceptions test for new development.

**ND1 Planning Obligations and Compulsory Purchase Order**

This advises that in appropriate circumstances the Borough Council will seek developer contributions towards amongst other things affordable housing, play provision, green Infrastructure and Highway Improvements.

**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.

**HSG1 New Housing Provision**

This relates to the provision of new housing in the Borough on sites already identified in the urban area, newly identified sites on the edge of the urban area and in villages. Other sites will be considered in accordance with policies LS1, CC1, ND3 and HSG4.

**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.

**HSG5 Affordable Housing Provision**

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

**PLANNING CONSIDERATIONS**

1.28 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 design and layout of the scheme, the impact on the surrounding area and the amenities of neighbouring residents, highway safety/parking, ecology, drainage and trees.

**Policy**

1.29 The principle of the reuse of brownfield land particularly within the urban limits is supported. The application for new dwellings within an existing residential area is considered to be appropriate and complies with the NPPF, the 2006 Local Plan and the emerging Local Plan.

1.30 The Council produced a Development Brief in relation to this site, this brief has an aspiration for some bungalows on the site, however each planning application must be determined on its own merits and in principle two storey houses are acceptable.

**Design of Scheme**

1.31 The area of land for development forms a long thin wedge approx 300m in length and only 65m at its widest point adjacent to Tanfield Road and as such the shape restricts/dictates the built form of development possible for the site. Notwithstanding this dwellings have been positioned on both sides of the road with four facing directly onto Tanfield Road. A small cul de sac has been formed to the west side of the site. A number of different house types have been used both detached and semi detached all of which have private gardens. A small amount of open space has been provided within the site together with tree planting around all three sides.

1.32 In accordance with the Hartlepool Local Plan guidelines minimum separation distances of 20m have been achieved throughout the development. All dwellings will be constructed using facing brick and concrete tile roofs with white upvc windows and composite/steel faced doors. The design of the dwellings and the layout are considered to be acceptable. The mix of dwellings is also considered to be appropriate and although no bungalows have been provided within the scheme, the

provision of two storey family dwellings is not considered to be inappropriate for this area. It should be noted that whilst there are a number of bungalows in the area there are also houses on Stockton Road which share the boundary with the application site.

1.33 The area of the site is 1.36ha (3.36 acres) with 45 dwellings; the density is therefore 33.088 per hectare. Whilst this density of 33 would be greater than the density of 30 dwellings per hectare suggested within the Councils Development Brief, it should be noted that this figure is now less than that originally submitted which was 35 per hectare. Given the Governments aspirations for the provision of a wide range of homes to meet all needs, it is unlikely that an objection could be sustained on the density of the site which is also less than that recently approved at Eaglesfield Road (38 dwellings per hectare).

1.34 The proposed plans indicate that a permeable crushed aggregate would be used for part of the dwellings' driveways. This is a material used by the developer on other sites and not common in Hartlepool. The Architectural Liaison Officer for the Police has commented on the use of this material and the potential for anti social behaviour. A number of other suggestions have been made regarding safety within the development including trellis topping to the fences and lighting to all footpaths. These can be covered by conditions.

### Ecology

1.35 A tree survey provided with the application indicates that 26 individual trees, one Japanese Knotweed stand, one group (5 trees) and 5 hedgerow plantation groups were surveyed and assessed. This survey includes trees in adjacent sites. A number of the trees within the application site would be removed in order for the development to proceed. In relation to the off site trees on boundaries of the site, these would be protected during construction. It would appear that although some work has been carried out to restrict the Japanese Knotweed, this plant appears to originate from a neighbouring garden. A detailed scheme for the method of removal and disposal of this plant will be required.

1.36 All trees will be checked by contractors for the presence of bats and birds prior to carrying out any tree removal. It should be noted that none of the trees are protected by Tree Preservation Orders. The Councils arborist has offered no objections to the removal of the trees or the proposed development subject to the provision of a landscaping scheme and tree protection during construction.

1.37 The Councils ecologist has inspected the site and buildings to determine the presence of roosting bats. There were no signs of bats on or in any of the buildings and as such a bat emergence survey was not required. He does however recommend that any trees should be removed outside of the breeding season for birds (March to August) unless they are checked by a qualified ecologist.

### Impact on surrounding area

1.38 In terms of its relationship with neighbouring properties and other uses, this long, wedge shaped site shares its western boundary with the cemetery. The

existing concrete post and wire mesh fencing is proposed to be removed and replaced with a close boarded fence (1.8m) which will separate and screen the back gardens of a number of new dwellings from the cemetery. Within the cemetery at this point there is one of the many access paths/roads which cross the cemetery and provide access to graves for pedestrians and vehicles. The new dwellings along this boundary either present their side elevations close to the boundary or rear elevations separated by their rear gardens. These gardens measure between 7m and 12m in depth. Some tree planting has been indicated on this boundary within the gardens.

1.39 To the north, the proposed housing is separated from part of the Tanfield Nursery which is to be retained as a retail garden centre (Council owned). Tanfield Road currently provides both pedestrian and vehicular access to a number of uses - the cemetery and crematorium, garden centre, offices, Stranton Lodge (with planning consent for cafe) and residential properties on Tanfield Road. The road also provides the main access for the former depot.

1.40 Only one of the abovementioned dwellings shares a boundary with the application site. Number 7 Tanfield Road which is a modern (late 20th century) semi detached bungalow which has a good size rear garden. There are main windows in the main rear elevation of this bungalow and a detached garage to the rear of the bungalow adjacent to the boundary of the application site. There are a number of conifers on the boundary of the application site which currently screen the depot from this property. The landscaping plan provided with the application indicates that these conifers are to be retained.

1.41 Although there would be four new dwellings (2 storeys) sharing the side boundary with this bungalow all rear gardens are 10m in length. Further, 1.8m high fencing will be erected along this boundary and forms the rear boundaries of the new houses. This relationship is considered to be acceptable in terms of separation distances and overlooking. No windows in the new houses will face directly onto main windows in the rear elevation of this bungalow.

1.42 Immediately to the south of 7 Tanfield Road is a large brick building which has been in use as a vehicle repair garage (Glenesk Garage) for many years. This commercial building which is accessed from Yarm Close (from Stockton Road) will remain in operation for the foreseeable future. The building which has a shed like industrial appearance forms the south boundary of 7 Tanfield Road and its western elevation forms the boundary with the application site. There are two large windows in the rear of this garage which appear to be obscured from within. The windows do however face onto the application site.

1.43 With regard to the relationship with the new dwellings, this western elevation of the garage would form the boundary to four of the new properties - two in full and two in part. The gardens here have been proposed at 10m in length which would accord with current Council guidelines for separation distances between main elevations and blank elevations. The presence of the windows in the rear of the garage therefore give rise for concern as although they appear not to be in use at present, there is nothing to prevent the garage owner from opening them up again. This is an issue which is presently being addressed and negotiations are underway with the owner of the garage to address potential overlooking issues.



1.44 Immediately to the south of this repair garage is 4 Yarm Close, a modern domer bungalow which occupies a site at the end of the cul de sac, and presents its main rear elevation towards the application site. It should be noted that this bungalow is sited close to the boundary with its main garden area to the side (south). Separation distances at this point (main rear elevation and application site) vary between 2.5m and 3.5m resulting in main windows in the rear of 4 Yarm Close directly overlooking the application site. With this in mind an area of open space has been provided within the new layout at this point in order to minimise the potential for overlooking and loss of privacy to this existing property.

1.45 Officers requested a noise survey to be carried out adjacent to the repair garage in Yarm Close. The Councils Principle Environmental Protection Officer is satisfied with the findings and would raise no objections in relation to the proximity of the new dwellings to this garage.

1.46 To the south of Yarm Close are a number of well established dwellings in Stockton Road all of which have unusually long rear gardens. The relationships here are considered to significantly exceed separation distances.

1.47 The boundary at the southern tip of the site is shared with the scout headquarters and another garage/workshop. The relationships at this point are also considered to be acceptable as are those with a small number of dwellings at the eastern end of Brierton Lane close to the junction with the main dual carriageway (A689).

#### Drainage/contamination

1.48 A number of the objections relate to existing drainage problems in and around the site and there are concerns that the redevelopment of the site will exacerbate the problem. A Flood Risk Assessment has been carried out and submitted with the application. The site is not located within the Environment Agency's Flood Risk Zones 2 (medium risk) or 3 (high risk) as set out in its Standing Advice.

1.49 Information provided in the FRA states that surface water drainage is being directed to Northumbrian Waters sewers at a reduced rate and this being the case The Environment Agency has no objections to the development. The Councils Drainage Engineer has also offered no objections however has advised that the developer provides a detailed sustainable drainage strategy by condition.

1.50 Northumbrian Water has offered no objections and states that the developer has agreed with NW the discharge rates to the public sewer system.

1.51 With regard to the fuel tank which is located towards the north of the site, the developer has carried out ground investigations in the area and no significant contamination has been found. A detailed remediation strategy will be provided to address this matter and any other contamination found within the site. This can be dealt with by the relevant planning condition.

### Highway Safety and parking

1.52 In terms of parking and road geometry the design of the development meets current standards required by Hartlepool Borough Council. The amended layout has allayed officers concerns regarding access to the south part of the site for large vehicles. Although calculations were provided to demonstrate that large vehicles such as fire engines and bin wagons could safely manoeuvre through the central junction as originally planned, concerns were raised regarding the practicality of this and the lack of space for error. This staggered junction has now been omitted.

1.53 Concerns were also raised by officers and members of the public regarding the absence of an emergency exit from the site. Officers consulted with the emergency services who have now concluded that vehicle access to and from the site complies with the B5 requirements of the Building Regulations and as such no objections would be raised to the scheme and a separate emergency access would not be required for this site. As such the Councils Highway Engineers are also satisfied that an emergency access is not required.

1.54 With regard to the other comments and objections raised by residents, whilst it is acknowledged that Tanfield Road can be quite busy, the road itself is not considered in highway terms to be too narrow or unable to cope with the increase in traffic. Many estate roads (narrower than this) in other parts of the town accommodate larger flows of traffic throughout the day and night. It is unlikely that there is a great deal of traffic on evenings and through the night when the gates to the cemetery are locked.

1.55 No objections have been offered by the Councils Highway Engineer on this point as it is considered that the existing road will withstand the additional vehicle movements particularly as the new development is an alternative use for the site not an additional use. The potential for additional noise and disturbance created by traffic to and from the residential development is not considered to be excessive. There are a number of well used busy roads in the immediate area such as Stockton Road, Brierton Lane and the A689. Given that the site is close to these main roads there is good access to public transport.

1.56 The Highway Engineer has also commented on the suitability of the use of aggregate for driveways and has suggested that tarmac or block paving is used.

### Sustainability

1.57 The developer has provided a sustainability statement with the application which indicates that they (the developer) propose to improve the specification of the insulation in the roof, wall and floor of each dwelling. Energy efficient internal light fittings, heating system thermostats and double glazing will be provided.

### Section 106 Agreement

1.58 As part of the required legal agreement the developer has agreed to provide 5 affordable dwellings and contribution of £250 per dwelling towards off site play facilities and £250 per dwelling towards green infrastructure in the surrounding area.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.59 There is no evidence of equality or diversity implications.

## SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.60 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.

1.61 Cleveland Police's Architectural Liaison Officer has commented on a number of issues that would improve the security of the site. This includes the provision of trellis to the top of fences and the use of different material for driveways.

**RECOMMENDATION – APPROVE** – subject to the completion of a legal agreement securing 5 affordable dwellings, developer contributions of £250 per dwelling towards off site play and £250 per dwelling for green infrastructure and the following conditions. The final wording of conditions to be delegated to the Planning Services Manager.

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 SD701, SD702, 201/1A, 301/B, 303/1A, 304/1A, 309/1, 310/1, 401/1B, 403/1B, 404/1B, 405/1A, and 406/1C and details received by the Local Planning Authority on 02-08-2012 and amended elevations numbered 201-09 rev C, 301-09 rev A, 304-10 rev A, 309-11 rev B, 310-11 rev B, 401-10 rev D, 403-10 rev C, 404-10 rev B, 405-10 rev C and 406 -11 received by the Local Planning Authority on 16-10-2012 and amended plans numbered GH13:L:03 rev I, GH13:L:05 G and GH13:L:02 rev I received by the Local Planning Authority on 11-12-2012 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
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) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.  
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not

be altered or extended in any way without the prior written consent of the Local Planning Authority.

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

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any 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.

7. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

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

In the interests of visual amenity.

9. 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.

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

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

11. Clearance of any vegetation on site shall be carried outside of the bird breeding season, i.e. March-August inclusive unless otherwise agreed in writing by the Local Planning Authority. If it is necessary to clear the site during the bird breeding season, then the site shall be surveyed by a qualified ecologist no more than two days prior to clearance works commencing to ensure that no nests are present. If any nests that are found the vegetation containing the nest shall be cordoned off so that clearance works avoid that area until the nests are no longer in use.  
In the interests of the ecology of the site.
12. Notwithstanding the approved Energy Efficiency and Sustainability Statement, a detailed scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of sustainable development.
13. No development shall be commenced on site until a detailed scheme for the investigation and recording of Japanese Knotweed and setting of remediation objectives based on risk assessment has been submitted to and approved in writing by the Local Planning Authority. The investigation and recording of Japanese Knotweed shall thereafter be carried out in accordance with the scheme. Detailed proposals for the treatment (remediation) including removal, containment or otherwise rendering harmless of Japanese Knotweed from the site shall prior to the commencement of development be submitted to and agreed in writing by the Local Planning Authority (The remediation method statement). The works specified in the remediation method statement shall be completed in accordance with the approved scheme. If further Japanese Knotweed is identified that has not been considered previously in the remediation method statement then remediation proposals for this material shall be submitted to and agreed in writing with the Local Planning Authority. The remediation works specified shall be completed in accordance with the approved scheme.  
To ensure protection of the environment.
14. The development hereby permitted shall not be commenced until such time as a scheme for surface water management has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the approved details and the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.
15. The development hereby approved shall be carried out having regard to the following:
  1. Site Characterisation  
Prior to the commencement of development, with the exception of the development of plots 3, 4 and 5 as shown on the approved plans, an investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site,

whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation must include a ground gas risk assessment within a detailed site investigation report. The investigation report must include a robust/plausible conceptual model and risk assessment. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

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

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

## 2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

## 3. Implementation of Approved Remediation Scheme

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

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

## 4. Reporting of Unexpected Contamination

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

remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

#### 5. Long Term Monitoring and Maintenance

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

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

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

#### 6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

16. Prior to the commencement of any works to construct the garage on plot G45 details of the proposed foundation of the garage shall be submitted to and approved in writing by the Local Planning Authority. The garage foundation shall thereafter be in accordance with the details so agreed.

In order to ensure the adjacent hornbeam tree is protected from damage.

17. Notwithstanding the submitted details prior to the commencement of development, details of the proposed treatment of driveways/parking areas serving the dwelling houses shall be submitted to and approved in writing by the Local Planning Authority. The treatment so agreed shall be implemented prior to the occupation of the dwellinghouse that the driveway/parking area serves.

In the interests of highway safety and crime prevention.

## BACKGROUND PAPERS

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

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

## CONTACT OFFICER

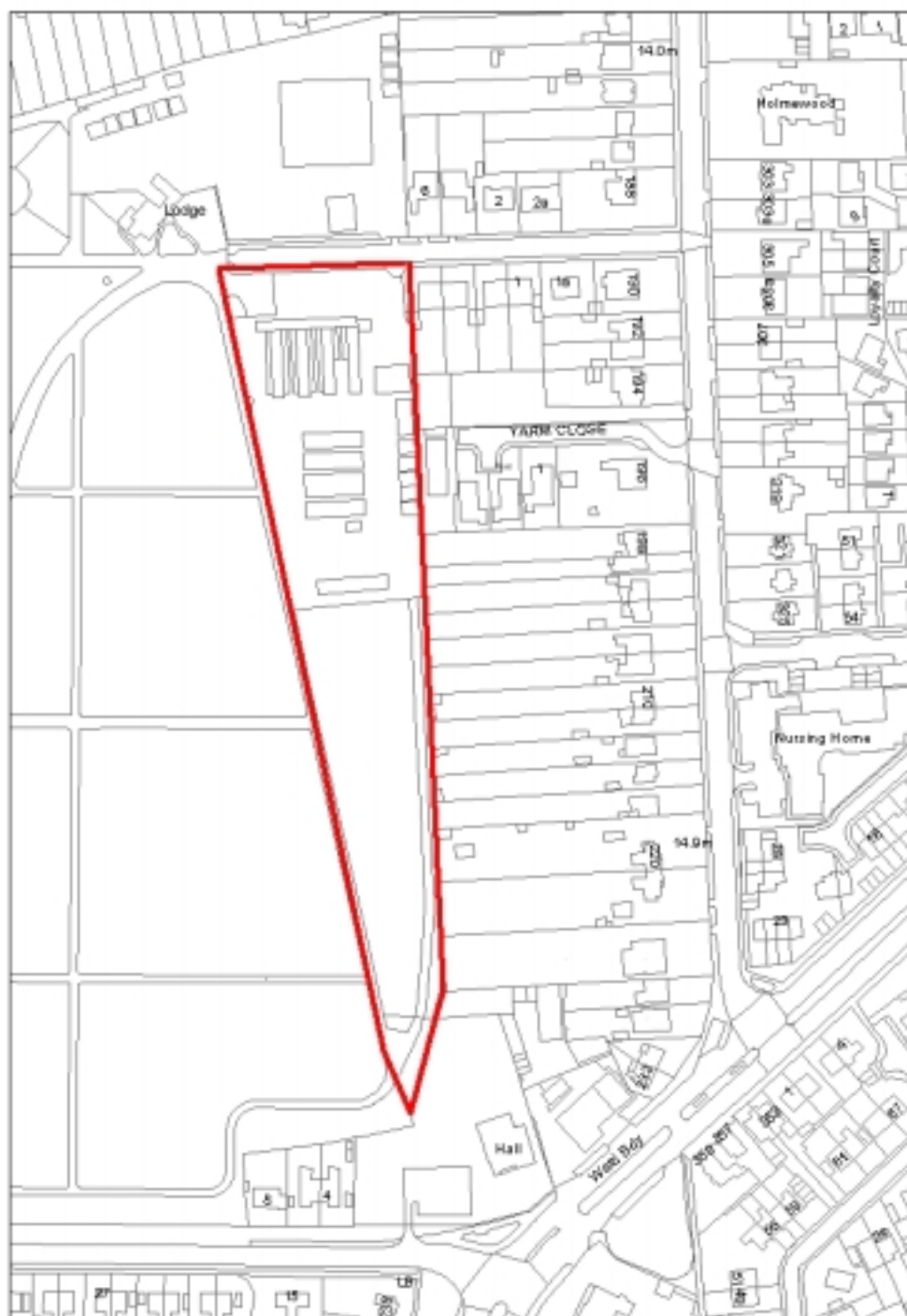
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# TANFIELD ROAD



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 : 24/1/13**  
**Org No: H/2012/0427**

**No:** 2  
**Number:** H/2013/0027  
**Applicant:** Mr J Shadforth Crookfoot Farm Elwick HARTLEPOOL  
TS27 3HA  
**Agent:** Sean McLean Design 22 Map House Portrack Grange  
Road STOCKTON ON TEES TS18 2PH  
**Date valid:** 18/01/2013  
**Development:** Amendment to planning application H/2010/0679 for the  
erection of a dwellinghouse  
**Location:** Crookfoot Farm Coal Lane Elwick 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 None

## PROPOSAL AND SITE CONTEXT

2.3 The application site is part of an existing agricultural holding located on the western edges of the Borough. The site lies within a Special Landscape Area and some 450m to the south west of the Crookfoot reservoir Site of Nature Conservation Importance. The land is currently in agricultural use and is located to the north east of a complex of agricultural buildings including three large barns which also serve the applicant's holding. To the north and west are fields. To the east is an access track, which is a public right of way, beyond which are agricultural fields. The land is relatively low lying rising generally to the north. Located on higher ground some 420m to the north are two dwellinghouses (Crookfoot View and Crookfoot House) and the applicant's existing mobile home and associated buildings. Some 480m to the east beyond fields is Amerston Hill another dwellinghouse. Some 240m to the south west is Amerston Hall. Access to the site is from the track to the east connecting to Coal Lane. This is a narrow track which serves the above dwellings, as well as a farm at Stotfold Moor, Primrose Cottage, as well as the reservoir/water company plant.

2.4 Planning permission was granted in May 2012 (H/2010/0679) for the erection of a permanent dwellinghouse to serve the agricultural holding. The current application relates to the same site but seeks permission to amend the approved dwellinghouse. This will replace the mobile home located to the north. The amendments propose a larger dwellinghouse of a different design and orientation on the site. The proposed dwellinghouse will be located adjacent to the holding's agricultural buildings. The siting allows space for further agricultural buildings to be sited between the existing

buildings and the dwellinghouse should they be required, and be permitted, in future. The dwellinghouse will be two and a half storey and accommodate a lounge, dining room and kitchen, bathroom, office, boot room/utility and double garage at ground floor. Three bedrooms and a bathroom at first floor and an observation area within the roof space. The floors will be connected by a lift. In support of the application the applicant has provided a statement briefly this advises that:

- a) The approved design was reviewed prior to the building regulations submission and in light of the applicant's disability, given the additional space required to accommodate wheelchairs for example, was not considered to meet the current and future needs of the applicant.
- b) The business has been established for more than three years is viable and has every prospect of continuing to be so.
- c) There is a clearly established existing functional need for the dwellinghouse particularly to ensure a worker is on hand day and night to care for animals and for security.
- d) The functional need relates to a full time worker.
- e) The functional need could not be met by another existing dwelling.
- f) The design and siting is suitable and sympathetic. It provides for the needs of the applicant, the functionality of the farm and respects its setting in the open countryside.

## RELEVANT PLANNING HISTORY

2.5 H/2011/0196 Retention of mobile home, stable block and container used for agricultural purposes for a temporary period of 3 years. This application to retain the mobile home which currently serves the holding for a further period and an unauthorised stable block and container was approved by Committee in May 2012.

H/2010/0679 Erection of a dwellinghouse. This application for the erection of a dwellinghouse to serve the holding was approved by Committee in May 2012.

H/2009/0235 Erection of a detached dwelling. This application for the erection of a large dwellinghouse on the site of the existing mobile home was withdrawn in December 2009 after concerns were raised in relation to the size/design of the proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

H/2005/5633 Siting of 2 mobile cabins with central glazed link to form a single dwelling. Approved November 2005. This application for the existing temporary residential accommodation was approved by Committee against officer recommendation. Conditions required the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

H/FUL/0145/03 Erection of two log cabins for residential use in connection with agricultural use. This application for the erection of two cabins on the site which is now occupied by the applicant's mobile home was refused on 15 July 2003 for the following reasons:

- a) The proposed development does not conform with Policy Ru8 of the adopted Hartlepool Local Plan (1994) by virtue of the fact that the two residential units are not considered to be essential for the efficient functioning of agricultural, forestry or other countryside activities. In addition to guidance contained in the Local Plan, consideration has also been given to national planning guidance contained in PPG7: The Countryside. The proposal does not conform with the guidance set out in Annex F of this document in terms of the functional need for 24 hour supervision and the lack of evidence supplied relating to alternative accommodation within the area.
- b) The proposed development by virtue of its location would have a detrimental impact on the setting of the open countryside and a site of nature conservation importance. The proposal is therefore in conflict with policies Ru14 and Co17 of the adopted Hartlepool Local Plan (1994).

2.6 The applicant appealed against this refusal and the appeal was dismissed. In her decision letter (**attached**) the Inspector addressed two key issues the justification for the development on agricultural grounds and the effect on the surrounding countryside. In terms of the issue of agricultural justification at that time the enterprise had 200 ewes and whilst cattle were proposed none had been purchased. Similarly plans for lambs and racehorse respite had not been implemented. The Inspector acknowledged that, whilst lambing time would be a demanding time requiring prolonged attendance, for the remainder of the time the animals needs could be tended to as part of the normal working day. The Inspector concluded at that time that it would not be essential for care of the livestock for a worker to be on hand at most times of the day or night. She also raised concerns in relation to the applicant's previous interest in Amerston Hall stating "The Appellant confirms that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the appellant states that he has sold Amerston Hall and now has no control over the use of the buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind this serves to cast further doubt on the question of the need for a full time presence on the farm". The Inspector advised that in her consideration there was insufficient justification on agricultural grounds to allow the temporary dwellings. The Inspector noted that the proposed site, given its distance from a recently erected barn, where livestock requiring attention would be located, failed to address the need for which the accommodation was proposed. She also pointed out that the site of the cabins was prominent and that this could only increase as a result of vehicles, storage and other requirements associated with an active farm. She concluded that "the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape."

## PUBLICITY

2.7 The application has been advertised by neighbour notification, site notice and in the press. Three letters of objection have been received including a letter from a Planning Agent representing "Crookfoot residents".

## 2.8 The objectors raise the following issues:

The original application was approved only after the application was amended to reduce the size and amend the design of the proposed dwellinghouse.

The removal of the temporary cabins will be delayed.

Concerns the alterations may encourage/lead to further developments including the creation of a granny flat.

The original application allowed for disabled access.

This is just a tactic to build a monstrosity in the countryside.

An approval would reverse the improvements gained during the original application and the scale and mass of the proposed dwellinghouse would be unsympathetic to the rural character of the area and have an adverse impact on the visual amenity of the landscape.

The proposal would be contrary to Local Plan and Draft Core Strategy Policy would not enhance the quality of the area and would damage the environment.

If windows are allowed in the garage this could be easily converted to a habitable room or become a separate annex which would result in a further increase in the size of the dwellinghouse.

The increase in the size of the observation room could result in an additional bedroom and therefore increase the size of the dwellinghouse.

The initial application and this causes grave concern for residents.

There was housing available when the farm was purchased.

The farmhouse and old buildings will be developed this has already started but no planning permission has been granted.

Further investigations need to be undertaken to establish who the owners of the old farmstead are.

The failure to implement the permission and the time taken to deal with this amendment will mean it will be difficult to complete the construction before the permission for the temporary accommodation expires.

If enforcement action is not taken then the temporary accommodation could become immune from enforcement action.

There are discrepancies in the plans.

## Copy Letters C

## CONSULTATIONS

### 2.9 The following consultation replies have been received:

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

**Parks & Countryside** : A public footpath abuts to the southern side of the proposed development area. As it is not part of the area there does not appear to be any requirement to consider a diversion or other public path order of the said path. The planning application does not look to interfere with the public right of way and the legal rights attached to it, as a highway.

The designation of the path is: Public Footpath No.20, Elwick Parish.

If the planning application is approved, there will be a requirement for the developer/builder to make sure that at no time is the public right of way to be obstructed by materials, equipment or vehicles. These would be legally regarded as permanent or transient obstructions and as such would be classed as committing of a criminal act.

**Ramblers Association** : No comment.

**Public Protection** : No objection

**Engineering Consultancy** : No comments received. In relation to the previous application advised. "With regard to the above application I note that the foul and surface water are proposed to be disposed to septic tank and soakaway respectively. Presumably verification and acceptance of the design of the soakaway and septic tank would be undertaken through the Building Regulations".

**Northumbrian Water** : No comment.

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

**Environment Agency** : No objection subject to a condition relating to the disposal of foul drainage.

**Elwick Parish Council** : Elwick Parish Councillors were strongly against this application. Parish Councillors believe that this is an attempt to return to the original plan for a very large house on the site. The Councillors do not agree that further alterations are needed to the approved plans to allow for disabled access, as the approved plans should have met all current legislative requirements for access.

The change to the orientation of the house would mean that the observation windows would no longer have the view over the farm land which, in the original application, was stated as required for 24 hour vigilance; there is concern that with the extra windows requested, there is potential for this room to be turned into a bedroom. Likewise, the extra windows requested for the garage could potentially make this into a self-contained annexe, and again enlarges the house.

Elwick Parish Council does not support the amendment to this Planning Application.

**Hartlepool Water** : No comments received.

## **PLANNING POLICY**

### Local Policy

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

GEP1: States that in determining planning applications the Borough Council will have due regard to the provisions of the Development Plan. Development should be located on previously developed land within the limits to development and outside

the green wedges. The policy also highlights the wide range of matters which will be taken into account including appearance and relationship with surroundings, effects on amenity, highway safety, car parking, infrastructure, flood risk, trees, landscape features, wildlife and habitats, the historic environment, and the need for high standards of design and landscaping and native species.

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

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

Rur20: States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes.

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 Policy

2.11 For the specific purpose of determining this application there are no planning policies from the emerging 2013 Local Plan which hold greater weight than the 2006 Local Plan and the NPPF. As a result the emerging 2013 Local Plan should not be a consideration in determining this application.

### Regional Policy

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

### National Policy

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

## **PLANNING CONSIDERATIONS**

2.14 The main planning considerations are considered to be the principle of the development, design/impact on the visual amenity of the area, impact on the amenity of neighbouring residents, drainage and highway safety.

### Principle of the Development

2.15 The site lies within open countryside where local plan policies in relation to the provision of new dwellings are restrictive. One exception is to provide accommodation which is essential to the efficient functioning of economically viable agricultural uses.



2.16 The recently published National Planning Policy Framework (2012) advises that policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. It advises that amongst other things local plans should promote the development and diversification of agricultural and other land-based rural business (28).

2.17 In relation to the provision of new housing in rural areas the NPPF states “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: .... the essential need for a rural worker to live permanently at or near their place of work in the countryside...”(55)

2.18 The functional need for the dwellinghouse and financial case was assessed when the original application was approved in May 2012 (H/2010/0679). It was concluded that there is a justified need for a dwellinghouse to serve the holding and that the proposed location of the dwellinghouse adjacent to the existing farm buildings would be suitable to meet this need. In policy terms therefore the proposal is in principle acceptable. An appropriate planning condition is proposed to control the occupancy of the dwellinghouse. Other relevant detailed planning considerations are discussed below.

#### Design/impact on the visual amenity of the area

2.19 The application site is located in an area designated as a special landscape area within the Hartlepool Local Plan 2006 (Policy Rur 20). In such locations policy advises that development will not be permitted unless it is sympathetic in terms of the design, size and siting and building materials and it incorporates appropriate planting schemes.

2.20 The proposed house is slightly larger than that originally approved on the site, and the design and orientation has been amended.

2.21 The applicant's agent maintains that the need for the amendments has in part arisen from the need to accommodate the applicant's disability. This is disputed by objectors to the proposal.

2.22 It is acknowledged that the house is slightly larger than that approved however it is not considered unreasonably so and accommodates the same range of facilities as the approved house albeit on a slightly more generous scale. The design incorporates traditional features and will be constructed in brick with a slate roof, it is considered that the design and orientation of the house is on balance acceptable. A landscaping condition is proposed to ensure an appropriate treatment.

2.23 The site is located in a relatively low lying area with rising land to the north. The house has been re-oriented to take advantage of southern light however it is on the

same site and is located in close proximity to the existing farm buildings on the holding, to meet the functional needs of the holding.

2.24 In terms of its design and impact on the visual amenity of the area the proposed dwellinghouse is considered acceptable it is not considered that the house will be unduly prominent or obtrusive.

#### Impact on the amenity of neighbouring residents

2.25 The house is located well away from any neighbouring residents and it is not considered that the proposal will affect the amenity of residents in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

#### Drainage

2.26 The site has no mains drainage and foul sewage will be disposed of to a sewage treatment plant with surface water disposed of to Amerston Beck. The Environment Agency have raised no objections to the proposal. An appropriate condition is proposed.

#### Highway safety

2.27 The site is accessed by an existing access road which already serves the holding and several other properties. Traffic & Transportation have raised no objections to the proposal and in highway terms it is considered acceptable.

2.28 A public right of way passes the site along the access track. No objections have been raised by the Ramblers Association or the Countryside Access Officer. It is not anticipated that the development will impact directly on the adjacent public right of way and any issues which might arise will be dealt with under separate legislation. It is proposed to add a relevant informative to any decision notice.

#### Conclusion

2.29 The proposal is on balance considered acceptable and is recommended for approval subject to conditions.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.30 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

2.31 There are no Section 17 implications.

### **REASON FOR DECISION**

2.32 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 27th May 2015.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details (non mains drainage information including details of Klargester Bio Disc BA – BD, 1:10000 Map Showing Farm Boundary (and site location)) which had been received by the Local Planning Authority at the time the application was made valid on 18th January 2013, as amended in respect of the elevations, plans and site layout by the plans (1293/01B Proposed Site Plan, 1293/03A Proposed Floor Plans, 1293/04A Proposed Elevations) received at the Local Planning Authority on 14 February 2013 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The occupation of the dwelling shall be limited to a person solely or mainly working, or last working, in the locality in agriculture or forestry, or a widow or widower of such a person, and to any resident dependants.  
The site of the proposed dwelling(s) is in an area where the Local Planning Authority considers that new housing should only be allowed in exceptional circumstances where it is essential in the interests of agriculture or forestry.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. 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.
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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development within Classes A, B, D or E of Schedule 2 Part 1 or Class A of Schedule 2 Part 2 of that Order shall be carried out other than that expressly authorised by this permission. In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise and in the interests of the visual amenity of the area.
9. The development permitted by this planning permission shall only be carried out in accordance with the approved non-mains drainage scheme of a package treatment scheme discharging via pipe(s) to the Amerston Beck. The non-mains drainage scheme should adhere to the following mitigation measures:
  1. No connection to a soakaway or land drainage system, including land drains/ditches.
  2. No siting of the package sewage treatment plant within 50 metres or upslope of any well, spring or borehole used for private water supply (including the nearby public water supply boreholes).
  3. Any pipeline transferring the discharge from the package treatment plant to the watercourse should be suitably lined to prevent leakage, particularly where the pipes cross Hartlepool Water's water main.

The proposed development site is located in an area of high environmental sensitivity as it lies in close proximity to one of Hartlepool Water's main public water supply abstractions. In addition, the route of the proposed pipeline, transferring the treated discharge from the non-mains drainage scheme (package treatment plant) to the adjacent Amerston Beck crosses directly over Hartlepool's water main. The condition is to ensure protection of sensitive and important water resources.
10. This permission relates only to the provision of a dwellinghouse and ancillary development. It does not authorise the erection of any agricultural buildings shown as proposed on the approved site plan (Plan 1293/01 B).  
For the avoidance of doubt.
11. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse. It shall be kept available for the parking of vehicles and shall not be converted to a habitable room or rooms without the prior written approval of the Local Planning Authority.  
In order to ensure that the dwellinghouse remains commensurate with the needs of the enterprise.

## BACKGROUND PAPERS

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

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

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## Appeal Decision

Hearing held on 14 April 2004

by Kathleen Woodling BA, MPIL, MRTPI

an Inspector appointed by the First Secretary of State

The Planning Inspectorate  
400 The Wing  
Temple Quay House  
2 The Square  
Temple Quay  
Bristol BS1 6YH  
Tel: 0117 372 6272  
e-mail: enquiries@planning-  
inspectorate.gov.uk

Date

29 APR 2004

Appeal Ref: APP/H0724/A/03/1125836

Plot 18, Wynyard Estate, Wysyard, Billingham TS22 5NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr J Shadforth against the decision of Hartlepool Borough Council.
- The application Ref. 10/FUL/0145/03 dated 1 March 2003, was refused by notice dated 15 July 2003.
- The development proposed is two temporary log cabins for use by D&J Shadforth for residence, to carry out agricultural work associated with mixed arable farming and livestock i.e. pedigree cows and sheep, chickens and turkeys.

**Summary of Decision: The appeal is dismissed.**

### Preliminary Matters

1. Prior to the determination of the original application, Plan Shad 2 showing details of the siting and access to the proposed dwellings was withdrawn and minor modifications were made. I have taken these into account in making my decision.
2. The initial proposal identified one agricultural unit with two cabins but plan Shad 5, which divided the holding into two roughly equal portions, was submitted during the period the application was under consideration. At the hearing, the Appellant contended that the proposal should thus be considered on the basis of two independent, but closely linked, agricultural units. However, the description of development does not specify that more than one unit is proposed and the reports to the Council's Planning Committee indicate the proposal was considered as one unit. Furthermore, the Business Plan gives the legal framework as being a joint partnership and clearly assumes that the enterprise will operate as a single unit. I have therefore determined the appeal on the basis of a proposal for two temporary dwellings in relation to one agricultural unit.
3. At the time of the hearing, the two cabins had been brought onto the holding but did not appear to be in use.

### Main Issues

4. I consider that the two main issues in this appeal are firstly whether there is sufficient justification on agricultural grounds to allow these temporary dwellings and secondly the effect of the proposal on the character and appearance of the surrounding countryside.

### Planning Policy

5. The development plan includes the Hartlepool Local Plan 1994. Policy Ru8 states that new housing will not normally be permitted in the open countryside unless it is essential for the efficient functioning of agricultural activities and the siting will not be significantly

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Appeal Decision APP/H10724/A/03/1125036

detrimental to the rural environment. The appeal site lies within the Crookfoot Reservoir Special Landscape Area (SLA) and adjacent to the Crookfoot Reservoir site of nature conservation importance (SNCI). Under policy Ru14, development in an SLA will not normally be permitted unless it is sympathetic to the local rural character. In addition, policy Co17 states that proposals for developments likely to have a significant detrimental effect on an SNCI will not normally be permitted.

6. The provisions of these policies have largely been carried forward into the Hartlepool Local Plan Deposit 2001. However, given that this is still at a relatively early stage of preparation, I have attached little weight to the emerging policies in accordance with the advice in paragraph 48 of Planning Policy Guidance note 1: *General Policy and Principles*.
7. Planning Policy Guidance note 7: *The Countryside – Environmental Quality and Economic and Social Development* (PPG7) advises that isolated new houses in the countryside require special justification. Annex 1 sets out several criteria in relation to the assessment of proposals for new agricultural dwellings.

#### Reasons

8. The appeal site is some 120ha in size and consists mainly of open fields together with some areas of woodland. The Business Plan identifies seven products and services for the enterprise: lambs, cattle, llama, combinable crops, environmental conservation, woodland and a respite care facility for race horses.

#### Issue 1 – Justification on agricultural grounds

9. At the Hearing, it was confirmed that the dwellings were required on the basis of the need to provide essential care for livestock. Although the Business Plan is based on 150 breeding ewes and 35 suckler cows, the farm presently has some 200 ewes. The cattle have not yet been purchased but the herd could amount to 75 breeding cattle. Care of the sheep is carried out by the Appellant and it is intended that his son, Mr K Shadforth, will be responsible for care of the cattle.
10. The animals would require particular attention during the period from about March to June in order to deal with emergencies arising from lambing or calving. I recognise that this could be an extremely demanding time, requiring extended periods of attendance from one or both men. However, for the remainder of the year the animals' needs would be those of regular feeding and tending which could be carried out as part of a normal working day. There are also plans to provide respite care for up to 10 race horses but the Appellant confirmed that he would provide only general supervision and would not bear the main responsibility for their care. In addition it is intended to breed llamas but on the information put forward at the Hearing this would appear to be as a hobby rather than as part of the business. On the evidence before me therefore, I consider that it would not be essential for care of the livestock for a worker to be on hand at most times of the day and night.
11. I note that there were particular security concerns related to the two public footpaths which cross the land and the incomplete field boundaries on the unit. However, these factors do not, in my opinion, represent such an additional level of need as to justify a worker to be readily available at most times.
12. Furthermore, PPG 7 advises that the recent sale of dwellings or buildings suitable for conversion could constitute evidence of lack of agricultural need. The Appellant confirms

Appeal Decision APP/H0724/A/03/1125036

that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the Appellant states that he has sold Amerston Hall and now has no control over the use of the buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind, this serves to cast further doubt on the question of the need for a full time presence on the farm.

13. Paragraph 14 of Annex I sets out a number of other criteria with regard to the assessment of temporary agricultural dwellings. However, since I have found that a functional requirement has not been established, it is not necessary to consider these matters.
14. On my first issue therefore, I conclude that there is insufficient justification on agricultural grounds to allow these temporary dwellings. As such, the proposal would fail to satisfy the requirements of Local Plan policy Ru8 and PPG 7.

*Issue 2 - effect on the surrounding countryside*

15. The appeal site lies within a Special Landscape Area. The surrounding countryside is gently undulating and is characterised by open fields and areas of woodland, particularly along watercourses. There are sporadic groups of buildings, mainly relating to agriculture but there are also some related to the presence of the nearby reservoir.
16. The land which comprises the agricultural unit generally falls away to the south. The two cabins have been sited at the northern edge of the holding, at the highest point and to the side of an open field. I note that their location reflects considerations relating to the operation of the holding, the need for security and the cost of providing connections to utility services. However, the intended location for livestock in need of attention is a recently constructed barn situated near Amerston Hall. The location thus appears to fail to address the basis on which the accommodation has been proposed.
17. Although the proposal is for temporary dwellings, PPG 7 advises that these should not be permitted in locations where a permanent dwelling would not be permitted. At present, the cabins form an intrusive feature in the surrounding open landscape. Their prominence could be expected to increase as a result of vehicles, storage and other requirements associated with an active farm. Although landscaping might provide longer term screening in views from the north, any dwellings would continue to be clearly visible from other directions, particularly the public footpaths, due to the stated need to maintain views across the holding.
18. I am not aware of the circumstances under which alterations to the nearby Crookfoot Cottages were permitted but these works did not appear to be directly comparable to the appeal proposal which I have considered on its own merits. On my second issue, I conclude that the proposal would represent an unacceptable intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape. It would thereby be contrary to policy Ru14 of the Local Plan.

**Other Matters**

19. The Council also argued that the proposal would adversely affect the SNCI based on the adjacent Crookfoot Reservoir. However, this was not supported by any evidence as to the nature conservation value of the site or the manner in which it could be affected by the appeal proposal.



Appeal Decision APP/H10724/A/03/1125036

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**Conclusions**

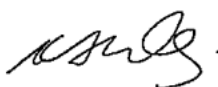
20. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

**Formal Decision**

21. I dismiss the appeal.

**Information**

22. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



Inspector

# CROOKFOOT 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

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**Scale: 1:5000**  
**Date : 18/2/13**  
**Org No: HI/2013/0027**

**No:** 3  
**Number:** H/2013/0014  
**Applicant:** Mr Tony Davison Summerhill Visitor Centre Summerhill Lane HARTLEPOOL TS25 4LL  
**Agent:** Hartlepool Borough Council Mr Tony Davison Summerhill Visitor Centre Summerhill Lane HARTLEPOOL TS25 4LL  
**Date valid:** 22/01/2013  
**Development:** Change of use of hardstanding area to car boot sales  
**Location:** SUMMERHILL VISITOR CENTRE SUMMERHILL LANE HARTLEPOOL

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## 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 relates to areas of hard standing located around Summerhill Visitor Centre. The application seeks consent for the use of the hard standing areas for car boot sales between the hours of 10am to 1pm every Saturday.

3.4 The site to which the application relates has been amended following concerns raised by the Council's Countryside Access Officer regarding a public footpath running through the hard standing area included within the application site. Following discussions with the Access Officer and the applicant the area of the footpath has been omitted from the proposed site.

3.5 Summerhill Visitor Centre sits next to the country park which is a purpose built park accommodating various outdoor activities. The centre is part of the park facilities.

## PUBLICITY

3.6 The application has been advertised by way of neighbour letters (3) and site notice. To date, there have been no neighbour representations received.

3.7 The period for publicity has expired.

## CONSULTATIONS

3.8 The following consultation replies have been received:

**Ecologist** – As the car boot sales would be situated on the existing hard standing area there should be no ecological issues associated with this development.

**Economic Development** – No objections to the planning application and note that this may offer a positive way to build visitor numbers to Summerhill

**Park and Countryside** – A public footpath runs through the hard standing area this is included with the planning application.

Unfortunately Highways Act 1980 does not allow for the temporary/transient or permanent obstruction of a public right of way at any time. To do so would be regarded as a criminal act and so would involve the possibility of enforcement action by the Council and potentially the Police. The parking of a vehicle over the line of the footpath would fall under the description of an obstruction.

**Traffic and Transportation** – I would not consider it necessary for a car boot sale to follow normal car park conventions and would not need to delineate parking spaces for the traders.

I would be happy for the event organisers to direct each vehicle to their allotted pitch, this should be carried out prior to the opening of the car boot sale to the general public and likewise the boot sale should be close to the public when vehicles start to leave.

The amended layout plan to avoid the Public Right of Way would be acceptable

**Public Protection** – no objections

## PLANNING POLICY

### Local Policy

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

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

GEP2: States that provision will be required to enable access for all (in particular for people with disabilities, the elderly and people with children) in new developments

where there is public access, places of employment, public transport and car parking schemes and where practical in alterations to existing developments.

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

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

Rur1: States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

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.

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.

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

### Emerging Local Plan

3.10 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: 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.

NE1: Green Infrastructure; The Borough Council will safeguard green infrastructure within the Borough from inappropriate development and will work with partners actively to improve the quantity and quality of green infrastructure and recreation and leisure facilities.

### Regional Policy

3.11 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

3.12 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**

3.13 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 amenity, the character and appearance of the area and highway safety.

### Principle of Development

3.14 The application site and the wider site to which this application relates is a large visitor centre. There visitor centre sits next to the country park. There are large expanses of informal parking provision located in close proximity to the application site. The proposed use will be provided for a maximum period of three hours, one day per week. In this instance it is considered that the proposed use is acceptable in relation to the policies set out in the adopted and emerging Hartlepool Local Plan. It is considered that the proposed use will be unlikely to have a significant impact upon the character and appearance of the area or highway safety.

### Amenity

3.15 The closest residential properties to the site are located in excess of 200m away. Conditions are proposed to restrict the proposed use to just a Saturday and the operating hours to between 10am and 1pm. It is considered that the conditions offer sufficient mitigation to preclude any significant detrimental impacts upon those residents closest to the site. Public Protection have raised no objections to the proposal.

### Character and Appearance of the Area

3.16 Given the proposed operating hours and that the car boot sales will only take place on a Saturday upon existing hard standing it is not considered that the use will significantly impact upon the character and appearance of the area.

### Public Rights of Way

3.17 As outlined above, Concerns have been raised by the Council's Countryside Access Officer regarding a public footpath running through part of the proposed site as originally submitted. Following discussions with the Officer and the applicant the area to which the footpath relates has been omitted from the proposed site. A suitably worded planning condition has been attached in this regard.

### Highway Safety

3.18 The applicant originally submitted a site layout plan which showed delineated parking spaces for traders. The plan however was not to scale and many of the spaces proposed did not appear to be accessible. Officers therefore requested the comments from the Council's Traffic and Transportation Section as to whether delineated parking would be required and if the amended scheme would be acceptable. The following comments were received:

*I would not consider it necessary for a car boot sale to follow normal car park conventions and would not need to delineate parking spaces for the traders.*

*I would be happy for the event organisers to direct each vehicle to their allotted pitch, this should be carried out prior to the opening of the car boot sale to the general public and likewise the boot sale should be close to the public when vehicles start to leave.*

*The amended layout plan to avoid the Public Right of Way would be acceptable*

3.19 Further to the above, it is prudent to state that there are large expanses of public car parking available in close proximity to the site already being used in connection with the visitor centre. Given the level of car parking available it is not considered that the proposed use would create any detrimental highway safety issues in terms of adequate parking provision.

3.20 In terms of the comments raised regarding event organisers directing vehicles to their allotted pitch and a trader not being allowed to leave the site until the car boot sale is closed. This is a site management issue for the organisers. The applicant has advised that in order to ensure appropriate management of the sales, sellers will be instructed to set up between 9.00am and 9.45am and remain on their pitch until 1.00pm when the sale ends in accordance with the requirements of Hartlepool Borough Council Traffic & Transportation.

### **Conclusions**

3.21 With regard to the relevant Local Plan policies and the relevant planning considerations discussed above, the proposal is considered acceptable subject to the conditions set out below.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.22 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

3.23 There are no Section 17 implications.

### **REASON FOR DECISION**

3.24 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 permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 22/01/2013 (Drawing No. SHCB L002) unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. The area shaded green on the approved plan (Drawing No. SHCB L002 received 22/01/13) shall not be used for car boot sales, unless otherwise



agreed in writing by the Local Planning Authority.

A public footpath crosses the site and must not be obstructed

4. The car boot sales hereby approved shall only be open to the public between the hours of 10:00 and 13:00 Saturdays and at no other time.

In the interests of the amenities of the occupants of neighbouring properties and the character and appearance of the area.

## **BACKGROUND PAPERS**

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

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

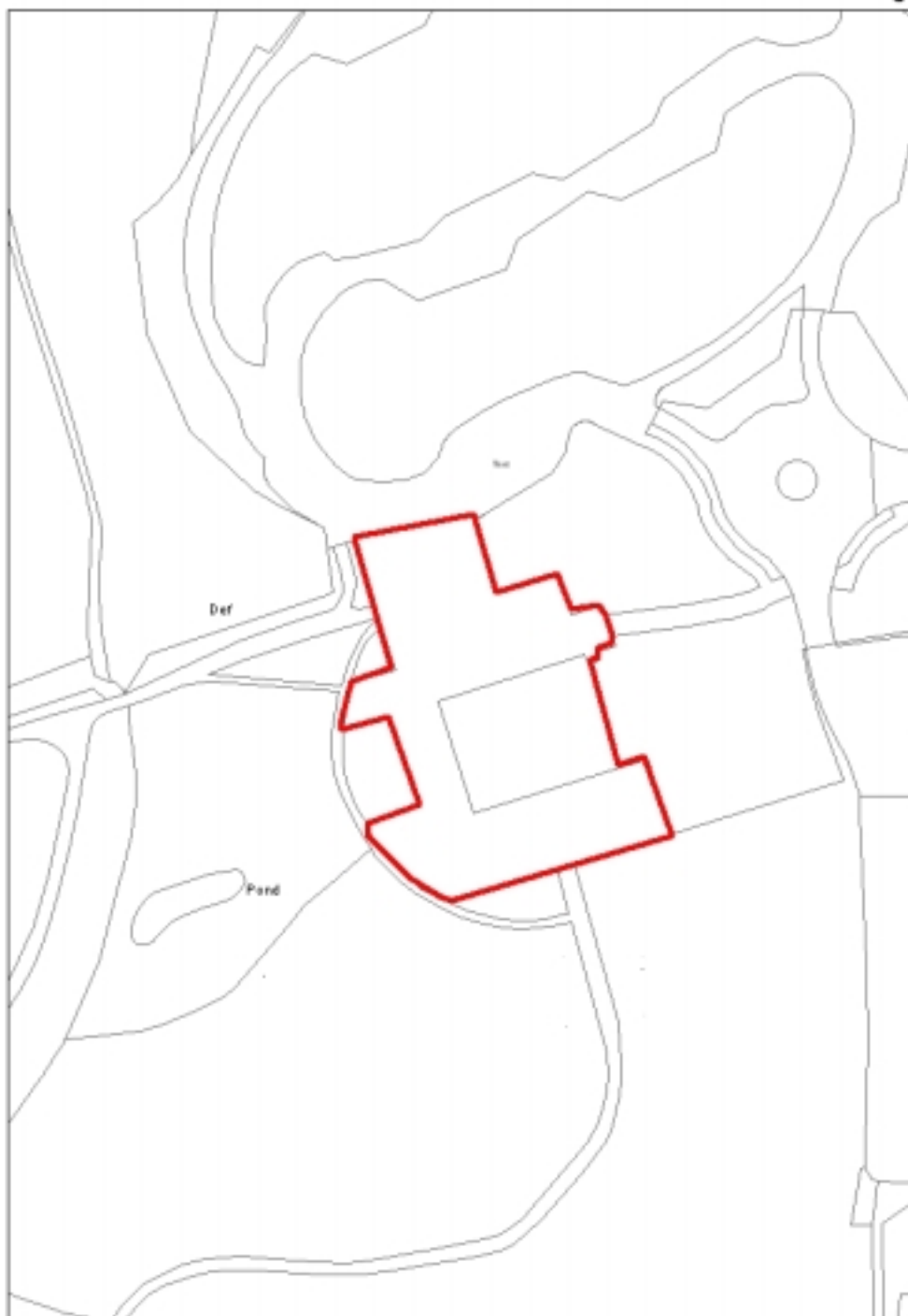
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## SUMMERHILL CENTRE



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

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**Scale: 1:1000**  
**Date : 18/2/13**  
**Drg No: HI/2013/0014**

**No:** 4  
**Number:** H/2012/0640  
**Applicant:** Mr Nick Rowbotham Dalton Back Lane HARTLEPOOL  
TS27 3HP  
**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert  
HARTLEPOOL TS26 0SR  
**Date valid:** 04/01/2013  
**Development:** Change of use to retail unit for the sale of motorcycle  
parts/spares and accessories, storage and office space  
(retrospective)  
**Location:** Bon Accord Dalton Back Lane HARTLEPOOL

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## 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.

## BACKGROUND

4.2 A business has operated from the site for a number of years without planning consent. In June 2013 an application for a Lawful Development Certificate under provision of section 191 of the Town and Country Planning Act 1990 for an existing use taking place at the application site was refused. The Local Authority did not consider that the uses at the time of the application had operated for a continuous period of 10 years preceding the date of the application. The application has been submitted to regularise the current use of the site.

## PROPOSAL AND SITE CONTEXT

4.3 The application site consist of hard standing and a building currently in retail use. To the north east is Pine Cottage a residential property. To the north and south west is the applicant's dwellinghouse and land. To the south is an indoor riding arena. The site is accessed off Dalton Back Lane via a lane which passes Pine Cottage. The site connects to the residential curtilage of the applicant's dwellinghouse.

4.4 The application seeks consent for the retrospective change of use of a building to a retail unit for the sale of motorcycle parts/spares and accessories, storage and office space.

## OTHER APPLICATIONS

4.5 An application for a stable block to the rear of the retail unit is also under consideration (H/2012/0641) on this agenda.

## PUBLICITY

4.6 The application has been advertised by way of neighbour letters (5) and site notice. To date, there have been no neighbour representations received.

The period for publicity has expired.

## CONSULTATIONS

4.7 The following consultation replies have been received:

**Economic Development** - Further to the above retrospective planning application whilst ordinarily I would be encouraging a more central commercial location, on this occasion as the business is largely internet trading I have no objection to the application.

**Ecologist** - There do not appear to be any ecological implications associated with this development.

**Traffic and Transportation** - There are no highway or traffic concerns.

**Dalton Parish Council – (comments made with regard to this application and application ref. H/2012/0041 – Erection of Stables)** the council has grave reservations about this and the partner application re sale of motor cycle spares. It is noted that the van hire business application fell because no firm evidence was available to prove the case. The two follow up shows disdain towards the planning system. It states on the forms that both are NOT visible from the road. They clearly are and need to be to draw custom! Why should neighbours have a "stable" overlooking them? The buildings should be behind bon accord so would be less obtrusive. There's plenty of land. The council sees no correlation between what is on sale at the retail outlet and rural areas. The applications should be rejected on that alone. Further, as the council has pointed out on numerous occasions, Dalton Back Lane is not conducive with more traffic that need not be there. Could the council ask that the objections made serve both this one and 0640?

**Public Protection** – Comments awaited.

## PLANNING POLICY

### Local Policy

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

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

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

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

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

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

4.9 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; 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.

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.

RC1: Retail and Commercial Hierarchy; 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.

Regional Policy

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

National Policy

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

- 14 – Presumption in favour of sustainable development
- 24 – Sequential test main town centre uses
- 25 – Sequential approach to small scale rural development
- 28 – Support economic growth in rural areas
- 196 – Determined in accordance with the development plan
- 197 – Presumption in favour of sustainable development

**PLANNING CONSIDERATIONS**

4.12 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 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, the appropriateness of the business in a rural area, the impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposal on highway safety.

4.13 A consultation response is awaited and an update report will follow.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.14 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

4.15 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.

4.16 There are no Section 17 implications.

## **RECOMMENDATION - UPDATE report to follow**

## **BACKGROUND PAPERS**

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

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

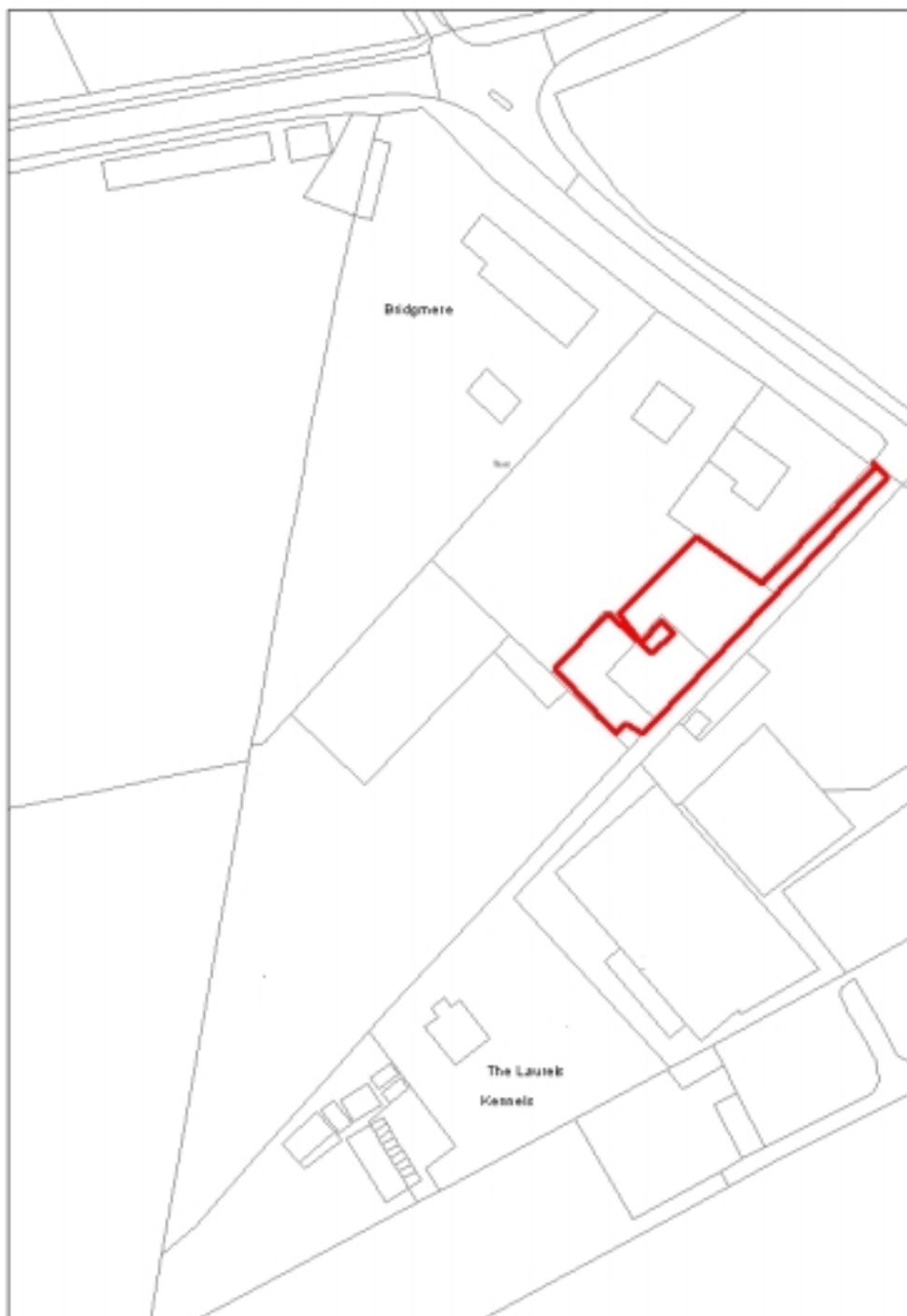
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## BON ACCORD, DALTON PIERCY



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

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**Scale: 1:1000**  
**Date : 22/2/13**  
**Drg No: HI2012/0640**



**No:** 5  
**Number:** H/2012/0641  
**Applicant:** Mr Nick Rowbotham Dalton Back Lane HARTLEPOOL  
TS27 3HP  
**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert  
HARTLEPOOL TS26 0SR  
**Date valid:** 04/01/2013  
**Development:** Erection of stables including tack room, a trailer store, hay  
loft and hardstanding (retrospective application)  
**Location:** Bon Accord Dalton Back Lane HARTLEPOOL  
HARTLEPOOL

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## 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 site is a large detached dwellinghouse with grounds that consist of garden area, a riding arena for horses and a paddock area. At present there is also a small stable area within the building currently used as a retail unit (also under consideration (H/2012/0640) on this agenda) and this will remain.

5.4 To the north east of the site is the applicant's retail unit with Pine Cottage a residential property located beyond. To the north west of the site is the residential property of Bridgmere. To the east is an indoor riding arena. The site is accessed off Dalton Back Lane.

5.5 The application seeks consent for the retrospective consent for the erection of stables including tack room, a trailer store, hay loft and an area of hard standing. The stable block is some 17.5m long by 6.7m wide and 6.5m high. It is constructed in smooth grey concrete roof tiles with brick and cedar cladding external walls.

## OTHER APPLICATIONS

5.6 As outlined above an application for a retail unit to the north of the stable block is also under consideration (H/2012/0640) on this agenda.

## PUBLICITY

5.7 The application has been advertised by way of neighbour letters (5). To date, there have been no neighbour representations received.

5.8 The period for publicity has expired.

## CONSULTATIONS

5.9 The following consultation replies have been received:

**Ecologist** - There do not appear to be any ecological implications associated with this development.

**Traffic and Transportation** - There are no highway or traffic concerns.

**Dalton Parish Council – (comments made with regard to this application and application ref. H/2012/0640 – change of use to retail unit)** the council has grave reservations about this and the partner application re sale of motor cycle spares. It is noted that the van hire business application fell because no firm evidence was available to prove the case. The two follow up shows disdain towards the planning system. It states on the forms that both are NOT visible from the road. They clearly are and need to be to draw custom! Why should neighbours have a "stable" overlooking them? The buildings should be behind bon accord so would be less obtrusive. There's plenty of land. The council sees no correlation between what is on sale at the retail outlet and rural areas. The applications should be rejected on that alone. Further, as the council has pointed out on numerous occasions, Dalton Back Lane is not conducive with more traffic that need not be there. Could the council ask that the objections made serve both this one and 0640?

**Public Protection** – Comments awaited.

## PLANNING POLICY

### Local Policy

5.10 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.

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

5.11 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; 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.

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.

RC1: Retail and Commercial Hierarchy; 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.

### 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 Government's intention to abolish Regional Spatial

Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

### National Policy

5.13 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.

### **PLANNING CONSIDERATIONS**

5.14 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 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, the impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposal on highway safety.

5.15 The comments of a consultee are awaited and an update report is to follow.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.16 There is no evidence of equality or diversity implications.

### **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

5.17 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.

5.18 There are no Section 17 implications.

**RECOMMENDATION – UPDATE** report to follow

## **BACKGROUND PAPERS**

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

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

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## BON ACCORD, DALTON PIERCY



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

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**Scale: 1:2000**  
**Date : 22/2/13**  
**Drg No: HI/2012/0641**

**No:** 6  
**Number:** H/2012/0597  
**Applicant:** Mr Jonathon Pattison Gillamoor Mill Gillamoor YORK  
 North Yorkshire YO62 7JU  
**Agent:** The Design Gap Mr Graeme Pearson 7 Hylton Road  
 HARTLEPOOL TS26 0AD  
**Date valid:** 20/11/2012  
**Development:** Residential development comprising six semi-detached  
 two and a half storey dwellings with car parking for twelve  
 cars (resubmitted application - amended scheme)  
**Location:** Land adjacent to 4-18 Percy Street HARTLEPOOL

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## 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 An application for residential development of seven dwellings (H/2012/0399) was refused under delegated powers in September 2012. Amendments have now been made to the scheme including a revised access route into the site.

## PROPOSAL AND SITE CONTEXT

6.3 The application site is the former school car park located on the north side of Percy Street just to the west of the former Jesmond Road Primary School. There are terraced houses immediately to the west and to the north across the back street shared with Everett Street. There are terraced bungalows to the south on Percy Street. A pair of semi detached houses are located to the east beyond is Jesmond Road School, a recently listed building (grade II) which has planning consent for conversion to apartments.

6.4 The application site was formerly the site of the school kitchen and dining room before more recently being used for parking for the school. There is a two storey brick building located to the north east corner of the site which appears to be within the rear gardens of 2 Percy Street. The only planning history available appears to relate to the use of this building as a haulage business and garage for the owner of 2 Percy Street. The application was refused in 1960.

6.5 The application site which is fenced and gated has remained unused since the school relocated to its new site on the corner of Jesmond Road and Chester Road.

6.6 The current application involves the erection of six new dwellings – four facing south onto Percy Street and two to the rear of the site facing west onto the rear

gardens of existing properties. The proposals have been amended during the course of the application. As originally submitted the application proposed 7 dwellings.

6.7 The three bedroom properties which are modern in design with traditional features such as bay windows and dormer windows, have ensuite bedrooms in the roof space and comprise two pairs of semi detached houses facing onto the main road and a pair of semis set at right angles to the rear.

6.8 Access to the rear of the site is located between plots 2 and 3 which face onto Percy Street. This would provide pedestrian and vehicular access to an area of off street car parking accommodating twelve parking spaces and to the pair of semis (plots 5 and 6) located to the rear. Two parking spaces have been provided for each of the dwellings.

6.9 The properties on Percy Street (plots 1 - 4) have small front and rear gardens. Plots 5 and 6 have a landscaped area to the front and larger rear gardens which back on to 4 Percy Street.

6.10 Pedestrian access to the back lane has been indicated on the plan for refuse collection for plots 5 and 6. The means of enclosure between the rear gardens is to be 1.5m high close boarded fences. A 1.8m high brick wall has been sited along the north side of the parking area to provide a screen for plot 5 which is the closest dwelling.

6.11 The houses which will be built using brick and tile, have ground and first floor bay windows, dormer windows to the front and roof lights to the rear. No garages have been included within the scheme.

## **PUBLICITY**

6.12 The application has been advertised by letters to neighbours (23) and site notice. One letter of no objection and three letters of objection were received to the original scheme for seven dwellings. The objections revolve around the following issues:

- a) Impact on light to property and rear of property;
- b) Noise and disturbance from cars;
- c) Concerns regarding boundary walls;
- d) Will have 5 gardens backing onto our garden;
- e) Noise and disturbance from new dwellings;
- f) Trees shown on plans could affect our property;
- g) Parking problems in the area would be worsened;
- h) The houses to the rear of the site will look over neighbouring gardens;
- i) The development should be in the form of terrace houses on Percy Street with access to the back street for parking;
- j) The developers should come up with a better plan;
- k) This is an odd/unfortunate layout;
- l) Reduces quality of life for the existing householders.



6.13 Consultations and publicity have been carried out for the amended scheme. One letter of support from a neighbour and two letters of objection have been received:-

- a) Odd/unfortunate layout;
- b) The development should be in the form of terraced houses on Percy Street;
- c) Noise and disturbance;
- d) Unreasonable to have 4 neighbours;
- e) Unreasonable for existing resident to maintain their fence when new properties will use it;
- f) Trees may effect neighbouring property;
- g) Overcrowding with cars in area;
- h) Parking in site is limited;
- i) New environment will be stressful to quality of life;
- j) Will leave my property with 4 gardens backing onto it.

### **Copy Letters A**

The period for publicity has expired.

### **CONSULTATIONS**

6.14 The following consultation replies have been received:

**Engineering Consultancy** - I note on the application that surface waters will be discharged into the Northumbrian Water system; therefore I would not have any further comments providing NWL approval.

Should NWL object to the proposal, and the applicant considers adopting SuDS as an alternative, then a detailed drainage design and suitably worded condition would be required.

**Neighbourhood Services** – No response received.

**Public Protection** – No objections to the amended scheme.

**Traffic and Transport** – The plan is acceptable to Highways.

**Northumbrian Water** – In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

**Cleveland Police** – No response received.

**Property Services** – Supports the development.

## PLANNING POLICY

### Local Policy

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

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

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

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

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

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

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

#### SUS 1 The 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.

#### CC1 Climate Change

This advises that the Borough Council will work with partner organisations to help minimize and adapt to climate change.

#### CC2 Energy Efficiency

This advises that the Council will seek to ensure high levels of energy efficiency in all new developments.

#### CC4 Flood Risk

The Borough Council will see to ensure that new development will be focused in areas of lower flood risk where possible (Flood Zone 1). Where necessary developers will be required to provide the sequential and exceptions test for new development.

#### 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.

#### HSG1 New Housing Provision

This relates to the provision of new housing in the Borough on sites already identified in the urban area, newly identified sites on the edge of the urban area and in villages. Other sites will be considered in accordance with policies LS1, CC1, ND3 and HSG4.

#### 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.

#### Regional Policy

6.17 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

6.18 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**

6.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, the impact of the development on neighbouring residential properties in terms of amenity, highway safety, the design/impact on the street scene and the impact on the listed building.

6.20 Further consideration of the revised plans is ongoing and a comprehensive update report will follow.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

6.21 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

6.22 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.

6.23 There are no Section 17 implications.

### **RECOMMENDATION – UPDATE TO FOLLOW**

#### **BACKGROUND PAPERS**

6.24 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.

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## 4-18 PERCY STREET



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**HARTLEPOOL BOROUGH COUNCIL**  
 Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT  
 Department of Regeneration and Planning

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**Scale: 1:1000**  
**Date : 18/2/13**  
**Drg No: HI/2012/0597**

# UPDATE

Planning Committee –6<sup>th</sup> March 2013

4.1

**No:** 4  
**Number:** H/2012/0640  
**Applicant:** Mr Nick Rowbotham Dalton Back Lane HARTLEPOOL  
TS27 3HP  
**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert  
HARTLEPOOL TS26 0SR  
**Date valid:** 04/01/2013  
**Development:** Change of use to retail unit for the sale of motorcycle  
parts/spares and accessories, storage and office space  
(retrospective)  
**Location:** Bon Accord Dalton Back Lane HARTLEPOOL

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4.1 This application appears as item 4 on the main agenda. This update report will provide a comprehensive discussion of the material planning considerations relevant to the determination of this planning application. For the avoidance of doubt the relevant considerations in this instance relate to the principle of the development, the appropriateness of the business in a rural area, the impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposals on highway safety.

## **Additional Consultation Response**

**Public Protection** – The Head of Public Protection has confirmed that conditions with regard to restricting opening hours, external storage/servicing etc, delivery hours and use should be attached. Furthermore, a condition requiring the workshop doors to be kept closed when any dismantling/repair/recycling and serving of vehicles is taking place or for the servicing of the business (deliveries etc) has been suggested.

## **Principle of Development**

4.2 The application seeks retrospective approval for the change of use of a building to a retail unit for the sale of motorcycle parts/spares and accessories, storage and office space.

4.3 The application site bounds the applicant's dwellinghouse, both the retail unit and the dwelling are in the ownership of the applicant and both are located in the open countryside.

4.4 Whilst the development is not in accordance with the National Planning Policy Framework (NPPF) and local policies in that it is a main town centre use in the countryside and it is not in a sustainable location, Officers are satisfied that the principle of a small retail unit in the countryside on fine balance is considered to be acceptable having regard to all other material planning considerations.

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Planning Committee –6<sup>th</sup> March 2013

## 4.1

4.5 Officers do not consider that the retail unit is of a significant scale to create any demonstrable harm upon the overall function of the town centre and surrounding local centres. The Head of Economic Regeneration has raised no objections to the development. On fine balance, it is not considered that the retail unit is causing any significant impact upon neighbouring properties or the appearance of the area as a whole by way of its operation. Furthermore, given that the majority of sales from the retail unit are internet based therefore limiting the number of customers visiting the site officers do not consider that a refusal to the application could be sustained in this instance.

### **Impact on the Character and Appearance of the Surrounding Area**

4.6 Whilst it is acknowledged that the provision of a retail unit in this location is an anomaly, on balance it is not considered that its use and appearance significantly detracts from the character and appearance of the immediate site or the surrounding area in general to a level whereby the Local Planning Authority could sustain a refusal. In terms of the comments received by Dalton Parish Council officers do not consider that the goods on sale at the premises detract from character of the rural area.

4.7 The area in general is characterised by a number of uses, not just residential. To the east of the site is a large indoor horse riding arena with associated car park. To the south of the site is a boarding kennels. Whilst it is acknowledged that the retail unit is visible from the road, on balance given the surrounding commercial uses it is not considered that the retail unit for the sale of motorcycle spares and accessories creates any further impact upon the character of the area.

4.8 Given the scale, siting and appearance of the development, on balance it is not considered that the retail unit is visually prominent in the context of the wider area to a level whereby the Local Planning Authority could sustain a refusal. It is not considered that views of the wider countryside or its setting have been lost or unduly compromised by way of the development.

### **Impact on Amenity**

4.9 The nearest residential property to the retail unit is Pine Cottage which is located approximately 26m to the north. The retail unit, access road and car park are all to some extent visible from the rear rooms of Pine Cottage. Notwithstanding this, on balance Officer's do not consider that the impact created upon outlook of the occupants of the aforementioned property is of a level whereby the Local Planning Authority could sustain a refusal. There is screening located upon the boundary between the cottage and the retail unit which assists in reducing the impact of the development. It is also acknowledged by Officer's that the building to which the application relates has been converted to cater for the use being operated, and therefore the occupants of Pine Cottage have always viewed a building from the rear rooms., therefore this proposal does not propose a substantially greater impact upon outlook. Furthermore, there are stables located on the front elevation of the building which when viewed in the context of the wider building reduces the impact of the



# UPDATE

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## 4.1

shop front of the retail unit and the overall perception of living in close proximity to a commercial use.

4.10 In terms of the use being operated from the site, it is considered that subject to the provision of appropriate conditions with regard to opening hours, delivery hours, a restriction on external storage and operations, on fine balance Officers do not consider that the occupants of Pine Cottage will be significantly detrimentally affected in terms of associated noise and disturbance by way of the development. The Head of Public Protection has raised no objections to the proposal subject to conditions being attached. Furthermore, it is prudent to state that the business has operated for many years without any complaints being received. The applicant has agreed to a condition which would restrict the occupation and operation of the site to a person occupying Bon Accord, then neighbouring dwellinghouse. Whilst it is acknowledged that the access to the retail unit is located to the side of Pine Cottage there is a degree of separation between the access and the side elevation of the dwellinghouse which will assist in reducing any noise and disturbance arising from comings and goings. Furthermore, the applicant has stated that the sales associated with the business are predominantly from the internet. The applicant has further stated that in terms of comings and goings to the retail unit he would expect only 3-4 cars per day. Given this level of custom, officers do not consider that the noise and disturbance associated with the business will be detrimental to the occupants of Pine Cottage.

4.11 In summary, whilst the operation of a commercial premise in close proximity to Pine Cottage is not ideal, on fine balance officers consider that the occupants of Pine Cottage are still afforded an acceptable level of amenity as required by policies CEP1 of the Hartlepool Local Plan 2006 and ND4 of the emerging Local Plan.

4.12 Given the location of the retail unit in terms of its relationships with the remaining residential properties in the area, the separation distances and screening associated with the development it is not considered that the impact created has resulted in any significant detrimental adverse impacts upon the living conditions for the occupants of the surrounding residential properties or the other commercial uses.

### **Highway Safety**

4.13 The Council's Traffic and Transportation Section have viewed the proposal and have raised no highway or traffic concerns. Given the levels of traffic associated with the development it is not considered that the development will present any highway safety issues.

### **Economic Impact**

4.14 Whilst it is acknowledged that a retail unit is a main town centre use it is not considered that the business operations will create any significant demonstrable harm upon the functioning of the town centre and other retail and commercial centres in the Borough given its scale. The Head of Economic Regeneration has raised no objections to the development. In order to prevent the use of the retail unit

# UPDATE

Planning Committee –6<sup>th</sup> March 2013

**4.1**

being changed to another use within Class A1 of the Use Classes Order 2010, such as a sandwich shop which would have significantly different characteristics to the use outlined in this application, it is considered necessary in this instance to attach a planning condition restricting the use of the unit to the sale of motorcycle parts/spares and accessories.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.15 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

4.16 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.

4.17 There are no Section 17 implications.

## **REASON FOR DECISION**

4.18 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**

1. The retail unit shall be used for the sale of motorcycle parts/spares and accessories (Use Class A1) and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

2. The occupation and operation of the retail unit shall be limited to a person occupying Bon Accord, as delineated as a blue edge on the site location plan submitted on 27/12/2012, together with any resident dependents.

In the interests of the amenities of the occupiers of neighbouring properties and to ensure that the dwelling is not used as general residential accommodation.

3. Deliveries to the retail unit shall only take place between the hours of 07:00 and 21:00 Monday to Saturday inclusive

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

4. The premises shall only be open to the public between the hours of 09:00 and 17:00 Mondays to Saturdays inclusive and at no other time on Sundays or

# UPDATE

Planning Committee –6<sup>th</sup> March 2013

4.1

Bank Holidays.

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

5. The area(s) indicated for car parking on the site plan received by the Local Planning Authority on 27/12/2012 (Sheet 3) hereby approved shall be retained at all times and kept available for its intended use during the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and highway safety.

6. The layout of the building shall not be altered and shall remain as shown on the plan (Sheet 4) received by the Local Planning Authority on 27/12/2012 unless otherwise agreed in writing by the Local Planning Authority.

To ensure the site is developed in a satisfactory manner.

7. The floor space of the shop area (as identified on the plan Sheet 4 received by the Local Planning Authority on 27/12/2012) within the respective retail unit shall remain as approved (69.825m<sup>2</sup>). There shall be no amalgamation of floor space associated with any of the remaining floor space within the building.

To ensure the site is developed in a satisfactory manner.

8. There shall be no external storage of vehicles, motorcycles, materials, scrap or parts unless a scheme for the provision of an area of external storage upon the site which identifies what will be stored, maximum stacking heights, screening and the maximum number of items or amounts to be stored externally is submitted to and agreed in writing by the Local Planning Authority. Any agreed scheme shall thereafter be carried out in accordance with the details agreed by the Local Planning Authority.

In the interests of the amenities of the area.

9. No dismantling/recycling/repair/servicing of vehicles or fabrication shall take place outside the building on site at any time.

In the interests of the amenities of the area.

10. There shall be no burning of any waste or other materials within the application site at any time.

In the interests of the amenities of the area.

11. No oil, petrol or any other trade effluents shall be permitted to drain to any public sewer, watercourse or soakaway.

To prevent the pollution of the water environment.

12. No additional floorspace shall be constructed or provided within the building hereby permitted, whether by means of mezzanine floors or other method, without the grant of a further specific permission by the Local Planning Authority

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Planning Committee –6<sup>th</sup> March 2013

**4.1**

In the interests of adequate parking provision and to ensure the site is developed in a satisfactory manner.

13. Unless otherwise agreed in writing by the Local Planning Authority all external doors located on the retail unit shall be closed at all times while any dismantling/repair/recycling and serving of vehicles is taking place except for the period when deliveries are being received or during emergencies.

In the interests of the amenities of the occupiers of surrounding premises and properties.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

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# UPDATE

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4.1

**No:** 5  
**Number:** H/2012/0641  
**Applicant:** Mr Nick Rowbotham Dalton Back Lane HARTLEPOOL TS27 3HP  
**Agent:** Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert HARTLEPOOL TS26 0SR  
**Date valid:** 04/01/2013  
**Development:** Erection of stables including tack room, a trailer store, hay loft and hardstanding (retrospective application)  
**Location:** Bon Accord Dalton Back Lane HARTLEPOOL HARTLEPOOL

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5.1 This application appears as item 5 on the main agenda. This update report will provide a comprehensive discussion of the material planning considerations relevant to the determination of this planning application. For the avoidance of doubt the relevant considerations in this instance relate to the principle of the development, the impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the effect of the proposal on highway safety.

## **Additional Consultation Response**

**Public Protection** – No objections subject to a planning condition being attached restricting use of the stables to private use only

## **Principle of Development**

5.2 The application seeks retrospective approval for the erection of stables, including tack room, a trailer store, hay loft and an area of hard standing.

5.3 The application site is a large detached dwellinghouse with grounds that consist of garden area, a riding arena for horses and a paddock. The site is located in the open countryside. There are a number of stables and several items of equestrian related paraphernalia on land to the surrounding area. A large indoor horse riding arena is located to the east of the site.

5.4 The principle of having a stable block within the grounds of the applicants dwellinghouse is considered to be acceptable, given the rural nature of the location and the building being sited in close proximity to other larger buildings upon and surrounding the site. The scale of the building whilst large will be partially screened from surrounding areas of public realm. The principle of the building and the equestrian use in this location is therefore considered to be in accordance with the National Planning Policy Framework and all relevant Development Plan policies.

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## 4.1

### **Impact on the Character and Appearance of the Surrounding Area**

5.5 Whilst it is acknowledged that the stable building is large it is not considered that its appearance detracts from the character of the immediate site or the surrounding area in general. The construction of the building is typical of other forms of rural development in the Borough and beyond. Given the scale and positioning of the neighbouring indoor riding arena and other buildings in close proximity it is considered that the stable building assimilates into the existing structures.

5.6 Given the siting, scale, appearance and nature of the development, it is considered that the stable building is not visually prominent when viewed from the neighbouring residential properties or the surrounding area to a level whereby Officer's could sustain a refusal. It is not considered that views of the wider countryside or its setting have been lost or unduly compromised by way of the development.

### **Amenity**

5.7 The nearest residential property to the stable building is Pine Cottage which is located approximately 40m to the north. Whilst it is acknowledged that the building will be visible from the outlook of the rear rooms of Pine Cottage, Officers do not consider that the impact created upon amenity by way of the stable building is of a significant detrimental level to sustain a refusal. The majority of the stable building structure constructed is screened by way of an existing retail unit and existing stable building.

5.8 Given the orientation of the stable building towards the remaining residential properties in the area, the separation distances and screening associated with the development it is not considered by Officers that the impact created has resulted in any significant detrimental adverse impacts upon the living conditions for the occupants of the surrounding dwellings. In terms of the impact upon the indoor riding arena adjacent, again given the siting of the stable building it is not considered by Officers that the impact created is detrimental. In terms of the comments raised by Dalton Parish Council it is not considered by Officers that the stable block significantly overlooks, nor appears dominant or obtrusive upon the outlook of any of the neighbouring properties.

### **Other Matters**

5.9 Given the scale of the building and land associated with the applicant's dwellinghouse it is considered appropriate in this instance to attach a planning condition restricting the stable building to private use and not for any commercial purposes. The Council's Public Protection Team has raised no objections to the proposal subject to the aforementioned condition being attached.

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## 4.1

### Highway Safety

5.10 The Council's Traffic and Transportation Section have viewed the proposal and have raised no highway or traffic concerns.

### EQUALITY AND DIVERSITY CONSIDERATIONS

5.11 There is no evidence of equality or diversity implications.

### SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.12 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.

5.13 There are no Section 17 implications.

### REASON FOR DECISION

5.14 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 hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 27/12/2012 (Sheets 1, 2, 3, 4 and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
2. The stables/storage building hereby approved shall only be used as stables/storage incidental to the use of the dwelling house (Bon Accord) for private enjoyment and shall not be used for commercial purposes or in connection with any form of riding school.  
In the interests of the amenities of the occupants of neighbouring properties.
3. Notwithstanding condition 1 for the avoidance of doubt the hay loft at first floor level of the building as shown on the approved plan (Sheet 2 - received by the Local Planning Authority on 27/12/2012) shall only be used for the storage of hay and any other equestrian related equipment unless otherwise agreed in writing by the Local Planning Authority.  
To ensure the building is not used for general storage
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the stables/storage building hereby approved shall not be altered in any way without the prior written consent of

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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. The roof tiles used for this development shall match those of the existing main dwelling (Bon Accord) unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of visual amenity

## **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.

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# UPDATE

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4.1

**No:** 6  
**Number:** H/2012/0597  
**Applicant:** Mr Jonathon Pattison Gillamoor Mill Gillamoor YORK  
North Yorkshire YO62 7JU  
**Agent:** The Design Gap Mr Graeme Pearson 7 Hylton Road  
HARTLEPOOL TS26 0AD  
**Date valid:** 20/11/2012  
**Development:** Residential development comprising six semi-detached  
two and a half storey dwellings with car parking for twelve  
cars (resubmitted application - amended scheme)  
**Location:** Land adjacent to 4-18 Percy Street HARTLEPOOL

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## BACKGROUND

6.1 This application appears as item 6 on the main agenda. The recommendation was left open to allow further consideration of the revised plans.

## PUBLICITY

6.2 An additional letter of objection has been received since the original report was produced. The concerns raised include:

- a) Disruption from vehicular traffic;
- b) Impact on daylight;
- c) Boundary wall issues.

6.3 The period for publicity has expired. The above letter is included in the background papers, Copy Letters A.

## PLANNING CONSIDERATIONS

6.4 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, the impact of the development on neighbouring residential properties in terms of amenity, the design/impact on the street scene and the impact on the listed building and highway safety.

### Principle of Development

6.5 The National Planning Policy Framework (NPPF) states that 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. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. In terms of good design it goes on to say that Local Authorities should seek to promote or reinforce local distinctiveness and that permission should

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## 4.1

be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.6 Policy Hsg9 of the adopted Hartlepool Local Plan (2006) states that proposals for residential development will be permitted provided that the scale of the proposed development is appropriate to the locality, there is sufficient private amenity space commensurate with the size of each dwelling and the character of the area and the location of the new development is such that there is no significant effect on the occupiers of both new and existing development.

6.7 The site is located within a residential area and as such the re-use of the redundant car park for residential use is considered to be both acceptable and appropriate in principle. The detailed planning issues arising for the development are discussed in more detail below.

### Amenity

6.8 The site is surrounded on all sides by residential development and the relationships with the surrounding properties are considered below.

6.9 In terms of the relationships with neighbours to the east and west which bound the site. Four of the new dwellings (plots 1-4) follow the building line of the existing dwellings on Percy Street. These properties located at the front of the site will be located gable to gable with the neighbouring properties on either side of the site. A private path to the rear gardens of the proposed properties will be located between the proposed houses and the neighbouring existing houses. It is acknowledged that there may be some additional loss of light to the rear of the adjacent properties however the relationship proposed is typical of housing development and given their design and position it is not considered that the proposed houses will have any significant impacts on the existing amenity of the neighbours in terms of loss of light, privacy, outlook or in terms of any overbearing effect. The parking area will be located adjacent to the site boundary of these properties however a 1.8m high brick wall will effectively screen the area from the neighbouring residents.

6.10 In terms of the dwelling houses located opposite the site on the south side of Percy Street. It is acknowledged that the separation distance between the proposed dwellinghouses and those opposite at some 18m is slightly below the 20m separation contained within the guidelines of the local plan however the proposed houses follow the existing building line and the separation proposed is similar to that exhibited elsewhere on the street. It is also the case that the houses will face each other across a public street which would afford closer views in terms of any impact on privacy and that the proposed houses are located due north of the houses opposite and so light to the houses opposite should not be significantly affected. It is not considered that the proposed houses will have any significant impacts on the existing amenity of the neighbours opposite in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

6.11 The two dwellings (5 and 6) at the rear of the site face towards the rear gardens of 18 Percy Street and back onto the rear garden of 4 Percy Street. The separation

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distances to the boundaries of the neighbouring properties are some 12m to the front and 10.6m to the rear. It is acknowledged that the rear gardens will be overlooked by bedroom windows and that at certain times of the day light to the rear gardens may be affected however in view of the separation distances it is not considered that the proposed houses will have a significant impact on the existing amenity of the neighbours in terms of loss of light, privacy, outlook or in terms of any overbearing effect.

6.12 The proposed plans show an access between plots 2 and 3 of the proposed dwellings as opposed to the previous scheme which was refused which showed the access adjacent to an existing dwelling. Any noise and disturbance arising from the use of the proposed access into the rear of the site will now be located away from existing properties on Percy Street, notably no. 4 and no. 18. The side elevations of the proposed properties are also set back 1m from the access and substantial boundary treatments a 1.8m high wall is proposed to the side boundaries. This is a similar access arrangement on some new housing estates such as Middle Warren. On balance it is considered that the access arrangements are acceptable and the scale of impact in terms of noise and disturbance upon the proposed properties is not of a level which would outweigh all other material considerations and justify refusal of the scheme.

6.13 The Council's Head of Public Protection has indicated that the proposed scheme is unlikely to give rise to significant noise and disturbance issues.

6.14 In terms of the relationship with neighbouring properties and its effect on residential amenity the proposal is considered acceptable.

## Design/impact on the street scene

6.15 The proposed dwellings are largely modern in design though some of the architectural details which are characteristic of the surrounding area have been reflected. For example, the design has incorporated bay windows to the front to reflect details in the existing properties. The site is not located within a Conservation Area and the design of the proposal whilst it does not slavishly copy the existing dwellings is considered acceptable. It is not considered that it will detract from the character or appearance of the area. In terms of separation distances those within the site between the proposed dwellings exceed Local Plan guidelines.

6.16 Whilst it is acknowledged that the dwellings at this end of Percy Street have long rear gardens, this is fairly unusual and there are many houses close by with small back yards such as the house immediately to the rear in Everett Street.

6.17 The arrangement to the rear of the site with parking spaces for all 6 dwellings (12 spaces) is considered to be acceptable. A wide space has been provided between the parking areas to allow a more open frontage to the two dwellings located towards the rear of the site. The parking spaces are screened from these 2 dwellings by proposed 1.8m high brick walls.

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6.18 It is considered that the design of the proposal is acceptable and that it will not detract from the character and appearance of the area.

## Impact on the listed building.

6.19 In terms of the listed building, whilst it is sited in relatively close proximity to the east, the site is separated from the listed building by neighbouring housing and the former school yard within the curtilage of the listed building. It is not considered the application site is so prominent within the context of the setting of the listed building, that the design of this scheme needs to significantly reflect the architecture of the listed building. It is not considered that the development will have a detrimental impact upon the character, appearance or setting of the former Jesmond Road School.

## Highway Safety

6.20 Sufficient off-street parking has been provided at two spaces per dwelling. The proposed layout of the access and parking arrangements are considered acceptable. It is considered unlikely that the scheme will result in increases of vehicular traffic upon Percy Street which would be of a level to the detriment of highway safety. The Council's Traffic and Transportation section have raised no concerns with the scheme. In highway safety terms, the proposal is considered acceptable.

## **REASON FOR DECISION**

6.21 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 amended plan numbered HD:PS:Sk.10 received by the Local Planning Authority on 10-01-2013 unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
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.

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- 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), the dwelling(s) hereby approved shall not be altered or extended in any way without the prior written consent of the Local Planning Authority.
- To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any 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.
7. Details of all walls, fences and other means of boundary enclosure approved under this permission 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. 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.
9. 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.
10. The area(s) indicated for car parking on the plans hereby approved shall be provided before the use of the site commences and thereafter be kept available for such use at all times during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties and highway safety.
11. Details of all external finishing materials for the parking and manoeuvring areas shall be submitted to and approved by the Local Planning Authority before development commences. Thereafter the development shall be

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**4.1**

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

## **BACKGROUND PAPERS**

6.22 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.

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## PLANNING COMMITTEE

6<sup>th</sup> March 2013

**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** PLANNING AND DEVELOPMENT BRIEF  
PROTOCOL

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### 1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to inform and seek comment from the Planning Committee on the proposed protocol for the production of planning and development briefs.
- 1.2 The protocol has been devised to ensure that a consistent approach is taken to planning and development briefs and to give clarity to officers, residents and all other stakeholders with regard to the importance of briefs and how they are produced.

### 2. BACKGROUND

- 2.1 Over recent years the Planning Services Team has produced numerous planning and development briefs which are generally prepared for sites that are within the Council's ownership and are to be marketed.
- 2.2 Planning briefs are produced for valuation purposes, design guidance and to suggest possible development use. However some have been subject to public consultation in a bid to inform residents of possible development and to seek their views which assist in shaping the briefs. This will be based on the criteria outline in **Appendix 1**.
- 2.3 Although all briefs have been helpful in providing information with regard to development sites there has been some inconsistency in the way they have been produced, particularly with regard to public involvement and endorsement.
- 2.4 It is considered good practice that all planning and development briefs should be endorsed. It is this endorsement that seeks to ensure that the brief has been produced in line with the Council's aspirations and ensures consistency.
- 2.5 The protocol, as proposed, considers two categories on how to produce a planning and development brief:

- 1) For valuation purposes and endorsement (no consultation); any brief would form part of the marketing particulars (see **Appendix 2**).
  - 2) For valuation purposes, endorsement and to seek resident and any other stakeholder views (see **Appendix 3**).
- 2.6 Prior to determining if a planning and development brief should fall within category 1 or 2, consideration will be given to the merits of the site and the Planning Services Manager and a Property Services Officer will complete the form entitled 'Record for Producing Planning and Development Briefs' as shown in **Appendix 1**.
- 2.7 Planning and development briefs that are not subject to public consultation should also be endorsed by the Council and once endorsed the brief can be incorporated into the marketing particulars for the site.
- 2.8 There is a wealth of Government guidance linked to planning and community involvement, Section 2 of the Planning and Compulsory Purchase Act (2004) introduced the requirement to produce a Statement of Community Involvement (SCI) thus legislating the Government's commitment to community engagement. The National Planning Policy Framework (NPPF) further elaborates on this priority<sup>1</sup> the Council is committed to ensuring that the community have the opportunity to reflect on planning proposals, this is echoed in the Council's Statement of Community Involvement (SCI) (2010). The planning and development brief protocol is expected to provide clear guidance on when the public can expect to be consulted upon relevant planning and development briefs produced and any responses received will be considered in shaping the brief where appropriate.

### 3. PROPOSALS

- 3.1 It is intended to start following the protocol once agreed through the relevant governance process. The protocol will be published on the Council's web site and will also be added to the next Statement of Community Involvement which is expected to be reviewed in late 2013.

### 4. EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 The protocol has been carried out in accordance with the Council's adopted Statement of Community Involvement (SCI). The SCI was prepared in compliance with the Hartlepool Compact and its associated protocols.

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<sup>1</sup> NPPF paragraphs 66 "Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably".



**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. The Council is committed to securing safe and secure environments within the borough and therefore due regard will be had to crime and disorder and fear of crime in all development briefs.

**6. FINANCIAL IMPLICATIONS**

- 6.1 There may be some financial implications with regard to public consultation and the requirement to hire venues and produce publicity material. However in the past the Planning Services Team has been successful in securing free venues and publicity and this approach will be progressed as appropriate in the future in a bid to reduce the cost to the Council, yet still ensure efficient publicity.
- 6.2 Planning and development briefs will indicate what constraints are on the land and what developer contributions may be sought, such information can have an impact on the cost to develop a site. This could have some impact upon the value of the land.

**7. RECOMMENDATION**

- 7.1 That the Planning Committee note the proposed protocol and provide comments as deemed necessary.

**8. BACKGROUND PAPERS**

- 8.1 There are no background papers for this report.

**9. CONTACT OFFICER**

Damien Wilson  
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Department of Regeneration & Neighbourhoods  
Hartlepool Borough Council

01429 523400  
[damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)



**Record for producing Planning and Development Briefs**

Planning Services Manager: Chris Pipe

Property Services Officer:

Site Discussed:

Some reasons (to add to over time)

Option A:

Necessary if land is to be sold quickly and there is not enough time to go through the whole brief process but the Property Services team still require a tool to market the land.

The brief will be given to potential investors and the information within the brief would hold weight in determining a planning application.

Option B:

Necessary if development would lead to a departure from the Local Plan

Necessary if the site is a major development<sup>2</sup> site

Necessary if the site is controversial and possibly has a complex planning history

Deemed necessary by planning services manager (for any other reason).

Option	Decisions (yes/no)	Reason
<u>Option A</u> Produce a brief for the estates team only, for the purposes of valuing land.		
<u>Option B</u> Produce a full comprehensive brief with consultation and endorsement.		

<sup>2</sup> major development-development involving any one or more of the following—

(a) the winning and working of minerals or the use of land for mineral-working deposits;

(b) waste development;

(c) the provision of dwellinghouses where —

(i) the number of dwellinghouses to be provided is 10 or more; or

(ii) the development is to be carried out on a site having an area of 0.5 hectares or more

and it is not known whether the development falls within sub-paragraph (c)(i);

(d) the provision of a building or buildings where the floor space to be created by the

development is 1,000 square metres or more; or

(e) development carried out on a site having an area of 1 hectare or more;

**Development Brief Process  
for Valuation Purposes**

**APPENDIX TWO**

This information sheet has been put together to inform officers, residents and all other stakeholders of the process to be carried out when producing a planning and development brief for valuation purposes only.

Development briefs are non statutory guidance however the information within them can be a material consideration to a planning application. Development briefs are necessary to assist the council's estates team value land. The brief process allows for early site investigation which could assist in speeding up the planning process and provide design guidance and informs developers as to what constraints and limitations there may be on the site before they commit to buying the land.

Whilst every effort will be made to identify site constraints and potential development opportunities any planning and development brief does not constitute a legal determination under any relevant legislation. The advice is given in good faith but without prejudice to the formal consideration of any future planning application. A binding decision regarding a potential development can only be gained by way of a planning application.

**Notification of potential sale of land/buildings by the council given to Planning Services**

- Property Services to provide Planning Policy Officer with site location plan.

**Draft Brief Produced at Officer Level (2/3 weeks)**

- Site visits Planning Services Officer/s and any other key officers.
- Reviews evidence base.
- Contacts other internal experts (depending on site location and issues) Ecology, Conservation and Landscape, Highways, Environmental Protection etc.
- Collate information and produce the first draft.

**Draft brief checked (3 weeks)**

- Brief circulated within Planning Services and Property Services.
- Brief amended if necessary.
- Draft brief widely circulated to other relevant council officers.
- Brief amended if necessary.

**Endorsement**

- Report to relevant Chair/Committee (once governance arrangements have been agreed) to seek endorsement.
- Following endorsement brief sent to Property Services for valuation and

**Development Brief Process  
for consultation and  
endorsement**

## APPENDIX THREE

This information sheet has been put together to inform officers, residents and all other stakeholders of the process to be carried out when producing a planning and development brief for sites within the borough. This process is in line with the council's Statement of Community Involvement (2010), has been consulted upon with key officers and endorsed.

Development briefs are non statutory guidance however the information within them can be a material consideration to a planning application. Development briefs are necessary to assist the council's estates team value land. The brief process allows for early site investigation which could assist in speeding up the planning process and provide design guidance and informs developers as to what constraints and limitations there may be on the site before they commit to buying the land.

The consultation process allows for early engagement with the public and other stakeholders and can assist in generating views that could in turn shape the development.

Whilst every effort will be made to identify site constraints and potential development opportunities any planning and development brief does not constitute a legal determination under any relevant legislation. The advice is given in good faith but without prejudice to the formal consideration of any future planning application. A binding decision regarding a potential development can only be gained by way of a planning application.

**Notification of potential sale of land/buildings by the council given to Planning Services**

Property Services Team to provide Planning Policy Officer with site location plan

**Draft Brief Produced at Officer Level (2/3 weeks)**

- Officer to liaise with Property Services Team for any further questions
- Site visits Planning Policy with Development Control buddy and any other key officers
- Officer contacts other internal experts (depending on site location and issues)
- Officer reviews evidence base Internal
- Officer collates information and puts together the first draft

**Draft brief checked (2 weeks)**

- Brief circulated within Planning Services section buddy and property services team
- Brief amended if necessary
- Draft brief widely circulated to council officers
- Brief amended if necessary

**Brief taken to portfolio or relevant committee (delete as applicable) – request to consult**

- Detail timescale of consultation and process
- attach draft as appendix

**Brief amendments (1 week)**

- Brief amended as necessary in light of above step

**Consultation period – (4 - 8 weeks)**

- Minimum of 4 weeks but in line with the Statement of Community Involvement consultation should be for 8 weeks where practicably possible.
- Letters to neighbouring residents and other relevant stakeholders.
- Arrange drop in sessions within area of site and/or request that interested parties visit officer in planning office.

**Revise Development Brief (3 weeks)**

- Revise brief, if necessary, in light of public consultation process.
- Circulate to relevant officers.

**Endorsement**

- Report to relevant committee (as necessary) to endorse the development brief.
- Development brief will be a material planning consideration.
- Brief to be taken to Planning Committee for information.



## PLANNING COMMITTEE

6<sup>th</sup> March 2013

**Report of:** Assistant Director (Regeneration and Planning)

**Subject: Exemption Request by Hartlepool Borough Council in relation to Permitted development rights for change of use from commercial to residential**

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### 1 PURPOSE OF THE REPORT

- 1.1 To advise members of a response sent on behalf of the Planning Committee with regard to Governments announcement of its intention to amend planning legislation to allow the change of use from an office to residential use without requiring a planning application.

### 2 SUMMARY

- 2.1 On 24<sup>th</sup> January 2013 the Government announced its intention to amend planning legislation to allow a change of use from an office use to a residential use without requiring a planning application. This move is intended to promote the delivery of more homes, a national priority for the current government and to stimulate the economy. However, there is recognition from government that in certain areas this relaxation could undermine prospects for economic growth, and therefore local authorities have been offered the opportunity to apply for exemptions for defined areas. Exemptions are required to be justified on the basis of the potential for significant national or local harm to the economy, and had to be submitted by 22 February 2013. Given the limited timeframe associated with the Local Authority's opportunity to assess and submit areas for exemption it was not possible to seek wider Members views and approval prior to submitting the exemption requests. The Vice Chair of Planning Committee and the Mayor were however consulted on the proposals.
- 2.2 The Council have sought an exemption from the forthcoming permitted development rights in the following areas:
1. Land at Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool
  2. Land at Queens Meadow Business Park, Hartlepool
  3. Land at Sovereign Park, Hartlepool

- 2.3 The above sites were identified following an assessment of all B1 office uses within the Borough. A number of sites were discounted as they formed part of a wider mixed use site or planning conditions had been placed upon the office buildings restricting their use to strictly B1.

### **3 BACKGROUND**

- 3.1 In April 2011 the Government consulted on a proposal to grant express planning permission (permitted development) for the change of use from an office to residential. They have now indicated a commitment to introduce this relaxation, which will come into force from Spring 2013. The new regulations would be for an initial period of three years, after which the impact of the change would be reviewed.
- 3.2 Before these new permitted development rights are introduced, local authorities were given the opportunity to apply for an exemption for specific areas where the new rights would result in substantial economic harm, although the Government has indicated that a high threshold will be applied for this test.

### **4 GOVERNMENT PROPOSALS**

- 4.1 All development requires planning permission; development includes changes of use and building or engineering operations. There are instances, however, where permission is expressly granted through the regulations, and such development is known as “permitted development”. Examples include small extensions to houses or changing the use of an estate agent to a shop.
- 4.2 Since its election in 2010, the coalition government has been considering how the planning system ought to support growth and has identified one of the key challenges as being the provision of new homes. Historically, the delivery of new homes at the national level has been below the level that meets identified needs, but this shortfall has become more pronounced due to the on-going effects of the banking crisis and credit crunch.
- 4.3 The Government believes the current proposal, which seeks to extend permitted development rights, so that the change of use from an office to a dwelling (a house or flat) will no longer require planning permission (it will become “permitted development”) will assist the creation of new homes and stimulate the economy.
- 4.4. The Government indicated that local authorities could seek exemptions for defined areas. Within these areas, planning permission for the change of use from an office to residential would still be required when the change is introduced.



## **5 BASIS FOR EXEMPTIONS**

- 5.1 The Government invited applications for exemptions from the new permitted development rights on two grounds:
- That the exemption is necessary to prevent the loss of a nationally significant economic asset; or,
  - That the exemption is necessary to prevent substantial local economic impacts that are not outweighed by the benefits of new homes.
- 5.2 It is clear that Government intends these thresholds to be challenging, reflecting the importance it attaches to the provision of new homes and economic growth and the perceived contribution that the new policy will make in this regard.
- 5.3 The guidance provided by Government explained that applications must give a clear indication of the scale and significance of the harm anticipated without an exemption. The evidence adduced by local authorities should also explain why the area proposed is the smallest possible area necessary to prevent undue harm.

## **6 PROPOSED EXEMPTION AREAS**

- 6.1 The Council has sought an exemption from the forthcoming permitted development rights in the following areas:
- 1 Land at Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool
  - 2 Land at Queens Meadow Business Park, Hartlepool
  - 3 Land at Sovereign Park, Hartlepool
- 6.2 The reasons for exemption are outlined comprehensively in the attached report. Notwithstanding this, in short Officers consider that the implementation of the permitted development rights allowing uncontrolled residential development in the above locations could potentially create considerable harm upon existing/future businesses by way of prejudicing their day to day activities. Furthermore, the area identified at Queens Meadow is located within an Enterprise Zone and the area identified upon Middleton Road bounds the boundary of the Port Enterprise Zone. Officers consider that the presence of residential accommodation within and near to the Enterprise Zone sites will potentially stifle Hartlepool's ability to unlock potential, deliver significant new investment and generate long term economic benefits at the local level.

## **7 EQUALITY AND DIVERSITY CONSIDERATIONS**

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

## **8 SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 8.1 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.

## **9 FINANCIAL IMPLICATIONS**

- 9.1 There is likely to be a loss of fees and business rates 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.

## **10 RECOMMENDATION**

- 10.1 That the Planning Committee endorses the submission of the exemption requests to the Department for Communities and Local Government for the three areas at Middleton Road, Queens Meadow and Sovereign Park.

## **8 BACKGROUND PAPERS**

- Letter to Chief Planning Officer: Permitted development rights for change of use from commercial to residential (24<sup>th</sup> January 2013)
- Exemption Letter and Report Submitted By Hartlepool Borough Council (minus appendices)

## **9 CONTACT OFFICER**

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

01429 523400  
[damien.wilson@hartlepool.gov.uk](mailto:damien.wilson@hartlepool.gov.uk)



Dear Chief Planning Officer,

### **Permitted development rights for change of use from commercial to residential**

I am writing to alert you to the forthcoming permitted development rights for change of use from B1(a) office to C3 residential purposes, which will come into force in Spring 2013.

On 6 September 2012 the Government announced, as part of a package of measures to support economic growth, that these permitted development rights would be introduced to better enable change of use from commercial to residential purposes. This follows careful consideration of the April 2011 consultation and builds on the policy set out in paragraph 51 of the National Planning Policy Framework.

The new rights will initially be time-limited for a period of three years. We will consider towards the end of that period whether they should be extended indefinitely. They will be accompanied by a tightly drawn prior approval process which will cover significant transport and highway impacts, and development in areas of high flood risk, land contamination and safety hazard zones. More details are set out in Annex A.

Alongside the new permitted development rights it was announced that local authorities would be given an opportunity to seek an exemption for specific parts of their locality. If you consider that a specific part of your locality should be exempted from this change, and meets the criteria set out below, you now have an opportunity to request an exemption from these new rights. It should be recognised however that this measure is seen as an important contribution to assisting the economic well-being of the country and this is reflected in the high thresholds we are setting, which recognise that any loss of commercial premises will be accompanied by benefits in terms of new housing units, additional construction output and jobs. These benefits are potentially very substantial and are likely to be felt at the local authority level and wider.

Therefore, exemptions will only be granted in exceptional circumstances, where local authorities demonstrate clearly that the introduction of these new permitted development rights in a particular area will lead to:

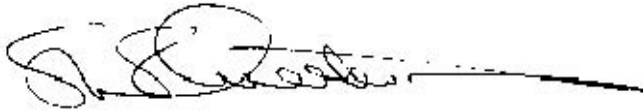
- A. the loss of a nationally significant area of economic activity
- or
- B. substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring.

If you propose to request an exemption it must relate only to the geographical area justifiable in the light of the above criteria.

More detailed requirements and an explanation of the assessment process are set out in Annex B.

If you feel that an exemption request can be justified you are invited to make a submission to Sam Pigden at the address given at the bottom of the first page of this letter. Your submission must reach us by **5pm on Friday 22 February 2013**. We expect to confirm which areas will be exempt in Spring 2013, with the permitted development rights coming into force in Spring 2013.

A copy of this letter has been sent to the Chairs of the Local Enterprise Partnerships for their information.

A handwritten signature in black ink, appearing to read 'Steve Quartermain', with a long horizontal line extending to the right.

**Steve Quartermain**  
**Chief Planner**

## **Annex A**

### **THE PERMITTED DEVELOPMENT RIGHTS**

#### **What will these permitted development rights allow?**

They will permit change of use from B1(a) offices to C3 residential.

This is subject to a prior approval process covering:

- significant transport and highway impacts
- development in safety hazard zones, areas of high flood risk and land contamination

The permitted development rights will only cover change of use: any associated physical development which currently requires a planning application will continue to need one.

A proposed change from commercial to residential use that does not benefit from the new permitted development rights (e.g. where it cannot satisfy the prior approval requirements) will continue to require a planning application, which should be determined in the light of paragraph 51 of the National Planning Policy Framework.

#### **When will these new rights come into force?**

They will come into force in Spring 2013 and run for a period of three years from the date of coming into force. The operation of the rights will be considered towards the end of that period, and the rights may potentially be extended for a further period or indefinitely.



**Annex B****THE EXEMPTION PROCESS****How will requests for exemption be assessed?**

For (A), referring to **the loss of a nationally significant area of economic activity**, requests will be assessed by considering:

- the scale of the adverse impact in absolute terms
- the significance of the adverse impact at a national level
- the degree to which there is likely to be a strategic and long-term adverse economic impact
- whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact

For (B), referring to **substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring**, requests will be assessed by considering:

- the scale of the impact in absolute terms
- the significance of the adverse impact at the level of the local authority or wider
- the degree to which there is likely to be a strategic and long-term adverse economic impact
- whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact

Local authorities must provide a detailed description of the adverse impact they anticipate, and demonstrate clearly both how the introduction of these permitted development rights will lead to that impact, and why the particular area should be exempted. A clear explanation must be given of how any additional evidence supports this case.

The benefits which the policy will deliver have been taken into account in setting a high threshold for exemptions, and will not be assessed separately. Local authorities are therefore not required to submit information on this.

**What information must be submitted?**

- A map clearly identifying the proposed area of exemption. This must be a black and white Ordnance Survey Map, at a minimum scale of 1cm = 0.1km. There must be no shading or colouring on the map with the exception of a single coloured line indicating the proposed area of exemption.
- A report which specifically addresses the anticipated impact, and the above four assessment criteria, making reference to supporting evidence where appropriate.

Requests for exemption may be made under both (A) and (B), but separate maps/reports will need to be submitted for each. Different supporting evidence may also be appropriate.

**What supporting evidence would be appropriate?**

It is a matter for the local authority what evidence they choose to submit in support of their application. The following list is not exhaustive, but matters which may be relevant could include:

- evidence on matters such as the makeup of business accommodation in the relevant area, office vacancy rates and employment levels/trends
- evidence on local economic development strategies
- for (A), evidence relating to the national significance of the economic activity
- evidence on the likely immediate impact of the changes, and the likely long-term impact
- evidence on the likely impact on local clusters and sources of local employment growth
- the view of the Local Enterprise Partnership on whether the loss of business space in a particular locality would have a significant impact on the wider local authority area

Local authorities must clearly demonstrate the way in which the evidence provided supports their arguments on the assessment criteria set out above.

**What if the proposed area spans two local planning authority areas?**

Adjoining local authorities are welcome to submit joint requests for exemption where the area in question crosses a local authority boundary. However, separate maps will be required for the areas within each local authority.

**What does exemption mean in practice?**

An exemption means that the permitted development rights do not apply in that area. Planning permission must therefore be sought in the normal way for any proposed change of use from B1(a) offices to C3 residential. Paragraph 51 of the National Planning Policy Framework would apply to the determination of that planning application. No compensation liability will arise in exempted areas.

**How will the exemptions be implemented?**

Where exemptions for specified areas are granted, this will be set out in the General Permitted Development Order.

**Will there be another opportunity to request an exemption?**

There is unlikely to be another opportunity to request an exemption during the three-year period in which the rights apply.

**Are there other ways to remove these permitted development rights locally?**

This exemption scheme does not alter the powers which local planning authorities have to tailor permitted development locally by means of an article 4 direction, or a condition in a planning permission.

**When will exempt areas be announced?**

Those who have requested exemptions will be notified of the outcome as soon as possible.



## Regeneration & Neighbourhoods

Email: [developmentcontrol@hartlepool.gov.uk](mailto:developmentcontrol@hartlepool.gov.uk)

Bryan Hanson House  
Hanson Square  
Hartlepool TS24 7BT

Tel: 01429 266522  
Fax: 01429 523599  
DX60669 Hartlepool-1



Contact Officer: Richard Trow 01429 523537

**20 February 2013**

Samantha Pigden  
Department for Communities and Local Government  
Zone 14  
Eland House  
Bressenden Place  
London  
SW1E 5DU

[samantha.pigden@communities.gsi.gov.uk](mailto:samantha.pigden@communities.gsi.gov.uk)

Dear Samantha,

### **Permitted development rights for change of use from commercial to residential**

#### **Exemption Request by Hartlepool Borough Council**

I write with reference to a letter sent by your colleague Steve Quartermain regarding forthcoming permitted development rights for change of use from B1 (a) office to C3 residential purposes, which will come into force in Spring 2013.

Hartlepool Borough Council would like to take this opportunity to seek an exemption for the following three areas within the Borough.

- |   |  |
|---|--|
| 4 | Land at Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool |
| 5 | Land at Queens Meadow Business Park, Hartlepool  |
| 6 | Land at Sovereign Park, Hartlepool   |

Whilst the Council acknowledges that the Government sees the measures as an important contribution to assisting the economic well-being of the country, the Council has grave concerns regarding the impact the proposals will have upon the three areas outlined above.

A report is attached to this letter which identifies each area and explains how the introduction of the permitted development rights will lead to substantial adverse economic consequences at the local authority level which are not offset by the positive

benefits the new rights may bring.

Yours faithfully

A handwritten signature in black ink, appearing to read 'C Pipe', written in a cursive style.

Chris Pipe  
Planning Services Manager

**Permitted development rights for change of use from commercial to residential**



**Exemption Request by Hartlepool Borough Council**

**21 February 2013**

## **1. Introduction**

1.1 Hartlepool Borough Council would like to seek exemption requests for the following three areas within the Borough.

1. Land at Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool
2. Land at Queens Meadow Business Park, Hartlepool
3. Land at Sovereign Park, Hartlepool

1.2 In line with Annex B (The Exemption Process) the Council would like to request exemptions under criteria (B) of the process which states:

*For (B), referring to **substantial adverse economic consequences at the local authority level which are not offset by the positive benefits the new rights would bring**, requests will be assessed by considering:*

- *The scale of the impact in absolute terms*
- *The significance of the adverse impact at the level of the local authority or wider*
- *The degree to which there is likely to be a strategic and long-term adverse economic impact*
- *Whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact*

## **2. Hartlepool in Context**

2.1 Hartlepool is located on the north-east coast to the north of the River Tees. The Borough of Hartlepool covers an area of about 9400 hectares and has a population of around 92,000.

2.2 To the south of Hartlepool is the Teesside conurbation which includes the boroughs of Middlesbrough, Stockton on Tees and Redcar and Cleveland, and which together with Hartlepool and Darlington makes up the Tees Valley sub-region.

2.3 The main phase of Hartlepool's expansion took place from the mid 19<sup>th</sup> Century with the building of a new railway and docks to serve the export of coal. The town continued to expand over the next 100 years as port trade increased and the development of heavy industries including steel making, shipbuilding and manufacturing developed. Like most industrialised towns in the north of England, Hartlepool has suffered over the last half century from structural decline of these industries and the town has had to look for new opportunities to diversify the economy.

2.4 Hartlepool's unemployment rate is 8.1% (see Appendix A for Hartlepool's economic profile). This is 4.4% above the national average and job losses are really felt.

### **3. Looking Ahead**

3.1 Hartlepool today is faced with a number of challenges and opportunities. Despite these achievements, unemployment levels have remained consistently above national levels and there remains a need to continue to explore opportunities for business development, growth, and investment. Key opportunities exist within the port area and the town's business parks to support large scale investment in growth industries such as offshore wind and renewable energy and other eco-industries. The designation of three sites within Hartlepool as Enterprise Zones will help to realize these opportunities.

### **4. Identified Areas**

4.1 The three sites have been identified following an assessment of all B1 office uses within the Borough. A number of sites were discounted as they formed part of a wider mixed use sites or planning conditions have been placed upon office buildings restricting their use to strictly B1.

4.2 It should be noted one of the sites identified is an Enterprise Zone guided by a Local Development Order (LDOs). Another site is located upon the boundary of another Enterprise Zone. The Council has concerns regarding the impact the proposed permitted development rights could have on the function of the LDOs.

### **5. Tees Valley Enterprise Zone**

5.1 The Tees Valley Enterprise Zone was announced as part of the Budget in 2011, and its format was agreed between the Government and Tees Valley Unlimited in August 2011. It includes twelve sites across the Tees Valley and developers of the sites will benefit from either business rates discount, worth up to £275,000 over a five year period, or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment.

5.2 The Enterprise Zone initiative is intended to support and attract investment in key sectors which have been identified as having potential for growth in the Tees Valley.

5.3 As well as the financial benefits, Enterprise Zones provide an added incentive of simplified planning processes. Most of the Tees Valley Enterprise Zones will do this through Local Development Orders (LDOs). This means that for specific developments that help deliver the aims of the Enterprise Zone, planning permission will not be required. The introduction of LDOs is intended to provide greater certainty to potential developers in terms of planning decisions and reduce costs associated with securing planning consents.

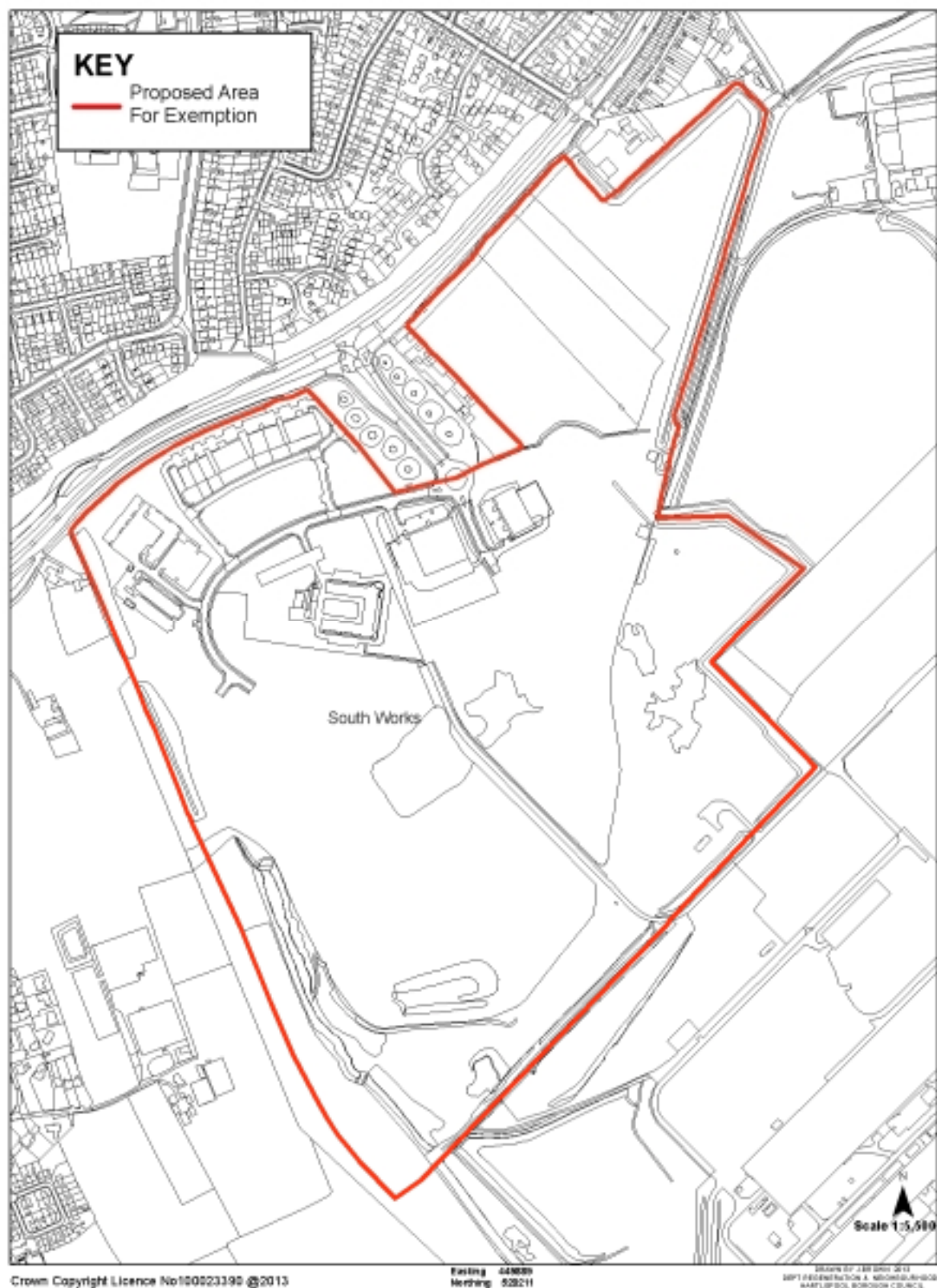
### **6. The Report**

6.1 The remainder of this report will identify the three areas proposed for exemption, provide a background and where appropriate a history of the site. An assessment of each area will consider the exemption criteria outlined above.

## **7. Land at Queens Meadow Business Park**

### Proposed Site for Exemption (Plan 1)

### Queens Meadow Business Park, Hartlepool



## **8. Background**

8.1 The Queens Meadow Business Park Enterprise Zone is guided by a Local Development Order. 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 the design guidance and conditions set out in the LDO.

8.2 The LDO enables development that supports the aims and objectives of the Tees Valley Enterprise Zone to be undertaken without the need for planning permission. This should encourage development by providing a high degree of certainty to developers and investors, as well as reducing costs through the removal of planning application fees.

8.3 The LDO sets out the type of development that will no longer need to be subject to a planning application. If the proposed development falls within the categories defined in the LDO and provided it satisfies certain conditions and development requirements, it is assumed that for planning purposes consent is granted. A copy of the Queens Meadow LDO is attached at Appendix B of this report.

8.4 The LDO does not alter or supersede any existing planning consents within the LDO boundary. Any development approved through such planning consents can continue to develop without being affected by any direction from this LDO.

8.5 The site is located to the south of the Fens residential area and to the east of Greatham village. The site is bordered by the A689 to the north, beyond which is a residential area. The amenity of the Fens residential area and Greatham village is of high regard in considering any new development proposals within the Enterprise Zone. To the south and east of the site lies the South Works industrial area.

## **9. The Queens Meadow Enterprise Zone**

9.1 As outlined above the Queens Meadow Business Park is allocated as part of the Tees Valley Enterprise Zone.

### **Proposed Land Uses**

9.2 The current Queens Meadow Business Park is allocated through the Hartlepool Local Plan (2006). The Business Park is allocated for the following uses:

- ☐ (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
- ☐ Certain (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or hazardous or inert waste), and;
- ☐ (B8) Storage and Distribution.

The proposed LDO proposes uses within the above use classes.

### **Proposed Business Sectors**

The LDO supports the following business sectors on the Queens Meadow site:

- ☐ Advanced Engineering & Advanced Manufacturing
- ☐ Chemical, Pharmaceutical & Biotechnology

☐ Renewable Energy Manufacturing

### **10. Existing Consents**

10.1 There are several office blocks located within Queens Meadow Business Park/LDO which could be converted into residential units if the permitted development rights are introduced. The planning consent which governs the office units does not restrict the use of the buildings to office space (B1).

### **11. Impacts upon Function of the Enterprise Zone**

11.1 The LDO allows development to be undertaken without the need for planning permission to be obtained providing that the development is carried out in accordance with the conditions of the LDO. The Council is concerned regarding the implications the proposed permitted development rights could have on the existing business operations upon the site and any future operators. It is considered that it will undermine the purposes of the LDO to attract businesses into the town, to diversify the economy and increase employment.

11.2 It is considered that the implementation of the permitted development rights within any of the existing office units could create considerable harm upon operations by way of prejudicing future/existing businesses as their day to day activities. Associated noise, smells, vibrations omitting from the business uses could result in complaints from the occupiers of any residential units. With specific regard to noise, it is prudent to state that noise thresholds upon the boundary of the LDO are in place in order to protect the amenity of residential properties outside but in proximity to the site. The details of these restrictions are outlined upon page 9 and 25 of the LDO attached as Appendix B of this report.

11.3 The Head of Public Protection for the Council has raised concerns that any residential accommodation occupied in the site could result in restraints on development within the Enterprise Zone as any complaints from any residents would have to be investigated and could result in formal action being taken for statutory nuisance. Such action could potentially result in the working practices of businesses being altered if any such complaints were upheld. It is also considered that the ability to create residential units within the business park would impact upon the attractiveness of the site from potential investors.

11.4 Further to the above, Tees Valley Unlimited, as the Local Enterprise Partnership, supports Hartlepool Borough Council in its submission to DCLG for exemption from the proposal to extend permitted development rights to allow change of use from use Class B1(a) office to C3 residential within the Queens Meadow Enterprise Zone. This letter is attached as Appendix C of this report. Moreover, the Council's Economic Regeneration Team supports the Council's submission.

### **12. The scale of the impact in absolute terms**

12.1 As outlined above, The Council has grave concerns regarding the implications of the provision of residential units within Queens Meadow Business Park upon the



ability of the Park to attract major investment. As outlined above the LDO supports the following business sectors on the Queens Meadow site:

- Advanced Engineering & Advanced Manufacturing
- Chemical, Pharmaceutical & Biotechnology
- Renewable Energy Manufacturing

12.2 Given the nature of the uses outlined above it is considered that any future residential properties formed within the office blocks upon the site would be prone to excessive levels of noise and disturbance. As stated above the provision of residential units could create considerable harm upon commercial operations by way of prejudicing existing businesses and any future inward investment to the site. The Council consider that the presence of residential uses upon the site would be seen by potential investors to the site and existing operators upon the site as a threat to operations.

12.3 The Council also has concerns regarding the loss of allocated employment land; this in turn has a potential impact upon job creation within the Borough. Hartlepool in general has a limited amount of purpose built office space and the loss of the units upon Queens Meadow would be considered detrimental to the economy of the town.

### **13. The significance of the adverse impact at the level of the local authority or wider**

13.1 The Queens Meadow LDO was one of twelve Enterprise Zone sites across the Tees Valley announced as part of the Budget in 2011, and its format was agreed between the Government and Tees Valley Unlimited in August 2011. Developers upon the Queens Meadow site will benefit from either business rates discount, worth up to £275,000 over a five year period, or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment and a simplified planning process. The Enterprise Zone initiative is intended to support and attract investment in key sectors which have been identified as having potential for growth in the Tees Valley.

13.2 The Council considers that the presence of residential accommodation within the LDO site will stifle Hartlepool's ability to unlock potential, deliver significant new investment and generate long term economic benefits at the local level.

13.3 Given the scale and design of the office blocks upon the site it is envisaged that the only feasibly conversion of the units would be to flats. Given this, it should also be noted that there is an oversupply of flats within this area (outer suburbs). This can be shown on page 46 (graph 7) of Appendix D attached to this report. It is considered that the loss of allocated employment land within the Borough to accommodate flats will exacerbate an existing imbalance in the housing stock which will lead to adverse economic consequences in the town in terms of the Borough not being able to offer a diverse housing stock and in exacerbating oversupply issues of this type of accommodation. The Borough Council by way of emerging policy is focused on restricting any further flatted development. The Council is focused on permitted development for 3 to 4 bedroom homes.

**14. The degree to which there is likely to be a strategic and long-term adverse economic impact**

14.1 The Council considers that there is likely to be a strategic and long-term adverse economic impact upon the Local Area. The LDO enables development to be undertaken without the need for planning permission. It is designed to attract inward investment and employment. The Council considers that LDO has already encouraged development by providing a high degree of certainty to developers and investors, as well as reducing costs through the removal of planning application fees and providing incentives. The Council has already seen inward investment into the site following the introduction of the LDO. The Council consider that the presence of residential accommodation upon the site would stifle further inward investment as well as impacting upon existing operating businesses given a residents ability to make complaints regarding nuisance associated with business operations. Such complaints could be upheld and statutory nuisance action taken. Such action could potentially result in the working practices of businesses being altered if any such complaints were upheld. This in turn would impact upon the functioning of the business and its competitiveness, and could result in businesses relocating outside of the town.

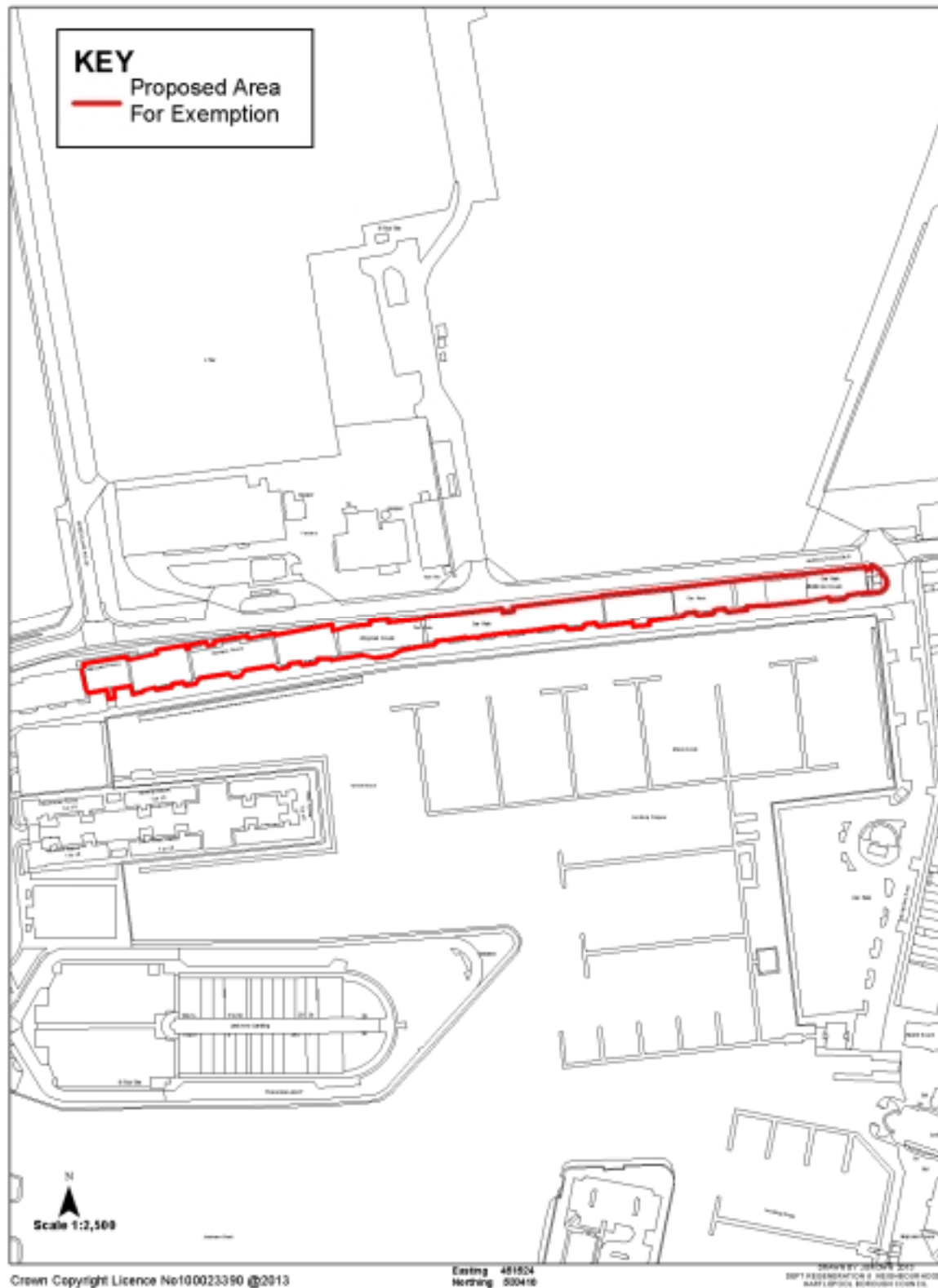
**15. Whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact**

15.1 The boundary for exemption for the Queens Meadow site has been determined given the location of office units upon the site and existing consents upon the site which have not been implemented but if built could feasibly be converted to residential given the permitted development rights. The boundary has also been determined having regard to the nature of the commercial operations upon the site and the business sectors supported by way of the LDO. It is the smallest area necessary to address the potential adverse economic impact.

**16. Middleton Road (Office Blocks of Mandale House, Garland House, Tranquility House and Arkgrove House), Hartlepool**

**Proposed Site for Exemption (Plan 2)**

**Land at Middleton Road, Hartlepool**



## **17. Site Context**

17.1 The proposed site for exclusion upon Middleton Road consists of four large office blocks. The office blocks could be converted into residential units if the new permitted development rights are introduced. The planning consents to which the office units relate does not restrict the use of the buildings to office space (B1).

17.2 The four office blocks are located in close proximity to the boundary of the Port Enterprise Zone and in close proximity to an existing heavy industrial premise, which operates a 24 hour stone crushing process as part of their business activities.

17.3 The Council have concerns regarding the implications the implementation of the permitted development rights could have on the existing operations upon the nearby industrial site and the existing and future operations upon the Port Enterprise Zone.

## **18. Background to Port LDO**

18.1 The Port Enterprise Zone encompasses the majority of the working port area. The total Enterprise Zone and equivalent LDO boundary equates to 79ha. A copy of the Port LDO is attached as Appendix E of this report. The LDO boundary incorporates the abovementioned heavy industrial premise operating the stone crushing process.

## **19. Site History**

19.1 Following the construction of the railway to Hartlepool for exporting coal from the Durham coalfield the harbour was reconstructed with Victoria Dock (later Victoria Harbour) opening in about 1841. This led to rapid growth of Hartlepool, including the Headland area, and its shipping trade boomed.

19.2 In 1847 West Hartlepool was established as a separate and rival port leading to major growth in the economy and population of the town. The construction of a system of docks comprising the Coal Dock, Swainson, Central, Jackson and Union Docks together with expanses of timber ponds were constructed and by the 1880's were linked up to the original Victoria Dock.

19.3 The export of coal all but ceased around 1970 leaving most of the docks underused. The southern part of the docks was developed as the Hartlepool Marina in the late 1980's early 1990's with the commercial North Docks continuing to operate. Whilst the original Victoria Harbour still functions as the Deep Water berth, the term "the Port" is now applied to the whole of the former North Docks system.

19.4 In the 1994 Local Plan the Port, was allocated through policy Ec6 for port related industrial uses, typically falling within B1, B2 and B8 use classes.

19.5 The site is identified in the 2006 Local Plan as a Mixed Use Area, allocated for A1, A3, A4, A5, B1, C1, C3, D1 and D2 and also port related development and B2 General Industry.

19.6 The site is identified in the 2012 Development Plan as a port related and offshore renewable energy related development area, being allocated for B1, B2 and B8 use classes.

## **20. Site Description**

20.1 Today, the site remains principally in operational use as a port and associated activity. A number of major local businesses operate from Victoria Harbour, providing employment for the local population and provide significant contributions to the sub-regional economy. As a result there are a number of distinctive buildings and features on or adjacent to Victoria Harbour including industrial sheds, processing units, smaller port related buildings, scrap storage and a number of heavy and visually distinctive cranes located around the waterfront.

20.2 The Local Development Order (LDO) grants planning permission, exclusively for buildings and associated development relating to:

- ☐ (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
- ☐ (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;
- ☐ (B8) Storage and Distribution. Specifically related to the following business sectors:
  - ☐ Advanced Engineering & Advanced Manufacturing
  - ☐ Renewable Energy Manufacturing

20.3 The LDO does not alter or supersede any existing planning consents within the LDO boundary. Any development approved through such planning consents can continue to develop without being affected by any direction from this LDO.

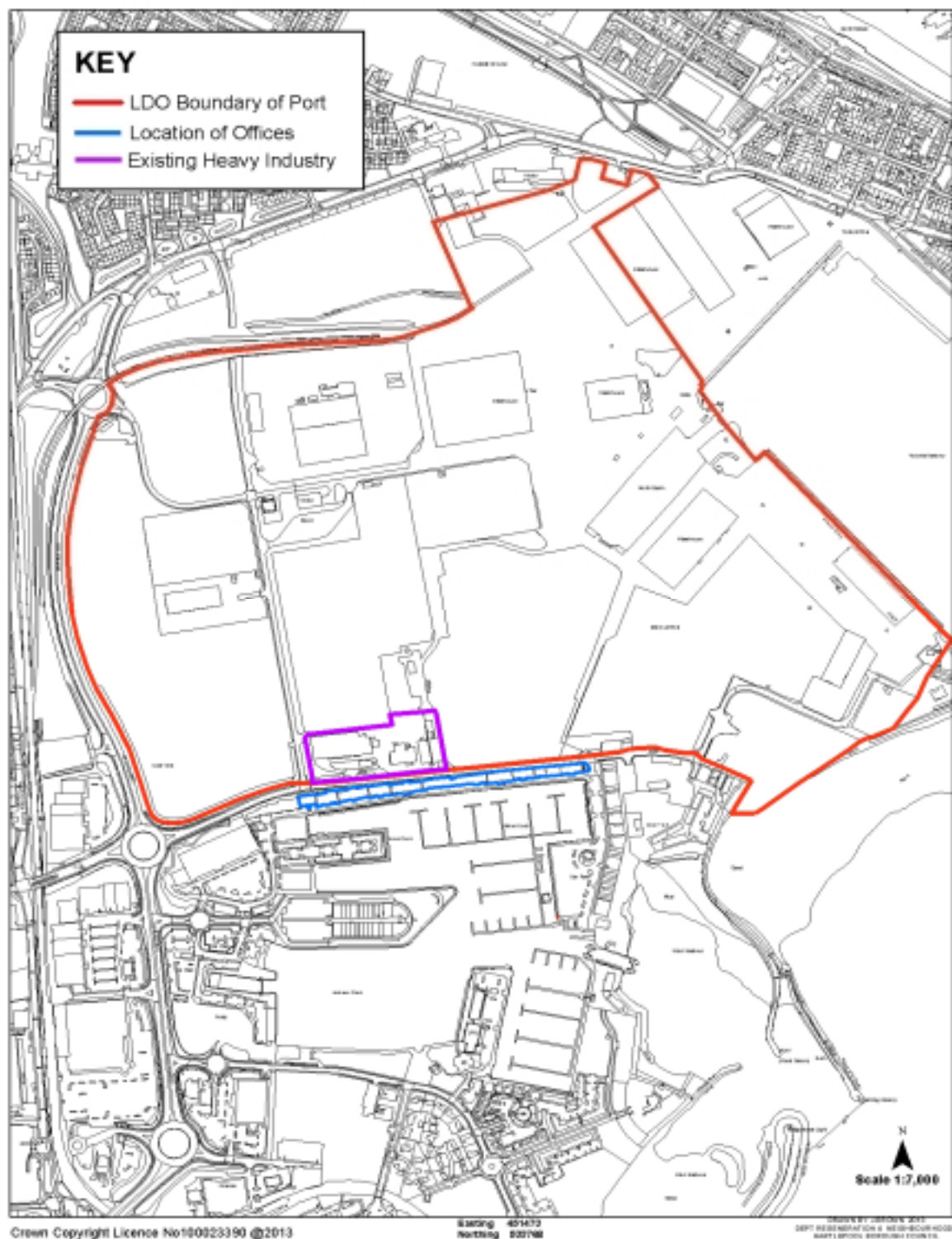
## **21. Impacts upon Function of the Enterprise Zone and Existing Industrial Activity**

21.1 The Council are concerned regarding the implications the proposed permitted development rights could have on the existing operations upon the Port site and any future operators as well as the heavy industrial site in close proximity. It is considered that the implementation of the permitted development rights within any of the existing office accommodation within the red edge on the supporting plan could create considerable harm upon operations by way of prejudicing future/existing business operations as their day to day activities and associated noise, smells, vibrations omitting from the uses could result in complaints from the occupiers of the residential units.

21.2 The Council's Head of Public Protection has raised concerns that any residential accommodation in the proposed exemption area could result in constraints on development within the Enterprise Zone and the existing operations of the heavy industrial site due to the existing loud noise omitting from the site, as any complaints from any residents would have to be investigated and could result in formal action being taken for statutory nuisance. Such action could potentially result in the working

practices of businesses being altered if any such complaints were upheld it could potentially result in businesses relocating outside of the Borough. It is considered that the ability to create residential units within the office blocks would impact upon the attractiveness of the Port Enterprise Zone from potential investors. Furthermore, the majority of boundaries of the Port LDO are subject to noise thresholds which prospective operators upon the Port need to adhere to benefit from the LDO. The thresholds were applied to protect the amenity of households surrounding the site. It is prudent to state that there are no noise thresholds upon the boundary of Middleton Road.

### Marina and Port, Hartlepool



### Plan 3 – Proposed exemption site and wider land uses

21.3 Further to the above, Tees Valley Unlimited, as the Local Enterprise Partnership, supports Hartlepool Borough Council in its submission to DCLG for

exemption from the proposal to extend permitted development rights to allow change of use from use Class B1(a) office to C3 residential at the identified site upon the boundary of the Port Enterprise Zone. This letter can be seen as Appendix C of this report. Moreover, the Council's Economic Regeneration Team supports the Council's submission.

## **22. The scale of the impact in absolute terms**

22.1 As outlined above, The Council has grave concerns regarding the implications of the provision of residential units upon the boundary of the Port LDO and the ability of the Port site to attract major investment. As outlined above the LDO supports the following business sectors on the Port site:

- (B1) Offices, research and development of products and processes, light industry appropriate in a residential area;
- (B2) General Industry (excluding incineration purposes, chemical treatment or landfill or any operation (processing or storage) or activity involving hazardous or inert waste), and;
- (B8) Storage and Distribution. Specifically related to the following business sectors:
  - Advanced Engineering & Advanced Manufacturing
  - Renewable Energy Manufacturing

22.2 Given the nature of the uses outlined above and those existing it is considered that any future residential properties formed within the office blocks upon the edge of the site would be prone to excessive levels of noise and disturbance. As outlined above an existing heavy industrial process operates in close proximity to the identified office blocks. It is considered that the provision of residential units within the office blocks could create considerable harm upon commercial operations by way of prejudicing existing businesses and any future inward investment to the site. The Council consider that the presence of residential uses upon the boundary of the site would be seen by potential investors to the site and existing operators upon the site as a threat to operations.

22.3 The Council also has concerns regarding the loss of allocated employment land; this in turn has a potential impact upon job creation within the Borough. Hartlepool in general has a limited amount of purpose built office space and the loss of the units upon Middleton Road would be considered detrimental to the economy of the town. Several of the units are occupied and harness many jobs.

## **23. The significance of the adverse impact at the level of the local authority or wider**

23.1 The Port LDO was one of twelve Enterprise Zone sites across the Tees Valley announced as part of the Budget in 2011, and its format was agreed between the Government and Tees Valley Unlimited in August 2011. Developers upon the Port site will benefit from either business rates discount, worth up to £275,000 over a five year period, or enhanced capital allowances to support the growth of existing firms and/or attract significant inward investment and a simplified planning process. The Enterprise Zone initiative is intended to support and attract investment in key sectors



which have been identified as having potential for growth in the Tees Valley.

23.2 The Council considers that the presence of residential accommodation in close proximity to the LDO site will stifle Hartlepool's ability to unlock potential, deliver significant new investment and generate long term economic benefits at the local level.

23.3 Given the scale and design of the office blocks upon the site it is envisaged that the only feasible conversion of the units would be to flats. Given this, it should also be noted that there is an oversupply of flats within this area. This can be shown on page 46 (graph 7) of Appendix D attached to this report. It is considered that the loss of allocated employment land within the Borough to flats will exacerbate an imbalance in the housing stock which will lead to adverse economic consequences in the town in terms of the Borough not being able to offer a diverse housing stock and in exacerbating oversupply issues in relation to this type of accommodation. The Borough Council by way of emerging policy is focused on restricting any further flatted development. The Council is focused on permitted development for 3 to 4 bedroom homes.

#### **24. The degree to which there is likely to be a strategic and long-term adverse economic impact**

24.1 The Council considers that there is likely to be a strategic and long-term adverse economic impact upon the Local Area. The formation of the LDO enables development to be undertaken without the need for planning permission. It is designed to attract inward investment and employment. The Council considers that LDO has already encouraged development by providing a high degree of certainty to developers and investors, as well as reducing costs through the removal of planning application fees and providing incentives. The Council has already seen inward investment into the site following the introduction of the LDO. The Council consider that the presence of residential accommodation close to the site would stifle inward investment as well as impacting upon existing operating businesses given a residents ability to make complaints regarding nuisance associated with business operations. Such complaints could be upheld and statutory nuisance action taken. Such action could potentially result in the working practices of businesses being altered if any such complaints were upheld. This in turn would impact upon the functioning of the business and its competitiveness, and could result in businesses relocating outside of the town.

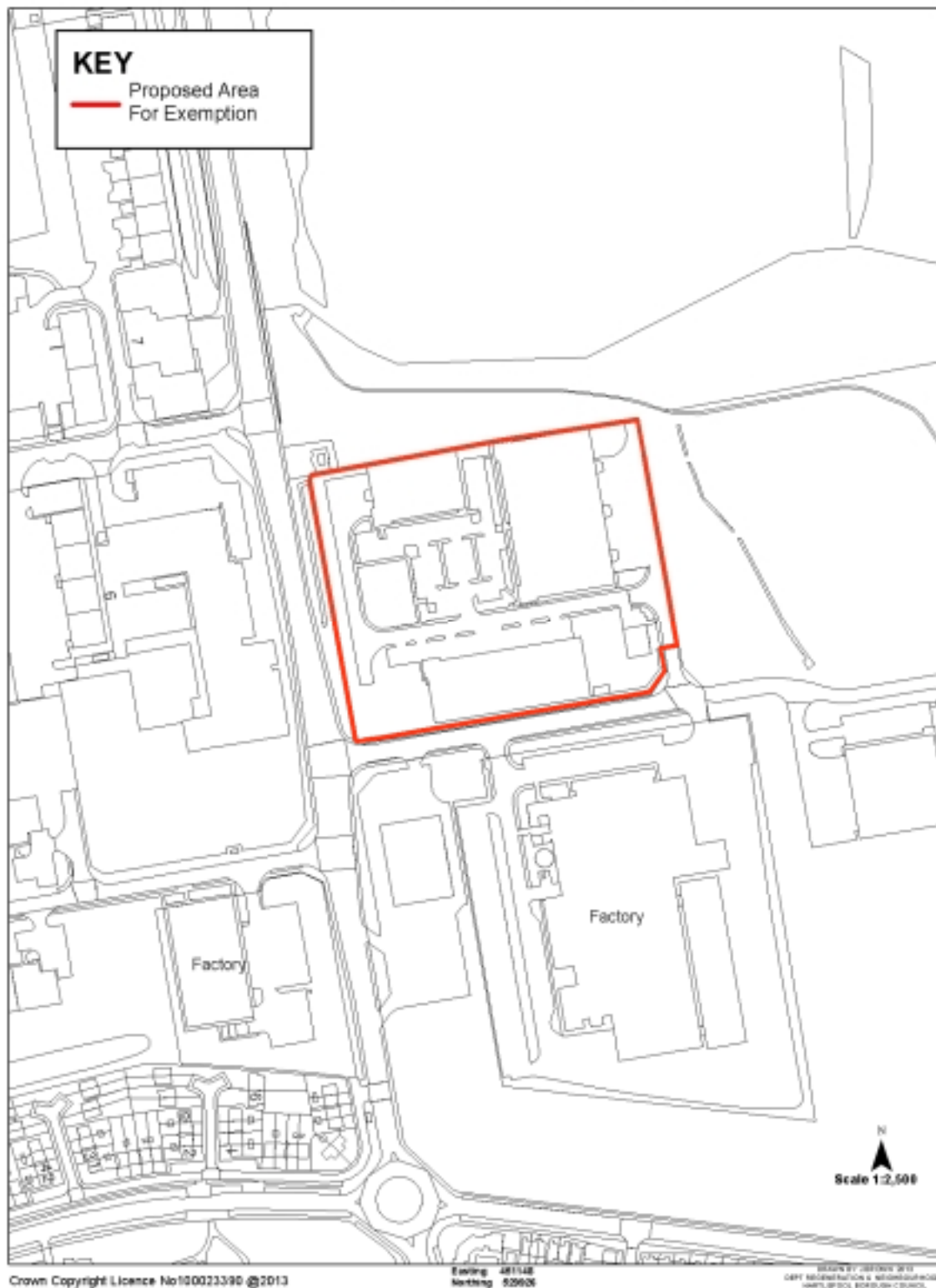
#### **25. Whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact**

25.1 The boundary for exemption for the Middleton Road site has been determined given the location of the office units upon the site. The boundary has also been determined having regard to the nature of the commercial operations in close proximity to the site and the business sectors supported by way of the LDO which could be formed in close proximity to the office blocks. It is the smallest area necessary to address the potential adverse economic impact.

## **26. Land at Sovereign Park**

### **Proposed Site for Exemption (Plan 4)**

#### **Sovereign Park, Parkview Road East, Hartlepool**



## **27. Site Context**

27.1 The site identified for exemption forms a group of office buildings. The office blocks could be converted into residential units if the new permitted development rights are introduced. The planning consents to which the office units relate does not restrict the use of the buildings to office space (B1).

27.2 The office blocks are located in close proximity to the boundary of an operation food manufacturing plant which operates on a 24 hour basis.

27.3 The Council have concerns regarding the implications the implementation of the permitted development rights could have on the existing operations of the food manufacturing plant.

## **28. Impacts upon Function of the Enterprise Zone and Existing Industrial Activity**

28.1 The Council are concerned regarding the implications the proposed permitted development rights could have on the existing operations of the food manufacturing plant in close proximity to the site. It is considered that the implementation of the permitted development rights within any of the existing office accommodation within the red edge on the supporting plan could create considerable harm upon operations by way of prejudicing existing business operations as their day to day activities and associated noise and especially smells omitting from the use could result in complaints from the occupiers of the residential units.



**Plan 5 – Proposed exemption site and wider land uses**

28.2 The Council's Head of Public Protection has raised concerns that any residential accommodation in the site could result in constraints on the manufacturing operations of the food plant as any complaints from any residents would have to be investigated and could result in formal action being taken for statutory nuisance. Such action could potentially result in the working practices of business being altered if any such complaints were upheld. It is considered that the ability to create residential units within the office blocks would impact upon the operations of the food plant.

**29. The scale of the impact in absolute terms**

29.1 Given the nature of the uses outlined above it is considered that any future residential properties formed within the office blocks within close proximity to the food manufacturing plant would be prone to excessive levels of odors and disturbance. It is considered that the provision of residential units within the office blocks could create considerable harm upon the commercial operations by way of prejudicing existing operations.

29.2 The Council also has concerns regarding the loss of allocated employment land; this in turn has a potential impact upon job creation within the Borough. Hartlepool in general has a limit amount of purpose built office space and the loss of the units within Sovereign Park would be considered detrimental to the economy of the town. Several of the units are occupied and harness many jobs.

**30. The significance of the adverse impact at the level of the local authority or wider**

30.1 The food plant currently employs approximately 100 people and is therefore a significant employer within the town. It is considered that the ability to create residential units within the office blocks could potentially impact upon the working practices of the plant. This in turn could impact upon the number of jobs required at the plant therefore impacting upon the economy of the town.

30.2 Given the scale and design of the office blocks upon the site it is envisaged that the only feasible conversion of the units would be to flats. Given this, it should also be noted that there is an oversupply of flats within this area. This can be shown on page 46 (graph 7) of Appendix D attached to this report. It is considered that the loss of allocated employment land within the Borough to accommodate flats will exacerbate an existing imbalance in the housing stock which will lead to adverse economic consequences in the town in terms of the Borough not being able to offer a diverse housing stock and in exacerbating oversupply issues in relation to this type of accommodation. The Borough Council by way of emerging policy is focused on restricting any further flatted development. The Council is focused on permitted development for 3 to 4 bedroom homes.

**31. The degree to which there is likely to be a strategic and long-term adverse economic impact**

31.1 The Council consider that the presence of residential accommodation upon the site would detrimentally impact upon the existing operating food manufacturing plant given a residents ability to make complaints regarding nuisance associated with business operations. Such complaints could be upheld and statutory nuisance action taken. Such action could potentially result in the working practices of businesses being altered if any such complaints were upheld. This in turn would impact upon the functioning of the business and its competitiveness and could result in the business relocating outside of the town.

**32. Whether the proposed area of exemption is the smallest area necessary to address the potential adverse economic impact**

32.1 The boundary for exemption for the Sovereign Park site has been determined given the location of the office units upon the site. The boundary has also been determined having regard to the proximity of the commercial operation in close proximity to the site. It is the smallest area necessary to address the potential adverse economic impact.

## PLANNING COMMITTEE

6 March 2013



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** APPEAL REF: APP/H0724/A/12/2182316  
H/2012/0181  
ERECTION OF A TWO STOREY EXTENSION AT  
THE REAR TO PROVIDE GARDEN ROOM WITH  
BEDROOM EXTENSION ABOVE  
29 COURAGEOUS CLOSE, HARTLEPOOL

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### 1. PURPOSE OF REPORT

- 1.1 To advise members that the above appeal has been determined by the Planning Inspectorate by the written representations procedure.
- 1.2 The appeal was dismissed.
- 1.3 A copy of the Inspector's decision is attached.

### 2. RECOMMENDATION

- 2.1 That members note the decision.



## Appeal Decision

Site visit made on 25 January 2013

by John L Gray DipArch MSc Registered Architect

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

Decision date: 7 February 2013

**Appeal Ref. APP/H0724/A/12/2182316**  
**29 Courageous Close, Hartlepool, TS25 1EU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Jonathan Ayres against the decision of Hartlepool Borough Council.
- The application, ref. H/2012/0181, dated 28 March 2012, was refused by notice dated 7 June 2012.
- The development proposed is a two-storey rear extension.

**Decision: the appeal is dismissed.**

### Main Issue

1. The main issue is whether the proposed extension would be unduly overbearing for the occupiers of the neighbouring 112 Queen Street or would cause them harmful loss of privacy.

### Reasons

2. The proposed extension may be similar to that at 42C Forester Close but the circumstances are different there because it does not have a neighbouring residential curtilage immediately to its rear. Here, the extension would be about 6.0m from the rear garden boundary and about 4.5m from the façade of 112 Queen Street. These distances were estimated at my site inspection and indicate that the location plan submitted with the application is not precisely to the annotated 1:1000 scale. Normally, a two-storey building standing about 10.5m from the habitable window of a neighbouring dwelling would be considered overbearing. In this case, there is a substantial difference in levels; the proposed extension to no. 29, like the existing garden room, is set into the natural slope of the land and no. 112 stands on distinctly higher ground. As a result, and despite its proximity, the proposed extension would not have any unduly harmful overbearing impact for the occupiers of no. 112.
3. The question of overlooking is rather different. The extended first floor bedroom would have its only window looking directly over the boundary towards no. 112. The distance between habitable room windows would be around 10.5m, little more than half the rule-of-thumb distance normally thought acceptable. While the relative height of the bedroom means there would be no loss of privacy within it, the window would afford a clear and unacceptable opportunity for overlooking of no. 112.
4. Two remedies have been suggested. One is that the bedroom window should be obscure-glazed, though this is not necessarily an ideal solution for the only window in a habitable room. The other is that the window could be placed in

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Appeal Decision APP/H0724/A/12/2182316

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the north-facing wall of the extension, where it would be about 6.5m from the boundary with no. 28, potentially overlooking the garden, though not any windows. Whether or not either of these options could lead to an acceptable solution, neither appears to have been considered formally by the Council (though there may, as indicated in the grounds of appeal, have been discussion with the case officer). In the apparent absence of such consideration, it would be inappropriate to allow the appeal and grant planning permission subject to a condition to secure either solution.

5. To sum up, while there is no objection in terms of any unduly prominent or overbearing effect, the opportunity for harmful overlooking of 112 Queen Street from the proposed extension would conflict with the provisions of Policies GE1(iii) and Hsg10(iii) of the adopted Hartlepool Local Plan. Accordingly, the appeal must be dismissed.

*John L Gray*

Inspector



## **PLANNING COMMITTEE**

6 March 2013



**Report of:** Assistant Director (Regeneration and Planning)

**Subject:** UPDATE ON CURRENT COMPLAINTS

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### **1. PURPOSE OF REPORT**

- 1.1 Your attention is drawn to the following current ongoing issues, which are being investigated. Developments will be reported to a future meeting if necessary:
1. Officer monitoring recorded a neglected dormant industrial site on Sandgate Industrial Estate.
  2. An anonymous complaint received regarding the siting of a caravan in the front garden of a property on Motherwell Road.
  3. An investigation has commenced regarding building works being carried out not identified on a prepared grant schedule that may require planning permission at a property on York Place.
  4. An investigation has commenced regarding a housing developer in breach of a condition imposed on a planning permission excluding Sunday working on a housing development scheme in Seaton Carew.
  5. A neighbouring business complaint received regarding the creation of a car park and erection of a directional sign identifying an industrial site on Brenda Road.
  6. An investigation has commenced in response to an anonymous complaint received regarding a fitness centre being run from a business/light industry unit in Enterprise House, Thomlinson Road.
  7. An investigation has commenced regarding pouring concrete foundations for an extension to the rear of a property on Castleton Road, to determine whether planning permission or building regulation apply in this case.
  8. An investigation has commenced regarding youths breaching a vacant public house on Musgrave Walk gaining access onto its roof.

### **2. RECOMMENDATION**

- 2.1 Members note this report.