

PLANNING COMMITTEE AGENDA



5 June 2013

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, Beck, Cook, Cranney, Fisher, Fleet, Griffin, James, A Lilley, G Lilley, Loynes, Morris, Robinson, Shields, Sirs and Wells.

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 8 May 2013 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – Assistant Director (Regeneration)

1. H/2013/0128 Land Adjacent to Seaton Carew Nursery School, Brompton Walk, Hartlepool. (*page 1*)
2. H/2013/0145 Former Henry Smith School Site, King Oswy Drive, Hartlepool. (*page 16*)
3. H/2013/0197 21 Land to the side and rear of 21 Seaton Lane, Hartlepool. (*page 22*)

4.2 Appeal at 33 Harvester Close, Hartlepool – Assistant Director (Regeneration)

4.3 Appeal at Three Gates Farm, Dalton Piercy, Hartlepool – Assistant Director (Regeneration)



- 4.4 Update on Current Complaints – *Assistant Director (Regeneration)*
- 4.5 Green Infrastructure Supplementary Planning Document (SPD) – *Assistant Director (Regeneration)*
- 4.6 New Dwellings in the Open Countryside Supplementary Planning Document (SPD) – *Assistant Director (Regeneration)*
- 4.7 Changes to Permitted Development Rights Effective from 30 May 2013 – *Assistant Director (Regeneration)*

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS 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 July 2013.



No: 1
Number: H/2013/0128
Applicant: Dunelm Homes
Agent: Dunelm Homes Mr Paul Armstrong Esh Business Park
Heighington Lane Aycliffe Industrial Estate DL5 6QG
Date valid: 18/03/2013
Development: Residential development comprising 35 dwellings,
associated roads and infrastructure including demolition of
sports hall, youth centre and caretaker's house (amended
layout received)
Location: Land adjacent Seaton Carew Nursery School Brompton
Walk HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The application site is one of a number of Council owned sites within Seaton Carew which have been highlighted for redevelopment as part of the overall regeneration of the area. It is proposed to enhance the area by creating attractive quality spaces to enable economic growth and attract visitors. The scheme of works for the area is proposed to be phased.

1.3 A full public consultation, including public meetings were carried out with local residents detailing the proposals and the proposed improvement works to be carried out within the Seaton Carew Area.

1.4 Following the public consultation which was held in June 2012 the residential scheme was amended to take into account residents concerns.

PROPOSAL AND SITE CONTEXT

1.5 The site to which this application relates is located adjacent to Seaton Carew Nursery School, Brompton Walk. The site is bounded by residential properties located on Commondale Drive, Pavillion Close, Grace Close and Seaton Carew Nursery School.

1.6 The proposal seeks consent for the erection of 35 dwellings, together with associated roads and infrastructure. It includes the demolition of sports hall, youth centre and caretaker's house which are currently on the site.

1.7 The development proposes a mix of detached, semi detached and terraced properties ranging from 1, 2, 2.5 and 3 storeys which consist of:

- 2 x 2 bed bungalows
- 28 x 4 bed dwellinghouses
- 3 x 3 bed dwellinghouses and
- 4 x 2 bed dwellinghouses.

1.8 Three of the 2 bed properties will be of an affordable tenure.

1.9 The site layout has had minor amendments since the application was originally submitted following concerns raised by officers in terms of relationships between plots within the site and parking considerations.

PUBLICITY

1.10 The application has been advertised by way of neighbour letters (38) site notice and press notice. To date, there have been 4 letters of objection 3 letters of comments and 2 letters of no objections received.

The objections relate to:

1. loss of valued communal area
2. land used by children and teenagers to play football
3. sunlight and privacy affected
4. impact of noise pollution from the demolition, drilling, digging, other site machinery and deliveries
5. new properties will create an oppressive over bearing impact on property
6. loss of light and privacy
7. loss of public right of way
8. removal of green recreation land
9. volume of traffic the development would generate excessive
10. the development would be detrimental to the area and will be too built up and congested.

The letters of comments relate to:

1. traffic congestion
2. the area regularly floods, adequate enhanced drainage is essential to protect adjacent properties
3. concern with drainage – needs good drainage system
4. consideration should be taken for parking problems in Elizabeth Way
5. people leave cars outside properties on Elizabeth Way then get bus to Middlesbrough, temp parking bays would be an option for residents.

Copy Letters A

The period for publicity has expired.

CONSULTATIONS

1.11

Traffic & Transportation – The general highway layout is acceptable, although there are number of driveways which are appear below the HBC design guide (plots are 8, 17, 18, 19 and 24).

The roads and footways should be constructed in accordance with the HBC Design guide and specification either under a section 38 agreement or advanced payment code.

The access road between Elizabeth Way and the proposed development should be resurfaced at the developers expense prior to the first occupation.

The proposed layout is acceptable in highway terms. The proposed roads and footways to be built to an adopted standard either through a Section 38 or Advanced Payment Code agreement based on the Council Design's Guide and Specification. The agreement should be in place before construction works commence. The existing road to be taken before works start on the new road. The driveway should be a minimum of 6 metres there are a number of driveways which are less than this. (The application was subsequently amended and driveway details are now acceptable)

Parks & Countryside – According to the Definitive Map and Statement records; there are no recorded public rights of way affected by this proposed development.

As far as Hartlepool Borough Council records show; there are no permissive rights of way affected by this proposed development.

Engineering Consultancy – Regarding the above application, I had previous requested drainage design information based on proposals to attenuate storm drainage on the site. Following a review of the submitted drainage drawing and Northumbria Water (NWL) correspondence, it is my understanding that storm flows are to be directed into the closed surface water sewer and NWL have confirmed that they will accept these flows. On this basis, I have no further comments regarding the proposal.

I have no objections relating to land contamination.

I note that part of the development includes demolition. I attach a form of notification for the demolition.

Landscape Planning – Having looked at the effects that this development will have on existing soft landscaping together with the applicants proposed plans which incorporate additional trees and shrubs.

The majority of trees on this site will remain unaffected and the proposed landscaping is complementary without being burdensome in the future and has been thought through with this in mind as shown on drawing C-924-01 by PDP Associates.

As is normal with applications of this type, where heavy machinery will be on site, I need to be assured that no damage will occur to those trees at the entrance therefore I need to see details of how this will be achieved either by leaving the existing fence in situ or if this is removed by creating some form of temporary barrier.

Condition J169 will apply in this instance as I need to see a plan showing the tree constraints plan 'basically this is where those trees that are being retained' are shown with a line drawn around them showing where construction work will not encroach together with a method statement of how this will be achieved in practice (BS5837:2012)

Landscaping conditions will be observed in accordance with clause J162 noting the defects liability period for any trees and shrubs that are planted.

In summarising therefore, subject to the information requested being forthcoming, I have no other issues with this scheme.

Ecology - I visited the site in April 2012 and assessed the buildings as not meeting our published criteria for requiring a bat survey to enable us to determine the application.

At that time a jackdaw appeared to be nesting in the damaged soffits of the sports centre. It is likely that birds would also be breeding in the building this year, in which case demolition could not occur until the birds had finished breeding. There is also potential for birds to be nesting in the trees on site.

The remainder of the site was of negligible ecological value so there should be no other ecological constraints on the development.

There needs to be a condition to the effect that demolition of the buildings or removal of the trees or any other shrubbery should not take place during the bird breeding season, taken to be March - August inclusive.

Although the application would not require a bat survey the standard bat informative should be attached to any permission.

Public Protection – No objections subject to the provision of acoustic fencing between the proposed development and the nursery school on Brompton Walk.

Housing Services – No objections to the scheme. The developer is providing an element of affordable housing.

Northumbrian Water – The applicant has been in contact with NWL regarding discharge rates and connection points into the public sewer. A plan has been submitted which is acceptable.

Hartlepool Water – No objection to the development; however the following point should be noted: 1) protection/diversion of existing water infrastructure will be required at the site entrance 2) Local reinforcement of water infrastructure may be necessary to supply the site; this will require detailed modelling once the final layout and water demand figures are available.

Cleveland Police – 'Good design must be the aim of all those involved in the development process and should be encouraged everywhere. Incorporating sensible security measures during the design and build combined with good management practices is shown to reduce levels of crime, fear of crime and disorder.

'Secured by Design' (SBD) aims to achieve security for the building shell and to introduce appropriate design features that enable natural surveillance and create a sense of ownership and responsibility for every part of the development.

I see no issues with the layout of the proposed development. A rumble strip or change in colour of the road surface must be included at the entrance to accentuate the crossover from public to semi public and drives from semi-public to semi-private.

Lighting must be to the same standard whether adopted or unadopted highways. Gable ends should not be exposed and where in-curtilage parking is at the side of the property, gable end windows and lighting must be incorporated. All other parking areas must be overlooked from a habitable window.

Access to rear gardens should be restricted; gates should be flush fit with the front elevations of the property. Fencing adjacent to public land must be 2m high; the remainder should be 1.8m.

Relevant SBD standards for doors, windows and lighting (including garage doors) should be attained.

I would recommend that the developer seeks to achieve SBD accreditation, if this is not possible then the design guides should be adhered to. Plots 17, 18 and 19 I understand are social housing, if these are to be SBD, part 2 accreditation may be given.

Cleveland Fire Brigade – Cleveland Fire Brigade offer no representations to the development. However the development should achieve the access and water supply requirements of the building regulation fire safety approved document B volume 1 for access and water supplies.

Tees Archaeology – The development area has been screened against the Historic Environment Record and it is confirmed that there are no known archaeological sites therefore no objection.

PLANNING POLICY

1.12 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

GEP1: General Environmental Principles
GEP2: Access for All

GEP3: Crime Prevention by Planning and Design
 GEP9: Developers Contributions
 GEP12: Trees, Hedgrows and Development
 Hsg5: Management of Housing Land Supply
 Hsg9: New Residential Layout – Design and Other Requirements
 Rec2: Provision for Play in New Housing Areas
 Tra14: Access to Development Sites
 Tra16: Car Parking Standards
 Tra20: Travel Plans

Emerging Local Plan

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

SUS1: The Presumption in favour of Sustainable Development
 LS1: Locational Strategy
 CC1: Climate Change
 CC2: Energy Efficiency
 CC4: Flood Risk
 ND1: Planning Obligations and Compulsory Purchase Orders
 ND3: Telecommunications and Utilities
 ND4: Design of New Development
 HSG1: New Housing Provision
 HSG4: Overall Housing Mix
 HSG5: Affordable Housing Provision

Regional Policy

An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

National Policy

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

assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are considered relevant.

Paragraph 14: Presumption in favour of sustainable development

Paragraph 49: Housing and the presumption in favour of sustainable development

Paragraph 56: Design of the built environment

Paragraph 57: High quality inclusive design

Paragraph 61: The connections between people and places

Paragraph 64: Improving the character and quality of an area

Paragraph 66: Community involvement

Paragraph 96: Minimise energy consumption

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

1.13 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 principle of the development, impact upon the character and appearance of the area, the effect of the proposals on neighbouring properties and the surrounding area, highway safety/parking, ecology, landscaping and trees, drainage and flooding, noise and disturbance, archaeology and public rights of way.

POLICY

1.14 The Hartlepool Local Plan 2006 forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 2006 Local Plan is in the process of being replaced by the emerging 2012/2013 Local Plan. Currently the 2012/13 Local Plan Examination process has been suspended to allow for clarification in terms of Gypsy and Traveller provision, however, the Planning Inspector has noted that he is happy that other elements of the Plan can be modified where necessary to make the plan sound. Therefore the policies within the emerging 2012/2013 Local Plan hold significant weight when determining planning applications.

1.15 The site is located in an established residential area of the town where residential development is acceptable in principle. There is an element of affordable housing to be provided within the scheme. In policy terms the proposal is considered acceptable.

AFFORDABLE HOUSING

1.16 Within the Seaton Carew area there is an acute need for affordable housing, as identified within the Hartlepool Strategic Housing Assessment. Taking this into account a 10% provision of the development would need to be provided for affordable housing provision (4 units).

1.17 A viability assessment appraisal has been undertaken. The outcome of the appraisal demonstrated that the proposed development would be unviable if 4 units were provided. Notwithstanding this, the appraisal demonstrated that the proposed

scheme would be viable if the developer provided 3 affordable units. It should also be noted that through the capital receipt a range of other community benefits will be delivered in Seaton Carew as part of the regeneration strategy for the area from the sale of the land, which is considered a major benefit arising from the scheme. The affordable housing will be secured by way of a legal agreement.

PLANNING OBLIGATIONS

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

1.19 In this instance the Council considers it reasonable to request the following developer contributions which will be secured through a legal agreement.

1. £250.00 per dwellinghouse towards off site play
2. £250.00 per dwellinghouse towards green infrastructure

1.20 The applicant has agreed to pay all of the contributions outlined within this report.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

1.21 Some public objection to the development has been received relating to the impact upon the area and existing properties. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

1.22 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Policy ND4 of the Emerging Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area.

1.23 Officers consider that the density of the site is acceptable. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. The proposed layout includes retained landscaping residential properties with average gardens.

1.24 Officers consider that the character and appearance of the area is varied, consisting of a mixture of house types, ages and styles. Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties and area, in terms of both scale and design, it is considered that the design, scale and massing of the proposed dwellings are acceptable and will not have a detrimental impact upon the character and appearance of the area.

EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES AND SURROUNDING AREA

1.25 The layout has been refined through extensive discussions. It is considered that the layout of the 35 dwellings upon the site has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it. The layout of the site has been amended since it was originally submitted to reposition plot no 11 to reduce the stagger between 11 and 12, the garages for plots no(s) 8, 9, 5 and 6 have also been slightly repositioned and the design of the roof changed from gable to hip. It is considered that the scale of the 35 dwellings, are proportionate to that of neighbouring properties and the plots upon which they are located.

1.26 It is considered that the relationships between the properties and premises adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed with regard to the front, side and rear of the neighbouring properties comply with the guidance outlined in the Hartlepool Local Plan 2006 and are therefore considered acceptable. It is not considered that any of the dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties in the area.

1.27 The layout of the site is considered to be acceptable and in terms of appearance will assimilate itself quickly into the wider streetscene. Whilst it is acknowledged that the design of the proposed housing is modern in appearance it is not considered that it will appear jarring in terms of its relationships with existing modern housing or the local centre located in the immediate area and will quickly assimilate into the wider area. Officers consider that the proposed design of the dwellings accords with the principles outlined within the NPPF and Local Policy. It is not considered that the proposal would create a significant impact upon the living conditions of any of the properties surrounding the site.

IMPACT UPON HIGHWAY SAFETY/PARKING

1.28 A key concern within the public responses to the planning application relate to issues surrounding highway safety and parking provision.

1.29 The vehicular and pedestrian access to the development is via an existing access from Elizabeth Way, this access requires resurfacing works which will need to be carried out prior to the occupation of the properties. This can be achieved through the proposed condition. Objections to the application include considerations that the access point is hazardous and that the development will create traffic generation detrimental to highway safety.

1.30 The Council's Traffic and Transportation Team have been consulted on the application and initially raised concerns with regard to some of the plots having inadequate drive-lengths for a new development. An amended layout plan has been submitted which meets the Hartlepool Borough Council Design guide and specification. The Traffic and Transportation Team raise no objection.

1.31 In terms of increased traffic generation the Traffic and Transportation Team do not consider that the traffic movements associated with an additional 35 houses will compromise the efficiency or the safety of the transport network for the area.

1.32 In terms of the layout of the residential development, Officer's consider that an acceptable level of parking provision is proposed.

1.33 Concerns have been raised with regard to the parking provision for the adjacent nursery, it has been confirmed by the Traffic and Transportation Team that there is no specific dedicated parking. There are 5 spaces which are marked out on the road leading to the rear of the shopping parade, which are generally used by parents. It is accepted that nursery parking may spill into the new housing once built, especially if the visitor parking bays are full, however since the road would be adopted this be legitimate parking on a public highway. It is not considered that the comings and goings to the nursery school which operates Monday to Friday would be excessive and in any case the nursery is outwith the site.

ECOLOGY

1.34 The application site is not subject to any ecological designations however it has been noted that a bird has previously nested in the damaged soffits of the sports centre, it is likely that there are other birds nesting in the building at this time of year. In this instance the demolition of the building could not take place until the birds had finished nesting. There is also potential for birds to be nesting in the trees/bushes on site and again work to trees/bushes could not lawfully proceed if birds are nesting.

1.35 The remainder of the site was of negligible ecological value and therefore there are no other ecological constraints on the development.

1.36 It would be prudent to condition that demolition of the buildings or removal of the trees or any other shrubbery should not take place during the bird breeding season, taken to be March - August inclusive

LANDSCAPING AND TREES

1.37 There is an area of soft landscaping and trees to be retained at the entrance of the site, the provision of the drainage system will require the removal of a small section of trees. The Council's Arborist does not consider that the partial removal of these trees would have a significant adverse impact upon local amenity and therefore their removal is considered acceptable.

1.38 With regard to tree protection during construction the Arborist has requested a plan which shows the position of temporary protection barriers around the trees to be retained. This can be appropriately addressed by way of a condition.

1.39 With regard to landscaping, the Arborist has requested the submission of a landscaping scheme should the application be approved. Notwithstanding this, the applicant has provided an indicative landscaping plan which shows the trees to be retained, front and rear residential gardens to each dwelling. The applicant has indicated that the majority of the proposed landscaping works will consist predominantly of grass with the provision of several shrubs.

1.40 Concerns have been received with regard to the loss of a valued communal area which is used by the local community specially children and teenagers. The area is not a designated public open space. The wider regeneration of the area will provide improved and updated open spaces to benefit the wider community and the economy of the town. It is proposed that the existing park will benefit through the regeneration works.

DRAINAGE AND FLOODING

1.41 Public objections and comments have been received in relation to flooding and drainage.

1.42 Northumbrian Water (NWL) and Hartlepool Water have been consulted on the application. Initial responses from NWL raised concerns with the proposed drainage details. However, the developer has been in contact with NWL regarding the discharge rates and connection points into the public sewer. A detailed plan has been submitted for consideration and NWL are happy with the details that have been submitted.

1.43 The Council's Engineering Consultancy raised no objection to the plan submitted showing the drainage design.

1.44 The site is located in an area which is identified as a low risk to flooding (Flood Zone 1), the development falls below the threshold for the Environment Agency to be consulted.

1.45 In terms of drainage and risk of flooding the proposal is considered acceptable.

NOISE AND DISTURBANCE

1.46 Some public objection relates to an increase in noise and disturbance associated with the proposed development in terms of comings and goings and during the construction of the dwellings.

1.47 The Council's Public Protection Team has considered the proposal and has raised no objections to the proposal subject to conditions relating to the provision of acoustic fencing between the proposed dwellings and the existing nursery. Subject to these mitigation measures, Officers are satisfied that the levels of amenity afforded to the occupiers of the proposed dwellinghouses will be acceptable.

1.48 In terms of the impact upon the amenity of the occupants of neighbouring properties by way of increased noise and disturbance associated with the development, officers do not consider that the levels of noise associated with the occupation of the proposed dwellings or the traffic noise associated with comings

and goings from the development of the site would be so significant to warrant refusal of the application. Any issues which do arise can be dealt with under separate legislation through the Council's Public Protection Team.

ARCHAEOLOGY

1.49 Tees Archaeology has confirmed that the area is not identified as having any known archaeological sites, therefore no objections are raised in terms of archaeology.

PUBLIC RIGHTS OF WAY

1.50 The Parks and Countryside Officer has confirmed that the proposed development will not impact upon existing public rights of way.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.51 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.52 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is considered that the scheme has been designed with the reduction of crime and anti social behaviour in mind.

REASON FOR DECISION

1.53 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 and the completion of a legal agreement securing the developer contributions (Affordable Housing (3 units), Play Contribution (£8750), Green Infrastructure Contribution (£8750).as outlined in the report.

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 (Location Plan, Drawing No(s):303 ED 2012 Rev A - Standard enclosures, 303 GD 03 Single garage type 2, 303 GD 09 Twin garage type 2, 303 GD 26 joined double & single garage, SW-S-OO The Shrewsbury 2012, DH-S-OO The Durham 2012, RO-S-OO The Rochester 2012, RODG-S-OO The Rochester DG 2012, RY-S-OO The Ripley 2012, WLX-S-OO The Wells Special 2012, WL-S-OO The Wells 2012, PT-S-OO The Peterborough 2012, AR-S-OO The Arundel 2012, HBM-S-OO Hornbeam, CY-S-OO Cypress, C-924-01 landscape proposals) and details received by the Local Planning Authority on 6 March 2013, and the amended plans (SC PSL 003 RevD Proposed site layout, 030-GD-11 Twin garage type 3) received at the Local Planning Authority on 25 April 2013 and the

amended plan (Eng/0085/02 Drainage detail) received at the Local Planning Authority 14 May 2013, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no 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.

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

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

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

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

6. Notwithstanding the submitted details prior to the commencement of the development hereby approved details of acoustic fencing to be erected between plots 20, 21, 22, 33, 34 and 35 and the existing Seaton Carew nursery school shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the approved details prior to the occupation of any of the dwellings on the aforementioned plots and retained for the lifetime of the development.

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

7. No demolition or removal of trees and shrubbery on site shall take place during the bird breeding season (March to August inclusive), unless they are inspected prior to the proposed works being carried out by a suitably experienced ecologist and a report is submitted to and agreed in writing by the Local Planning Authority stating that no breeding birds are present.

In the interests of the protection of breeding birds

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. 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).

10. Notwithstanding the submitted details prior to any of the hereby approved dwellings being occupied a scheme for resurfacing works to the access road between Elizabeth Way and the approved development shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved. In the interests of highway safety.

BACKGROUND PAPERS

1.54 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

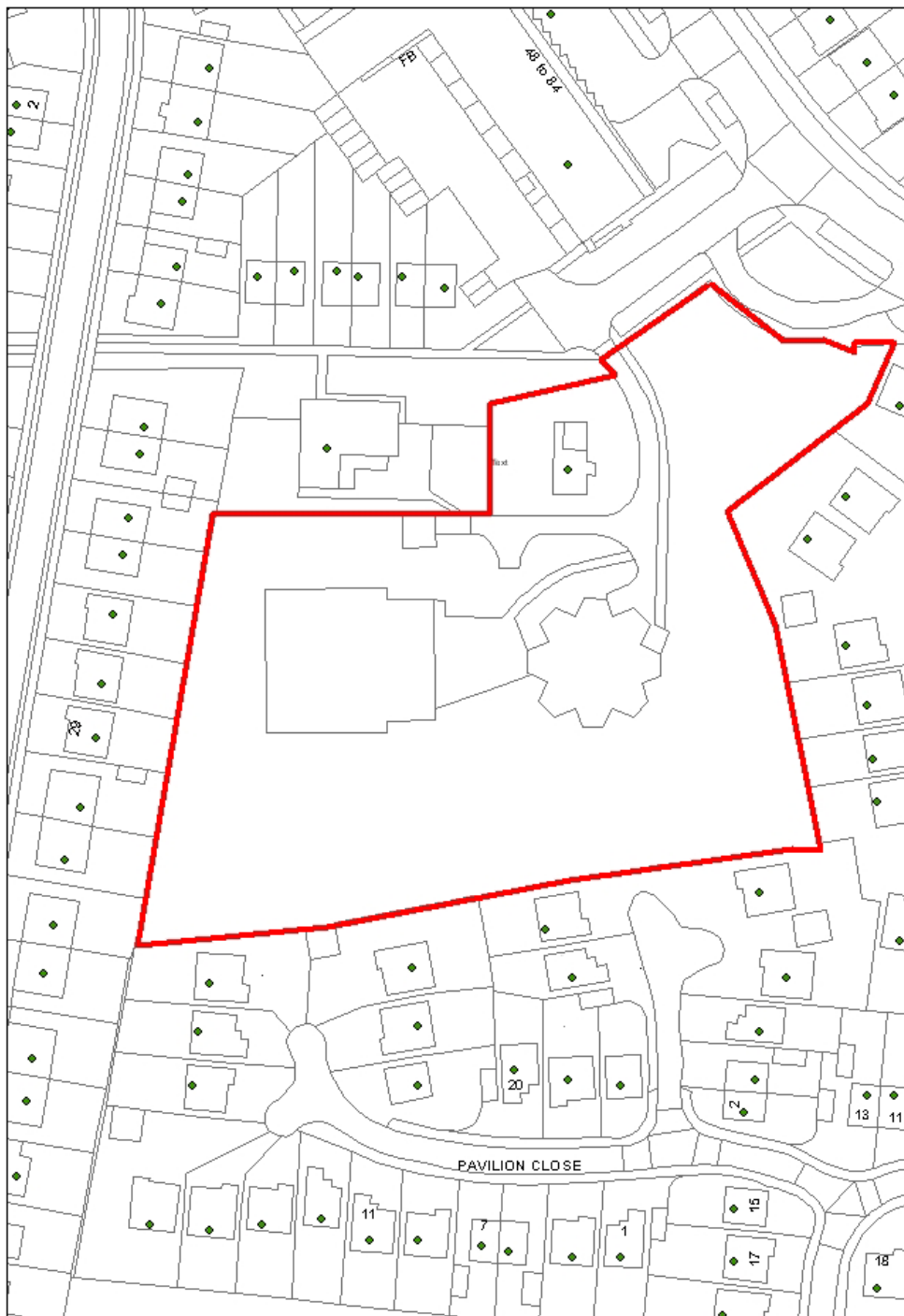
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LAND ADJACENT TO SEATON CAREW NURSERY SCHOOL



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

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Scale: 1:1000
Date : 19/04/13
H/2013/0128

2.6 The main access to the site is proposed to be from King Oswy Drive. Secondary accesses are also proposed from Dowson Road to serve the full application and Whitrout Road for the outline element.

2.7 The application is supported by a number of documents including: Design and Access Statement, Noise Survey, Phase 1 Habitat Survey, Flood Risk Assessment, Statement of Community Involvement, Ground Gas/Water Monitoring Report and Desk Study.

PUBLICITY

2.8 The application has been advertised by way of neighbour letters (293). To date, there have been two letters of objection, two letters of comments, two no objections and one letter of support.

2.9 The concerns raised are:

- a) Intrusion of privacy
- b) Insufficient emergency access to Brancepeth Walk and new development
- c) Disruption to traffic during construction
- d) Access via Whitrout Road will result in an increase of traffic
- e) Concern regarding 100% affordable tenure of first stage.

Copy Letters b

The period for publicity has expired.

CONSULTATIONS

2.10 The following consultation replies have been received:

HBC Arboricultural Officer – The survey provided demonstrates that there are no significant issues relating to existing trees on or adjacent to the site. Minor alterations proposed to the landscaping scheme. Comments on revised scheme awaited.

HBC Countryside Access Officer – The proposed development does not affect any recorded public right of way or permissive right of way located within the vicinity.

HBC Engineering Consultancy – Comments awaited.

HBC Housing Services – Comments awaited.

HBC Neighbourhood Services – Comments awaited.

HBC Public Protection – Comments awaited.

HBC Traffic and Transportation – Number of comments and concerns with proposed layouts. Comments awaited on revised layouts.

Cleveland Police – Comments awaited.

Cleveland Fire Brigade – No objections however access and water supply requirements within the Building Regulations Approved Document B (Fire Safety) Volume 1 should be adhered to.

Hartlepool Water – No objections. There is a 6” water main in the current footpath on King Oswy Drive. There is sufficient capacity in the network to supply the proposed developments.

Environment Agency – No objections subject to condition for foul drainage scheme.

Northern Gas Networks – Comments awaited.

Northumbrian Water Ltd – Requested scheme for foul and surface water. Comments on scheme awaited.

PLANNING POLICY

2.11 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

- GEP1: General Environmental Principles
- GEP2: Access for All
- GEP3: Crime Prevention by Planning and Design
- GEP9: Developer Contributions
- Hsg5: Management of Housing Land Supply
- Hsg9: New Residential Layout
- Tra14: Access to Development Sites
- Tra16: Car Parking Standards
- Tra20: Travel Plans

Emerging Local Plan

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

- SUS1: The Presumption in Favour of Sustainable Development
- CC1: Climate Change
- CC2: Energy Efficiency
- ND1: Planning Obligations and Compulsory Purchase Order
- ND3: Telecommunications and Utilities
- ND4: Design of New Development
- HSG1: New Housing Provision
- HSG4: Overall Housing Mix
- HSG5: Affordable Housing Provision

Regional Policy

2.14 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

National Policy

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

Paragraph 14: Presumption in Favour of Sustainable Development

Paragraph 196: Determination in Accordance with the Development Plan

Paragraph 197: Presumption in Favour of Sustainable Development

PLANNING CONSIDERATIONS

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact of the development on the amenity of surrounding residents, the design of the development, the effect on the highway network, and drainage issues.

2.17 A number of consultation responses are awaited. Revised plans are also anticipated to address landscaping and highways issues. Discussions are also ongoing regarding the provision of drainage details and the agreement of appropriate developer contributions. It is anticipated therefore that a full update report is provided prior to the meeting.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.18 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.20 There are no Section 17 implications.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

2.21 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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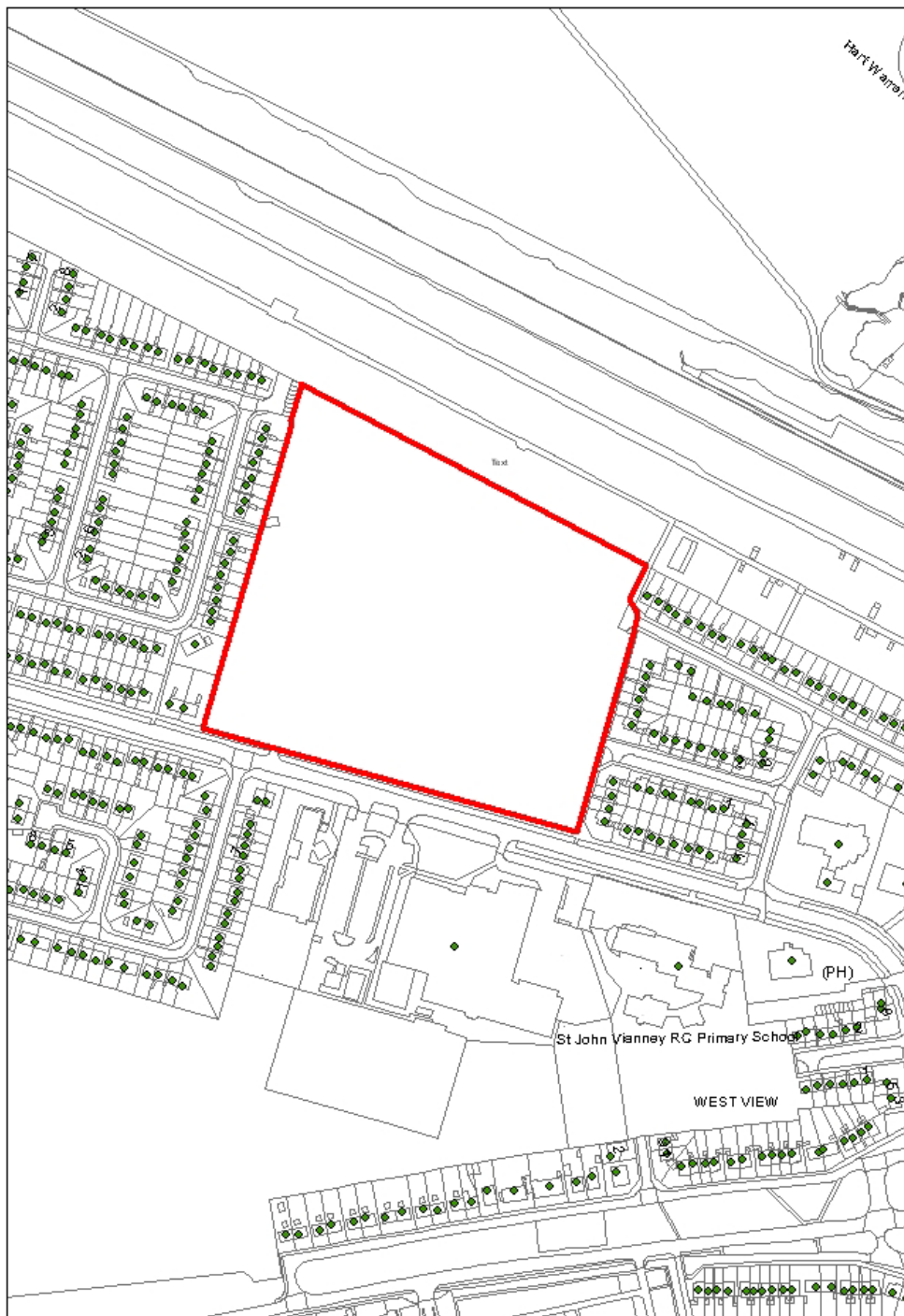
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FORMER HENRY SMITH'S SCHOOL, KING OSWY DRIVE



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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: 1:3000
Date : 23/05/13
H/2013/0145

No: 3
Number: H/2013/0197
Applicant: Mr Jeff Hutchinson Field House Farm GREATHAM
Billingham TS23 3TQ
Agent: ASP Associates Mr Paul Alexander Vega House 8
Grange Road Hartlepool TS26 8JA
Date valid: 23/04/2013
Development: Erection of two detached dwelling houses and detached
garage and associated access
Location: LAND TO THE SIDE AND REAR OF 21 SEATON LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 An application was submitted in 2012 (H/2012/0625) for the 'erection of two detached dwellinghouses, detached garage and access driveways'. The application was withdrawn.

PROPOSAL AND SITE CONTEXT

3.3 The application site is an area of vacant grassland located to the side and the rear of 21 Seaton Lane which is a detached single storey property located at the eastern end of a row of dwellings running west to east on the south side of Seaton Lane. To the east of the site is the railway embankment adjacent to Seaton Carew train station. To the south are open fields and to the north Seaton Lane. The predominate land use in the surrounding area is residential, although there is the recently developed Sainsbury's supermarket to the north-east on the site of the former Station Hotel.

3.4 The application seeks consent for the erection of two detached dwellings and associated access. One dwelling is proposed to be sited adjacent to 21 Seaton Lane, set back from the front of the adjacent property and set away from the shared boundary. The second dwelling is proposed to be sited to the rear of 21 Seaton Lane. Both dwellings are two storey in scale and relatively modern in design. The property to the side of 21 Seaton Lane is proposed to be 3 bedroom and the property to the rear is 5 bedroom and includes a detached garage.

PUBLICITY

3.5 The application has been advertised by way of neighbour letters (6). To date, there have been three letters of objection.

3.6 The concerns raised include:

- a) Concern regarding landscaping
- b) Two dwellinghouses would look invasive
- c) Houses would restrict daylight/sunlight to all rooms
- d) Noise and disturbance from car parking adjacent to neighbouring property
- e) Loss of privacy of garden area
- f) Inaccuracy in plans
- g) New access would be required
- h) Access to the site would be dangerous
- i) Historical applications on the site were resisted by engineers on highway safety grounds
- j) Flooding concerns
- k) Noise and disturbance
- l) Overlooking

Copy Letters C

3.7 The period for publicity has expired.

CONSULTATIONS

3.8 The following consultation replies have been received:

HBC Arboricultural Officer – There are two small trees on the highway verge which will be unaffected by the proposed access. No objections but will need to see details of proposed landscaping/hedging.

HBC Engineering Consultancy – Comments awaited.

HBC Neighbourhood Services – Comments awaited.

HBC Parks and Countryside – No public rights of way are affected. There is a permissive bridleway to the east which is not affected by the development.

HBC Property Services – Red line includes Council owned land on eastern boundary.

HBC Public Protection – Comments awaited.

HBC Traffic and Transportation – The site provides a 2.4m x 40m sight line. HBC Design Guide recommends 2.4m x 43m sight line for a road with a design speed of 30mph. The design of the development allows vehicles to enter and leave in a forward gear. This would be a considerable benefit to the potential road safety of the access. I would consider the proposed access arrangements acceptable.

Cleveland Police – Comments awaited.

Environment Agency – The EA has assessed this application as having a low environmental risk. No comments.

Network Rail – No objections in principle however make comments in respect of the need to consider potential noise impacts from the railway line and impose a condition for soundproofing and the need to retain access to railway land.

Northern Gas Networks – No objections

Tees Archaeology – There are no known archaeological sites in the area. No objections.

PLANNING POLICY

3.9 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the agenda.

Local Policy

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

- GEP1: General Environmental Principles
- GEP3: Crime Prevention by Planning and Design
- GEP12: Trees, Hedgerows and Development)
- Hsg9: New Residential Layout – Design and Other Requirements)

Emerging Local Plan

3.11 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
- LS1: Locational Strategy
- CC2: Energy Efficiency
- ND4: Design of New Development
- HSG1: New Housing Provision
- HSG4: Overall Housing Mix

Regional Policy

3.12 An Order to revoke the Regional Strategy for the North East was laid in Parliament. On the 22 March 2013 which resulted in the RSS being officially revoked on 15 April 2013.

National Policy

3.13 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. The following paragraphs are of particular relevance to this application.

Paragraph 14: Presumption in Favour of Sustainable Development

Paragraph 196: Determination in Accordance with the Development Plan

Paragraph 197: Presumption in Favour of Sustainable Development

Paragraph 64: Good Design

Paragraph 50: Delivering a good choice of homes

Paragraph 96: Minimise energy consumption

PLANNING CONSIDERATIONS

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

3.15 A number of key consultation responses are awaited. On that basis it is considered prudent to provide a full update report prior to the meeting following receipt of those responses.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.16 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.17 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.

3.18 There are no Section 17 implications.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

3.19 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:

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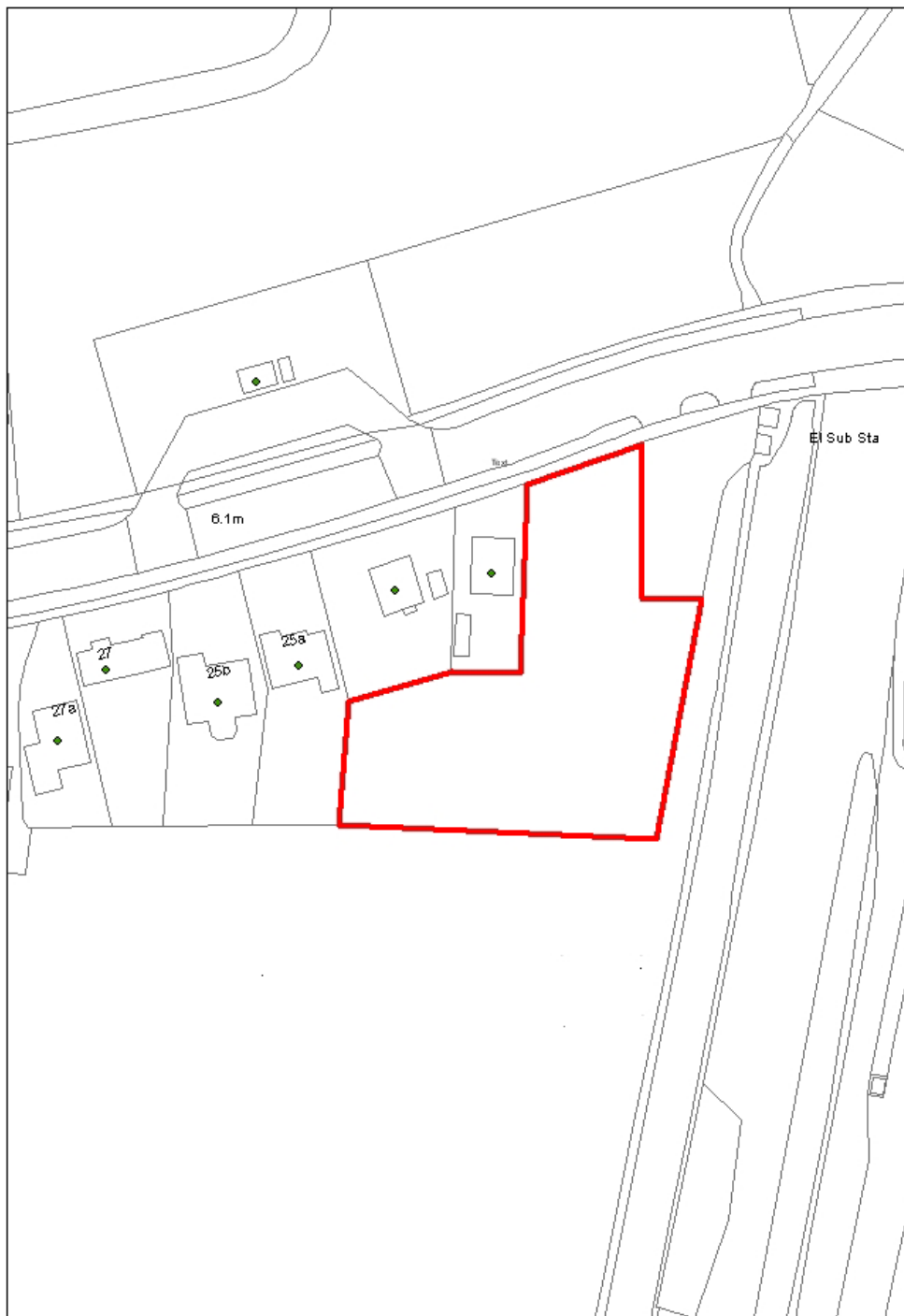
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LAND ADJACENT TO 21 SEATON LANE



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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 : 23/05/13
H/2013/0197

POLICY NOTE

The following details a precis of the policies referred to in the main agenda. For the full policies please refer to the relevant document.

Adopted Hartlepool Local Plan (2006)

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

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

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

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

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.

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

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. Travel plans will be needed for major developments.

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

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

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

Emerging Local Plan Policies (2012)

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.

CC1 advises that the Council will work with partner organisations to help minimise and adapt to climate change

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

CC4 (Flood Risk): The Borough Council will seek to ensure that new development will be focused in areas of lower flood risk where possible.

HSG1: The Borough Council will seek to ensure that new housing provision in the Borough will be delivered through housing sites that have already been identified in the urban area, newly identified sites on the edge of the urban area and villages and elsewhere in the Borough.

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) 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.

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

ND3: (Telecommunications & Utilities) covers the provision of utilities infrastructure where necessary as parts of 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.

National Planning Policy Framework (NPPF) 2012

Paragraph 14: At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

Paragraph 49: Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Paragraph 50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older

people, people with disabilities, service families and people wishing to build their own homes);

- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

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

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

Paragraph 61: Although visual appearance and the architecture of individual buildings are very important factors, securing high quality and inclusive design goes beyond aesthetic considerations. Therefore, planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

Paragraph 64: Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Paragraph 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.

Paragraph 96: In determining planning applications, local planning authorities should expect new development to:

- comply with adopted Local Plan policies on local requirements for decentralised energy supply unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable; and
- take account of landform, layout, building orientation, massing and landscaping to minimise energy consumption.

Paragraph 196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with

the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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

PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 33 HARVESTER CLOSE
HARTLEPOOL
APPEAL REF: APP/H0724/D/13/2197237
ERECTION OF A TWO STOREY REAR
EXTENSION H/2013/0081

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council against the refusal of Hartlepool Borough Council for the erection of a two storey rear extension at 33 Harvester Close, Hartlepool. The decision was made under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee. A copy of the report is attached.
- 1.2 The appeal is to be determined by the Householder Fast Track procedure and authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That Members authorise contesting.

3. CONTACT OFFICER

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Tel (01429) 523284

DELEGATED REPORT

CHAIRMANS DELEGATED - REFUSAL

Application No	H/2013/0081
Proposal	Demolition of conservatory and erection of a rear two storey extension to provide family room with bedrooms above□
Location	33 HARVESTER CLOSE HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	11/03/2013 17/03/2013 12/04/2013
1) Publicity Expiry		
2) Publicity/Consultations <p>The application has been advertised by neighbour notifications (3) – No objection or comments received.</p> <p>Building Control – Building Regulation application submitted.</p> <p>Engineering Consultancy – No comments received.</p>		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy <u>Regional Policy</u> <p>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.</p> <u>National Policy</u> <p>In March 2012 the Government consolidated all planning policy statements,</p>		

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.

Local Plan 2006

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

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

Emerging Local Plan

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

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

- The layout, scale, massing and height, which reflects and enhances the distinctive features and character of the area and improves the environment they are located within.
- The relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general

disturbance, loss of privacy, visual intrusion and light pollution. Tandem development will not be permitted.

HSG7: - Extensions to existing dwellings sets out the criteria for the approval of alterations and extensions to residential properties.

6) Planning Consideration

The application site, 33 Harvester Close, is a detached property with an integral garage. The property has gardens to the front and rear. The rear of the property looks onto the railway line and Niramax landfill beyond. The property has a 'P' shaped conservatory which is to be removed.

The proposal seeks to erect a two storey rear extension with a projection of 3.5m from the original wall of the property. The extension extends the full width and height of the property, the roof will be hipped. The proposed extension will be approximately 1m from the shared boundaries with 29, 31 and 35 Harvester Close. The rear of the properties at 29 and 31 look on to the application site. The rear of 33 Harvester Close projects some 1m beyond the original wall of 35 Harvester Close.

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 potential for loss of amenity of the occupants of neighbouring properties in terms of possible overlooking, overshadowing and/or poor outlook. Also necessary to be assessed will be the appearance of the proposal in relation to the existing dwellinghouse.

Principle of the development

Policies contained within the Development Plan makes provision for the extension and alteration of dwellings subject to a series of criteria, namely, that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size and design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

It is not considered that the proposed extension to the dwelling can be suitably accommodated in the proposed location without impacting negatively on the outlook and light of the neighbouring property. The proposal is considered to be contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006.

The justification for this reasoning is outlined in further detail in the remainder of this report.

Residential Amenities

Policies GEP1 and Hsg10 of the adopted Local Plan requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through

overlooking, overshadowing or by creating poor outlook.

Whilst no responses have been received from the neighbouring properties consulted on this application, notwithstanding this; it is prudent for the Local Planning Authority (LPA) to consider the impact the proposal will have on the neighbouring properties and whether or not a significant impact will be created of a level that the LPA could sustain a refusal.

The neighbouring properties at 29 and 31 Harvester Close are positioned at a 90° angle to the application site with their rear elevation looking on to the side of the site.

Supplementary Note 4, guideline 7 of the adopted Hartlepool Local Plan 2006 and the emerging plan (Separation distances) states that:

In new housing development, the council seeks to ensure adequate space is provided between houses. Minimum separation distances of 20m where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property are normally required. Extensions that would significantly reduce the separation distances between properties will not normally be permitted.

It is acknowledged that the proposal is outwith the recommended separation distances, it is accepted the impact upon 31 Harvester is no greater than existing, the impact upon 29 would be minimal in terms of scale and massing, it is considered unlikely to be an issue of overlooking as there are no windows proposed in the side elevation.

On balance it would be difficult to sustain an objection on the impact of the proposal on 29 and 31 Harvester Close given the physical relationship and orientation of the properties being such that it is considered unlikely any significant detrimental overshadowing/overlooking or dominance issues being created.

There are concerns however with regard to the projection of the proposed two storey extension (3.5m) and the impact this will create upon the living conditions and amenity of the occupants of 35 Harvester Close.

The Hartlepool Local Plan 2006 (Supplementary Note 4) states that:

In the case of semi-detached and detached houses, where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5m from the main wall of the property will normally be permitted. A larger extension may be allowed where a greater degree of separation exists between the properties.

The proposed two storey extension projects approximately 3.5m from the original rear wall of the property, further the property is set approx 1m beyond the rear elevation of 35 Harvester, the proposal is located approximately 1m from the boundary and is due south of the neighbour. The neighbour has a single storey extension which projects approx 3.4m from the rear of the property, given the physical relationship between the properties the single storey extension projects beyond the existing rear wall of 33 Harvester approx 2.4m.

The proposal does not accord with the aforementioned guidance and is considered contrary to policies both in the adopted Local Plan and the emerging Local Plan.

It is considered that the proposal would have a detrimental impact upon the occupiers of 35 Harvester Close, in terms of dominance, poor outlook and overshadowing.

It is acknowledged however given the physical relationship between 33 and 35 it is unlikely that there would be an unacceptable degree of overlooking, the proposal does not have any windows in the side elevation of the proposal.

Conclusion

Having regard to the policies identified in the adopted Hartlepool Local Plan (2006) and the emerging Local Plan (2013) it is considered that the proposed two-storey extension, by virtue of its siting, design and scale would have a detrimental impact upon the occupiers of the neighbouring property of 35 Harvester Close in terms of dominance, outlook and loss of light.

It is therefore recommended that the application be refused.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications

9) Chair's Consent Necessary

Y

10) Recommendation

REFUSED

CONDITIONS/REASONS

1. It is considered that the proposed extension, by virtue of its siting, scale and design would have a detrimental impact on the residential amenity of the occupiers of the neighbouring property 33 Harvester Close, in terms of its impact on outlook, light and its overbearing effect on this neighbouring property. This is contrary to the requirements of policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan (2006) and ND4 and HSG7 of the emerging Hartlepool Local Plan (2013).

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT THREE GATES FARM, DALTON
PIERCY, HARTLEPOOL – APPEAL REF:
APP/H0724/A/13/2197718 – CONVERSION AND
EXTENSION OF EXISTING OUTBUILDING TO
FORM SINGLE STOREY RESIDENTIAL ANNEXE

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council against the refusal of Hartlepool Borough Council for the conversion and extension of existing outbuildings to form single storey residential annexe at Three Gates Farm, Dalton Piercy, Hartlepool. The decision was made under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee. A copy of the report is attached.
- 1.2 The appeal is to be determined by written representations and the authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That Members authorise contesting.

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DELEGATED REPORT

Application No H/2013/0063

Proposal Conversion and extension of existing outbuildings to form single storey residential annexe

Location THREE GATES FARM DALTON PIERCY ROAD
HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	04/03/2013
1) Publicity Expiry	Site notice:	12/03/2013
	Advert:	N/A
	Weekly list:	10/03/2013
	Expiry date:	05/04/2013
<p>2) Publicity/Consultations</p> <p>The application has been advertised by way of neighbour notification and site notice. The time period for representation has now expired. One response raising no objections has been received.</p> <p>Ecologist – In the submitted report by Welsh & Baker, consultant civil and structural engineers, the equipment store is described as concrete block work with the roof covering being single skin, corrugated steel sheeting. The kennels are solid brickwork wall with the roof being single-skinned asbestos cement corrugated sheets. Such features are not generally used by roosting bats; consequently I consider that the application does not require a bat survey, However as bats are highly mobile species and a bat can turn up in almost any building, I would recommend that if the application is approved we should issue our standard informative to the applicant about the protected status of bats and what to do should one be found during construction.</p> <p>Dalton Piercy Parish Council – The Parish Council further endorse this application. The buildings are in situ but not used. What better than to convert them to accommodation as opposed to building a new development in the countryside?</p> <p>Northumbrian Water – No objections received</p> <p>Traffic and Transportation – There are no highway or traffic concerns</p> <p>Archaeologist – There are no known archaeological sites in the area. I therefore have no objection to the proposal and have no further comments to make</p>		

Countryside Access Officer – The driveway to the property, named Three Gates Farm, forms part of a public rights of way with the designation; Public Footpath No.4, Dalton Piercy.

If the application is successful and development takes place, at no time must the driveway, which forms part of the public footpath, be obstructed by any builders vehicles, materials or machinery and equipment. To do so would be a criminal act and the breaking of the Highways Act 1980, as per Section 137 of the said act.

The Ramblers Association – The Ramblers Association echo the comments made by the Council's Countryside Access Officer

Engineering Consultancy – No comments received

3) Neighbour letters needed	N
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4) Parish letter needed	N
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5) Policy

Regional Policy

In July 2010 the Local Government Secretary signalled his intention to revoke Regional Spatial Strategies with immediate effect, and that this was to be treated as a material consideration in subsequent planning decisions. This was successfully challenged in the High Court in November 2010, thus for the moment reinstating the RSS. However, it remains the 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.

A written ministerial announcement was issued on the 25th March 2013 which stated that an Order to revoke the Regional Strategy for the North East has been laid in Parliament. The Order was laid on 22 March and will come into force on 15 April 2013 on the 25th March 2013.

National Policy

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of

sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Para	Subject
14	Presumption in favour of sustainable development
56	Requiring good design
196	Determined in accordance with the Development Plan

Local Plan 2006

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Hsg10: Residential Extensions

Hsg11: Residential Annexes

Hsg9: New Residential Layout - Design and Other Requirements

Emerging Local Plan

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

LS1: Locational Strategy

ND4: Design of New Development

HSG4: Overall Housing Mix

HSG8: Residential Annexes

For the purpose of this specific development proposal, in this specific location, at this current time, the relevant policies contained in the 2006 Local Plan (GEP1, GEP2, GEP3, Hsg9 and Hsg11) are up-to-date and as a result there is not the current need to refer to the emerging policies in the 2012/13 Local Plan.

6) Planning Consideration

PURPOSE OF THE REPORT

A valid application has been submitted for the development highlighted within this report. Accordingly Hartlepool 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

An application was refused by Members at planning committee in January 2013 for the conversion of 2 outbuildings to a detached dormer bungalow (H/2012/0555).

PROPOSAL AND SITE CONTEXT

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

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

The proposal is to create a residential annex to the existing farmhouse. The Design and Access statement submitted in support of the application states that the annex is to be used by the applicant's adult child. It is proposed that a single storey structure be constructed to link two existing structures and re roof the buildings to create the annex accommodation. The annexe will accommodate kitchen, utility, dining room, lounge, two bedrooms both with separate ensuite and a garage. A single garage is proposed within the annex. Vehicle access to the annex will be by way of the existing access to Three Gates Farm House.

The proposed building is roughly 'L shaped' and measures approximately 19.1m x 17.5m. The width of the building measures between 5.2m and 6m (minus the entrance porch). The building has a footprint of some 206.8m².

PLANNING CONSIDERATIONS

The main issues in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and the National Planning Policy Framework and in particular the principle of the development, the impact upon the amenity of neighbouring properties, the donor property, the provision of an annex, visual amenity, ecology, archaeology, public rights of way

and highway safety.

PRINCIPLE OF THE DEVELOPMENT

Policy Hsg11 of the Hartlepool Local Plan 2006 allows for the conversion of an outbuilding (or exceptionally a new building), to provide an annexe where an extension is not appropriate subject to a number of criteria.

The application seeks consent for the conversion and extension of existing outbuildings to form a single storey residential annex. The annex is proposed to be occupied by a family member. Given the scale and nature of the accommodation proposed it is not considered that the building proposed satisfies the requirement of the policy Hsg11 of the 2006 Local Plan which as outlined above covers residential annexes.

The policy advises firstly that such development must be of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings. For the reasons discussed in the remainder of this report the proposed development is not considered to be satisfactory.

Secondly, it must be designed to serve an ancillary function to the main house and not be of a form that would encourage its occupation as a separate dwelling when no longer required (as an annex). It is not considered that the building proposed is designed to serve an ancillary function. Given the scale of the building (a footprint of approximately 206m²) and the nature of the accommodation proposed it is not considered that it has been designed to serve an ancillary function in that it clearly has all the facilities which you would expect from an independent dwellinghouse, at a similar scale, and is therefore clearly capable of being occupied interdependently of the main house.

Policy Hsg9 of the Hartlepool Local Plan 2006 advises that proposals for new development will be allowed provided amongst other things that the location of the new development is such that there is no significant detrimental effect on the occupiers of both the new and existing development. Similarly Policy GEP1 advises that in determining planning applications regard should be had to the effect on the amenities of neighbouring properties. For the reasons discussed below it is considered the development would have a significant detrimental effect on the occupiers of the existing adjacent development.

Given the above, the principle of development is considered to be unacceptable.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

Given the siting of the proposed annex and its relationships with neighbouring properties it is not considered that it would significantly affect the amenity of neighbours in terms of loss of light, privacy, outlook, or in terms of any overbearing effect.

Notwithstanding the above, vehicle and pedestrian access to the proposed annex will be via the existing vehicular access to Three Gates Farm house. It is

considered that vehicular and pedestrian movements to and from the proposed annex will pass in close proximity to main elevations of the existing main dwellinghouse. In considering an appeal decision in the Borough (Ref: APP/H0724/A/11/2156050) for a development of a similar nature (a proposed annex) where access to a building was proposed down the side of an existing dwellinghouse an Inspector raising concerns in terms of noise and disturbance. He stated:

Such noise (from comings and goings) would, in my view cause disturbance which would harm the living conditions of the occupiers of No 40 Bilsdale Road, particularly the quiet enjoyment of their rear garden. Moreover, there could be no control over when the vehicular and pedestrian movements took place, thus late night disturbance could well occur, especially if occupiers of the new dwelling were returning after an evening out. The effect would be contrary to the provisions of Policies GEP1 and Hsg9 of the Adopted Hartlepool Local Plan (HLP). Indeed the latter policy specifically states that tandem development, of which this would be a typical example, will not be permitted.

Whilst the supporting documentation submitted with the application advises that the annex will be occupied by the applicants adult child, and an appropriate condition can be attached which retains the building in a single ownership and would only be occupied by directly related members of the same family. Notwithstanding this, it is considered that there would be noise and disturbance issues which would have a detrimental impact on any residents of the existing dwellinghouse related or not and the proposed annex in terms of noise and disturbance from the comings and goings associated with the development.

THE PROVISION OF A RESIDENTIAL ANNEX

As outlined above, Policy Hsg11 of the Hartlepool Local Plan 2006 concerns proposals for residential annexes. Notwithstanding the scale of the building (some 206m²), an annex is what is being proposed by the applicant.

Policy Hsg11 deals primarily with extensions to provide accommodation for relatives of the occupier of the dwelling, thus separate dwellings are not normally envisaged. However, the Policy does indicate that where an extension is not appropriate for design reasons, the conversion of an outbuilding or, exceptionally, a new building may be permitted where two criteria are met. These criteria include that it is of a satisfactory location in relation to surrounding dwellings, and that it is designed to serve an ancillary function to the main house.

Officers have considered the scale of the proposed annex and it is not considered that either criterion as set out in Hsg11 is met by the proposed development. As outlined earlier in this report it is already considered that the noise and disturbance associated with the comings and goings from the annex would impact significantly on the living conditions of neighbouring occupiers. It is also not considered that the proposed annex would serve an ancillary function. The proposed annex includes all the features you would expect to find within an independent dwelling, and is of a scale (in terms of ground floor area) which is arguably larger than that of a family home one might expect to find on a typical housing estate. Given this, officers

consider that the annex would effectively be occupied as a fully independent house, by relatives of the current occupiers of the donor property. That there is a family relationship between the two intended sets of occupiers is irrelevant in the context of Policy Hsg11 of the Hartlepool Local Plan 2006. It is considered by officers that there is no material degree of interdependence and the new annex would simply be used as a separate dwellinghouse, albeit that it would be sited in relatively close proximity to the existing house.

In considering an appeal decision in the Borough (Ref: APP/H0724/A/11/2156050) for a development of a similar nature in refusing the application, the Inspector concluded:

The effect of sanctioning such a development would undermine the Council's policies in respect of residential annexes and make it harder for them to resist other proposals for separate dwelling houses where the only connection is that of a family relationship. Such a situation could occur frequently, not least where houses have generously-sized gardens. My conclusion on this issue is that the proposal would materially harm the intended application of the Council's policy on residential annexes as set out in the Hartlepool Local Plan

It is therefore considered by the Local Planning Authority that the proposed development would not be acceptable as a residential annex in that it is not designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006.

It is prudent to state in the context of this report that, should the Local Planning Authority have been considering an application for an independent dwellinghouse, as previously considered in a recent application (H/2012/0555), the proposal would be considered contrary to policy Rur12 of the adopted Hartlepool Local Plan 2006 and paragraphs 14, 55, 196 and 197 of the National Planning Policy Framework and HSG3 of the emerging Local Plan. The site is outside any defined development area and it is not considered that the development would meet any of the circumstances which would support a dwelling in this unsustainable rural location:

- No evidence has been submitted to demonstrate that there is an essential need for a rural workers dwelling in the local area.
- The outbuildings do not constitute a heritage asset which would be worthy of presentation or securing its future use
- The development would effectively be a new building not be a re-use of redundant/disused buildings which would enhance the immediate setting.
- The proposed dwelling is not of an exceptional/innovative design or construction

VISUAL AMENITY

Whilst the annex is to be constructed in traditional materials, the property is modern in design and would not be considered out of place in many locations within the urban areas of the Borough. Notwithstanding this, many of the surrounding dwellings are of mid to late 20th century design and of no particular architectural

style or merit. For this reason it would be unlikely that a refusal of planning consent could be sustained on visual amenity alone.

ECOLOGY

The Council's Ecologist has made no objections to the proposed development but has advised that if the application is approved an informative should be applied regarding the protected status of bats and what to do should one be found during construction.

HIGHWAYS

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

ARCHAEOLOGY

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

REASON FOR DECISION

It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officers report.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

There are no Section 17 implications.

9) Chair's Consent Necessary	Y
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10) Recommendation	REFUSE
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CONDITIONS/REASONS

1) In the opinion of the Local Planning Authority the proposed development would not be acceptable as a residential annex in that it is not designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006.

2) In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of the existing donor property by virtue of noise and disturbance associated with the comings and goings to the annex contrary to policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006.

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. Officer monitoring noticed a fascia sign displaying an advert when planning consent regulated it was to remain a plan fascia displayed on a convenience store on Powlett Road.
2. Officer monitoring noticed three plastic advertisement banners displayed on a former public house converted to retail units on Powlett Road. The complaint has been investigated and resulted in the removal of the banners.
3. Officer monitoring noticed advertisements boards fixed to highway furniture on Marina Way and The Highlight, this was relayed to the Highway, Traffic and Transport team for action. The signs were promptly taken down.
4. Officer monitoring noticed the maintenance and placing of plant boxes on Council owned land to the rear of a residential property on Harvester Close. A pedestrian access gate has also been installed in the properties rear fence.
5. Officer monitoring noticed the erection of a replacement fence to enclose part of a side garden on Linden Grove. Planning consent is required.
6. A neighbour complaint regarding the placing of individual groups of decorate slate along the boundary of a front garden on Barley Close, has been investigated. Whilst the property lays in an open plan estate this form of open demarcation does not fall within planning control.
7. An investigation has commenced in response to a complaint regarding waste stacked above the height of a waste transfer site boundary wall on Burn Road. The waste transfer site is permitted subject to a waste stacking height condition.

8. A complaint has been received regarding a car repair and scraping business on the highway outside a property on Lime Crescent.
9. An investigation has commenced in response to a Parish Council report regarding the siting of a large static garden and possibly occupied on land adjacent to the A19 Truck Road entrance to Dalton Piercy.
10. An investigation has been completed following a complaint regarding a shop selling cold and hot food from a commercial property on Catcote Road. There was no evidence found to suggest that the hot food element was significantly different from any sandwich bar operating within Class A1 (Shops).
11. An investigation has commenced in response to a complaint regarding the external storage of RDF/ flock waste in breach of a condition linked to the planning consent for waste management facility on Thomlinson Road.
12. An investigation has been completed following a complaint regarding a car wash business operating from a vacant petrol station on Station Lane. A retrospective change of use planning application has been submitted.
13. A neighbour complaint regarding the raising of a section of an existing rear boundary fence on Cranwell Road.
14. An investigation has commenced in response to a complaint regarding the erection of a wooden lean – to extension for storage use on the side of a residential property on Chaucer Avenue.
15. An investigation has commenced regarding motor vehicles advertised for sale parked on the highway on Egerton Terrace, Greatham.
16. Officer monitoring noticed the erection of a free standing totem pole sign on the forecourt of a commercial premises on Burn Road.
17. A neighbour complaint has been investigated regarding the fixing on the top of an existing wooden fence to the rear of Barnes Court, has been investigated. The increased height of the fence does not exceed 2ms high therefore permitted development rights apply in this instance.
18. Officer monitoring noticed a low picket boundary garden fence erected to the front of a property on Fieldfare Road. The estate's planning permission has an open condition imposed.

2. RECOMMENDATION

2.1 Members note this report.

3. CONTACT OFFICER

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PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: GREEN INFRASTRUCTURE SUPPLEMENTARY
PLANNING DOCUMENT (SPD)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to provide the Planning Committee with information relating to the Draft Green Infrastructure Supplementary Planning Document (SPD) which was subject to a public consultation between 4 April 2013 and the 30th May 2013.

2. BACKGROUND INFORMATION

- 2.1 The Hartlepool Local Plan will be the key Development Plan Document setting out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years. Contained within the emerging Local Plan, policies ND1, NE1 and NE2 make specific reference to elements which comprise green infrastructure.
- 2.2 The Green Infrastructure SPD outlines the benefits and purpose of Green Infrastructure and its importance to the Borough. It highlights the current areas of green infrastructure within Hartlepool and looks at investment in green infrastructure as well as the management of it. As part of the SPD an action plan is included which looks at improvements and enhancements which are needed over the coming years to continue the successful development of the Green Infrastructure network within the Borough.
- 2.3 The document does not contain any policies; it is intended to guide future development of and investment in green infrastructure and will be a material consideration in the determination of planning applications where green infrastructure contributions have been requested or where the application will contribute to the development of green infrastructure in the Borough.
- 2.4 Due to the wide ranging nature of green infrastructure a steering group has been set up which includes representation from Natural England as well as the Parks and Countryside team, Ecology, Arboricultural Officer, Neighbourhood Regeneration and Sport and Recreation. The format for the Green Infrastructure SPD was agreed in a Steering Group meeting and

Members have been informally consulted on the draft SPD and have fed information in to inform the development of the Action Plan which accompanies the SPD.

- 2.5 An 8 week public consultation period was undertaken to seek the views of local residents and interested stakeholders. Comments will be taken into account and a finalised SPD will be taken to a future Regeneration Services Committee for approval and then Council meeting to seek adoption of the SPD.

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

- 3.1 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.
- 3.2 Safety and security is a key consideration when assessing landscaping schemes; however the issue is not specifically addressed in the draft supplementary planning document as this is a more strategic level document. Reference to this is made in the Trees and Development SPD and is covered by policy in the emerging Local Plan and will be taken into account in the consideration of future planning applications.

4. LEGAL CONSIDERATIONS

- 4.1 Under the Town and Country Planning Act 1990 there is a statutory duty for Local Planning Authorities to ensure, wherever appropriate, that in granting planning permission for any development, adequate provision is made for the preservation and planting of trees. There is also a duty on the authority to ensure that new development does not increase the risk of flooding; the provision of high quality green infrastructure, which includes SuDS ponds, has the ability to mitigate against potential issues in terms of flooding.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 Consultation on the Green Infrastructure Supplementary Planning Document was 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.

6. FINANCIAL CONSIDERATIONS

- 6.1 The Green Infrastructure SPD is part funded by Natural England who have committed up to £5000 towards its production. However in order to secure

this funding a draft document was required to go out to public consultation in April 2013.

7. RECOMMENDATIONS

- 7.1 That Members of the Committee note the content of the report and where appropriate seek clarification.

8. BACKGROUND PAPERS

- 8.1 Draft Green Infrastructure Supplementary Planning Document.
http://www.hartlepool.gov.uk/downloads/file/9670/green_infrastructure_spd-april_2013
- 8.2 Draft Green Infrastructure Action Plan.
http://www.hartlepool.gov.uk/downloads/file/9669/green_infrastructure_spd_action_plan-april_2013
- 8.3 The following background papers were used in the preparation of this report:-
 (i) The emerging Hartlepool Local Plan.
http://www.hartlepool.gov.uk/info/1004/planning_policy/108/planning_policy/1

9. CONTACT OFFICER

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PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: NEW DWELLINGS IN THE OPEN COUNTRYSIDE
SUPPLEMENTARY PLANNING DOCUMENT (SPD)

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Planning Committee with information relating to the New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) which was subject to a public consultation between 4 April 2013 and the 30th May 2013.

2. BACKGROUND INFORMATION

- 2.1 The need for new dwellings in the countryside is driven by factors. There are a few circumstances in which isolated residential development may be justified and they are:

- **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
- **Heritage:** The development would represent the best viable use or secure the future of a heritage asset, or
- **Outstanding Design:** The development is of truly outstanding design, architecture, sustainable construction methods, etc

- 2.2 The existing planning policy framework allows for new dwellings in the countryside subject to the proposals according with criteria established in the following policies:

- Local Plan (2006) policy Rur12
- Emerging Local Plan (2012) Submission document policy HSG3 (Once adopted, the 2012 Local Plan will replace the 2006 Local Plan)
- National Planning Policy Framework (NPPF) paragraph 55

In order to ensure any development is in accordance with the planning policy framework in most cases it is essential that a functional test is undertaken.

- 2.3 The Planning Policy Statements (PPS) have been cancelled and replaced with the National Planning Policy Framework (NPPF). PPS7 previously outlined the specific requirements of the functional test and this provided certainty to developers and the Council on what was expected as part of special justification. This specific functional test guidance has not been repeated in the NPPF and as a result there is uncertainty with regard to what is expected from developers in order to justify a new dwelling outside of development limits.
- 2.4 The SPD provides the detail as to when a functional test will be required and details what information the applicant will be required to submit as part of the functional test. The functional test assessment criteria are established in Tables 1 and/or 2 of the SPD. In accordance with the planning policy framework, any new dwellings outside of development limits will not be permitted unless the criteria established in Tables 1 and/or 2 are satisfied.
- 2.5 It is important to note that a functional test is only required for new dwellings outside of development limits where applicants are claiming housing need where:
- **Rural Enterprise:** Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time workers to live at, or in the immediate vicinity of, their place of work, or
 - **Heritage:** The development would represent the best viable use or secure the future of a heritage asset.
- 2.6 There is no requirement to undertake a functional test where new dwellings outside of development limits are proposed due to their truly outstanding design, architecture, sustainable construction methods etc.
- 2.7 An 8 week public consultation period was undertaken to seek the views of local residents and interested stakeholders. Comments will be taken into account and a finalised SPD will be taken to a future Regeneration Services Committee for approval and then Council meeting to seek adoption of the SPD.

3. EQUALITY AND DIVERSITY CONSIDERATIONS

- 3.1 Consultation on the New Dwellings in the Open Countryside Supplementary Planning Document was 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.

4. RECOMMENDATIONS

- 4.1 It is proposed that Planning Committee note this report regarding the New Dwellings Outside of Development Limits SPD.

5. BACKGROUND PAPERS

- 5.1 Draft New Dwellings in the Open Countryside Supplementary Planning Document.
http://www.hartlepool.gov.uk/downloads/file/9668/new_dwellings_outside_of_development_limits_spd_april_2013
- 5.2 The following background papers were used in the preparation of this report:-
The emerging Hartlepool Local Plan.
http://www.hartlepool.gov.uk/info/1004/planning_policy/108/planning_policy/1

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PLANNING COMMITTEE

5 June 2013



Report of: Assistant Director (Regeneration)

Subject: CHANGES TO PERMITTED DEVELOPMENT
RIGHTS EFFECTIVE FROM 30 MAY 2013

1. PURPOSE OF REPORT

- 1.1 To inform Members of the Committee of a number of impending relaxations to planning control coming into force on the 30th May as contained in the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

2. BACKGROUND INFORMATION

- 2.1 Members of the Committee have previously been informed regarding various consultations from the Government which related to the relaxation of planning controls. Specifically, proposals to allow the conversion of offices to residential dwellings and the Governments intention to allow the extension of dwellinghouses by 8m in the case of a detached property and 6m in any other case without the need of prior planning consent. In both instances the Council provided a response to the Secretary of State for Communities and Local Government raising concerns.
- 2.2 Notwithstanding concerns raised from many local authorities and much public criticism, the perception in parts of the Government that the planning system is hampering the growth agenda has led to relaxations being re-introduced along with a raft of other measures including the aforementioned much publicised relaxation of householder permitted development rights. The Regulations were not published in draft and have been quickly expedited following the Growth and Infrastructure Act receiving Royal Assent. The Regulations, which come into effect on 30th May 2013, appear somewhat convoluted and add further complexity to the planning system.
- 2.3 The provisions and potential implications of the Amendment Order are set out below. Members are advised that the changes in legislation outlined below are not exhaustive of all of the amendments outlined within the Order. A copy of the Order can be provided upon request.

Introduction of Prior Approval regime for home extensions

- 2.4 The Government had originally proposed that single storey extensions of up to 8 metres in depth on detached houses (6 metres in all other cases) could be built without planning permission, to be effective for a 3 year period. This Committee debated the Consultation and the concerns of Members and Officers were reflected in the letter sent by Planning Services Manager to the Secretary of State. Following an amendment to the Growth and Infrastructure Bill by the House of Lords (which effectively stopped this change) the Government drafted a compromise amendment which was accepted by Parliament. This amendment introduces a Prior Approval system for single storey extensions over current permitted development limits but within the new temporary limit (developments must be completed prior to 30th May 2016). These notifications will not attract a planning fee but will require the local authority to register it, publish the details and notify any property with an adjoining boundary. Additionally a copy of the notice to neighbours will be sent with the acknowledgement of the notification to the developer. If any neighbour objects then the Local Planning Authority will be required to assess the impact of the extension on the amenity of neighbours but if no representations are received from neighbours in the specified period (as set out in the letter of notification) the developer may proceed. If a proposed development does not go through this prior approval process it can not benefit from this relaxation. A flow chart is attached at **Appendix 1** to demonstrate this process.

Introduction of Prior Approval regime for Change of Use of commercial premises to dwellings

- 2.5 New permitted development rights will allow a change of use from offices B1 (a) to dwellinghouses (C3) to provide new residential units in existing buildings. The Council had applied for three exemption zones within the Borough, however the three identified areas upon being assessed were not considered to meet the criteria for exemption.

Introduction of Prior Approval regime for Change of Use of commercial premises to a state funded school

- 2.6 The amended Order allows premises such as offices, hotels, residential and non-residential institutions, and leisure and assembly to change use permanently to a state-funded school. The relaxations also allow any building to be used for 1 academic year as a state-funded school. The promoter will be required to submit a prior approval notification to the Council for which no fee is payable.

Introduction of Prior Approval regime for Change of Use of agricultural buildings to commercial use

- 2.7 This provision allows redundant agricultural buildings of 500m² or less to be able to change (without need for planning permission) to a range of new business uses including shops, financial and professional services,

restaurants and cafes, storage and distribution, hotels and leisure uses. However where the building is listed this provision does not apply. However as with householder extensions and schools a burden is placed on Local Planning Authority's as the developer will be required to submit a prior approval notification to the Council for which no fee is payable.

Introduction of Prior Approval regime for Change of use of buildings and land to commercial uses

- 2.8 New retail, financial and professional services, restaurants, cafes and other business uses will be able to open for up to 2 years in buildings currently designated as A1, A2, A3, A4, A5, B1, D1 or D2 classes (shops, financial services, restaurants, pubs, hot food takeaways, business, non-residential institutions, leisure and assembly).

Implications of the relaxations on the Local Planning Authority

- 2.9 Officers and Members have already expressed concern over the implications on local communities and the effective planning of the Borough which some of these 'relaxations' will bring about. Officers are also of the view that these arrangements introduce a level of complexity which will create confusion – particularly for householders and neighbours. The introduction of a range of prior approvals which do not attract any planning fee will lead to resource pressures on planning departments; this is an aspect which the Local Government Association are raising with Government.

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

- 3.1 There are no Section 17 implications.

4. EQUALITY AND DIVERSITY CONSIDERATIONS

- 4.1 There are no equality or diversity implications.

5. RECOMMENDATIONS

- 5.1 That Members of the Committee note the content of the report and where appropriate seek clarification.

6. BACKGROUND PAPERS

- 6.1 The following background papers were used in the preparation of this report:-
 (i) The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013
<http://www.legislation.gov.uk/ukxi/2013/1101/contents/made>

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APPENDIX 1 **GENERAL PERMITTED DEVELOPMENT ORDER 2013 FLOW CHART**

