

PLANNING COMMITTEE AGENDA



Wednesday 25th September 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 31st July 2013

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2013/0033 Lane North of the A689, Wynyard Business Park
(page 1)
2. H/2013/0378 Havelock Day Centre, Burbank Street, Hartlepool
(page 43)
3. H/2013/0311 Former Brierton School Site, Catcote Road, Hartlepool
(page 52)
4. H/2013/0356 Foggy Furze Branch Library, Stockton Road, Hartlepool
(page 69)
5. H/2013/0287 Park Lodge, Ward Jackson Park, Park Avenue,
Hartlepool (page 77)
6. H/2013/0403 174 West View Road, Hartlepool (page 90)
7. H/2013/0320 21 Swanage Grove, Hartlepool (page 98)



- 4.2 Appeal at land to the rear of 20 Ow ton Manor Lane, 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 Update on Enforcement Action – Unit 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool – *Assistant Director (Regeneration)*
- 4.6 Heritage at risk in Hartlepool – *Assistant Director (Regeneration)*

5. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

6. 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 Wednesday 23rd October 2013.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

31st July 2013

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Paul Beck, Kevin Cranney, Mary Fleet,
Sheila Griffin, Marjorie James, Alison Lilley, Geoff Lilley,
Brenda Loynes, George Morris, Jean Robinson, Linda Shields
and Kaylee Sirs

Officers: Jim Ferguson, Planning Team Leader (DC)
Adrian Hurst, Principal Environmental Health Officer
Matthew King, Senior Planning Officer
Jane Tindall, Planning Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

38. Apologies for Absence

Apologies were submitted by Councillors Keith Fisher and Ray Wells

39. Declarations of interest by members

None

40. Confirmation of the minutes of the meeting held on 3rd July 2013

Approved as a true record

41. Planning Applications (*Assistant Director (Regeneration)*)

Number: H/2013/0251

Applicant: Mrs KCalvert
Larkspur Close HARTLEPOOL

Agent: Mrs K Calvert 11 Larkspur Close HARTLEPOOL

Date received: 20/05/2013

Development: Variation of condition on planning application H/2012/0158 to remove condition No. 3 to enable use of the site for clay pigeon shooting on a year round basis

Location: Oak Lodge Shooting Ground Brierton Lane
BILLINGHAM

Decision: **Planning Permission Approved**

CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the plans numbered 20/001, 20/002, 20/003 and 90/001 and details received by the Local Planning Authority on 26-03-2012 and in relation to the children's play equipment by the email received on 10 April 2012 for planning consent H/2012/0158, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
2. For the avoidance of doubt the building approved under planning consent H/2012/0158 shall be used for a clubhouse in connection with the Oak Lodge Shooting Club and for no other purpose.
In the interests of the amenities of the occupants of neighbouring properties.
3. For the avoidance of doubt the development shall be constructed using the finishing materials submitted for condition 5 of planning consent H/2012/0158 and agreed in writing by the Local Planning Authority.
In the interests of visual amenity
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority within one month of the date of this consent. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following this approval. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
6. The use hereby permitted shall only operate between 10.00 hrs to 15.30 hrs Saturdays and Sundays and 18.00 hrs and 20.30 hrs Wednesdays and with the concession given in condition 7 at no other time without the prior written consent of the Local Planning Authority.
To clarify the extent of the permission.

7. The site is to be used for no more than one day a week between the hours of 10.00 hrs and 16.00 hrs to allow introductory/corporate sessions to be staged. The Local Planning Authority is to be notified in writing at least two days in advance of any such event being staged.
To allow the impact of the extended hours of operation of the site to be monitored.
8. Not more than 6 shooting stations (safety cages) shall be operated at any one time. The use of any additional shooting stations must be agreed in writing with the Local Planning Authority.
To clarify the extent of the permission.
9. The parking area indicated on plan no 90/001 received on 26 March 2012 for the approved planning application H/2012/0158 shall be available for members of the shooting club at all times when the clay pigeon shooting is being undertaken.
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
10. The signs agreed by way of condition 14 of planning consent H/2012/0158 warning that shooting is taking place shall be placed in a prominent position at either end of the application site adjoining the public right of way for the duration of each shooting session. The signs shall be removed at the end of each session.
In the interests of public safety.
11. All shooting with the exception of the 'Down The Line' shooting shall be in a generally south-westerly direction only, away from properties situated in the West Park area of the town.
In the interests of protecting the amenities of local residents from noise and disturbance.
12. The 'Down The Line' shooting shall only take place within the area of the site denoted as the 'Down The Line' range on the previously approved plan (07-10-2003)
In the interests of protecting the amenities of local residents from noise and disturbance.
13. Shooting within the 'Down The Line' range shall be in a generally south easterly or southerly direction only.
In the interests of protecting the amenities of local residents from noise and disturbance.
14. No shooting station shall be set up within 50m of a public right of way adjoining the application site.
In the interests of public safety
15. For the avoidance of doubt the planning permission hereby granted does not relate to any future development on the north east side of the site as shown on drawing no. 90/001 received 26/03/2012 submitted for the approved planning application H/2012/0158.
To clarify the extent of this permission
16. The existing club house shall be removed from the site and its site restored in accordance with a scheme first agreed in writing with the Local Planning Authority within one month of the club house approved under approved planning application H/2012/0158 being brought into use.
In order to ensure the redundant building is removed.

Number:	H/2013/0281
Applicant:	Mr J WArmstrong Jesmond RoadHARTLEPOOL
Agent:	Mr J W Armstrong Cemetery Lodge Jesmond Road HARTLEPOOL
Date received:	30/05/2013
Development:	Change of use from storage to dog breeding business
Location:	Unit 3 Sandgate Industrial Estate Mainsforth Terrace HARTLEPOOL
Decision:	Planning Permission Refused

REASONS FOR REFUSAL

1. The application site is located in an established industrial area. It is not considered that a dog breeding business (Sui Generis) in this location would be compatible with existing or future industrial and commercial uses in this area contrary to Policies GEP1, Ind5b and Ind6 of the Hartlepool Local Plan 2006.
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42. Update on Current Complaints (*Assistant Director (Regeneration)*)

Details were given of 11 ongoing issues currently being investigated. A member asked for further information regarding an overgrown parcel of vacant land on Cresswell Drive.

Decision

That the report be noted.

43. Appeal at Benknowle Farm, Benknowle Lane, Hartlepool – Appeal Ref: APP/H0724/A/12/2188993 – Erection of an agricultural building extension (retrospective application) (*Assistant Director (Regeneration)*)

Members were advised that the above appeal had been allowed by the planning inspectorate and that costs had been awarded to the appellant on

the grounds that the Council had behaved unreasonably in refusing the application. The claim for costs had not yet been submitted

Decision

That the outcome of the appeal be noted.

44. Appeal at 33 Harvester Close, Hartlepool – Appeal Ref APP/H0724/D/13/2197237 Erection of a two-storey rear extension H/2013/0081 *(Assistant Director (Regeneration))*

Members were advised that the above appeal had been dismissed by the planning inspectorate on the grounds that the extension would be visibly intrusive and would result in poor outlook and loss of light thereby adversely affecting the living conditions of the occupiers of No 35 Harvester Close.

Decision

That the decision be noted

45. Darlington Local Plan: Making and Growing Places Development Plan Document: Preferred Options *(Assistant Director (Regeneration))*

The Principal Planning Officer requested permission to object to Darlington Borough Council's Local Plan: Making and Growing Places Development Plan Document: Preferred Options regarding the numbers proposed for Gypsy and Traveller provision. The Tees Valley Gypsy and Traveller Accommodation Needs Assessment, completed in 2009, had identified a need for 97 pitches in Darlington over the next 15 years however their Local Plan suggested 35 pitches would be sufficient. Hartlepool and the other Tees Valley Local Authorities had previously objected to this assessment during the consultation stage on the grounds that Darlington were splitting the Tees Valley need for pitches on a proportional basis rather than on the basis of need.

Members queried what impact any objection would have. The Principal Planning Officer advised that any objections would be included as part of the Local Plan package to be examined by the Planning Inspector. This coupled with the 2009 Needs Assessment could have a negative impact upon their argument in favour of a need for 35 pitches. Members queried what stage other Tees Valley local plans were at. The Principal Planning Officer advised that they were all at differing stages.

Decision

That the objection to Darlington Borough Council's Local Plan: Making and Growing Places Development Plan Document: Preferred Options regarding

the numbers proposed for Gypsy and Traveller provision in section 6.5 be approved.

46 Site Visit to the Sports Domes at Seaton Carew

The Chair advised members that a visit to the Domes had been scheduled to take place on 28th August prior to the next Planning Committee meeting. A letter of confirmation would be sent out to members in due course.

47 Any Other Items which the Chairman Considers are Urgent

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

48. Newcastle University Consultancy Project

The Chair advised members that students from Newcastle University had expressed an interest in carrying out a project on behalf of the Council's planning team following a similar successful investigation in 2012. The Planning Services Manager had identified a number of potential projects and members were asked to recommend one for completion. Members queried whether the group would be able to complete more than one project but were advised that this would involve too much work and would go against their course requirements which stipulated that the whole group must take part in the same project. It was agreed therefore that a project on housing density, Option 7, would be the preferred option. There was no current information on timescales.

Decision

That the Newcastle University post graduate consultancy project for 2013 be an approach to housing density to reflect local areas.

49 Local Government (Access to Information) (Variation Order) 2006

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

Minute 50 (Enforcement Action Unit 3 Sandgate Industrial Estate) – This item contains exempt information under Schedule 12A Local Government Act

1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment

Minute 51 (Enforcement Action – Low Throston House, 4 Netherby Gate, Hart Lane, Hartlepool) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment

- 50 Enforcement Action Unit 3 Sandgate Industrial Estate, Hartlepool** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment

Members were asked to approve enforcement action in relation to the above premises. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes

- 51. Enforcement Action – Low Throston House, 4 Netherby Gate, Hart Lane, Hartlepool** (*Assistant Director (Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and Information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment

Members were asked to approve enforcement action in relation to the above premises. Details are provided in the exempt minutes.

Decision

Detailed in the exempt minutes

The meeting concluded at 10.55am

CHAIR

No:	1
Number:	H/2013/0033
Applicant:	Wynyard Park Ltd
Agent:	NATHANIEL LICHFIELD AND PARTNERS LYNDA STEVENSON GENERATOR STUDIOS TRAFALGAR STREET NEWCASTLE UPON TYNE NE1 2LA
Date valid:	23/01/2013
Development:	Outline planning application, with all matters reserved, for up to 603 dwellings, a 255 sq m (GEA) village hall, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 1,260 sqm, commercial development of up to 101,858 sq m of Class B1 floorspace, sports facilities (two playing fields, a Multi Use Games Area and Changing Rooms), a potential two form entry primary school for up to 420 pupils with associated playing fields and associated highways, landscaping and infrastructure works.
Location:	Land North of the A689 WYNYARD BUSINESS PARK

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.

PROPOSAL AND SITE CONTEXT

1.2 The application site consists of undulating grassland and agricultural land located to the north side of the A689. It also accommodates two derelict farm complex and associated farm houses and buildings, a site designated as a Local Wildlife Site (High Newton Hanzard Meadows) and an area of archaeological interest. The site accommodates some trees and hedgerows but is largely grassed. Planning permission for commercial development on the site was granted in October 2010, as an extension to the existing Wynyard Park Business Park (H/2009/0494). At the same time outline planning permission on land which bounds the east of the site was also granted for the erection of a hospital (H/2009/0335). To the west are areas of woodland which accommodate a watercourse and beyond agricultural fields in this area planning permission was recently granted for a housing development of 168 dwellinghouse and associated infrastructure (H/2012/0360). An area of woodland where the spine road serving the development will be located has been cleared. To the north is woodland which accommodates a watercourse and a Local Wildlife Site (Close Wood Complex) and beyond agricultural fields. To the east is woodland beyond which lies land which is in the administrative boundary of Stockton. This area has been partly developed for business park uses at its southern end whilst the northern end currently consists of fields. This northern area is the subject of a separate application to both Stockton on Tees Borough and Hartlepool Borough Council's for residential and retail development (H/2013/0043). Further to the east is the main part of the existing Wynyard Park Business Park. To the south is the A689

which joins the A19 some 2 km to the east of the site, a series of existing roundabouts on the A689 accommodates access to Wynyard Village, the existing Business Park and will facilitate access to the application site.

1.3 The current application seeks outline planning permission for the erection of up to 603 dwellings, a village hall (255 sq m), a local centre (1,260 sqm) incorporating retail (A1), office (A2) and food and drink uses (A3/A4/A5), a commercial development of up to 101,858 sqm of class B1 floorspace, sports facilities (two playing fields, a multi-use games area (MUGA) and changing rooms), a potential two form entry primary school for up to 420 pupils with associated playing fields, and associated highways, landscaping and infrastructure. All matters are reserved though the applicant has asked that parameters plans which broadly indicate where each development proposed would occur is considered for approval. The applicant has also provided indicative layouts, to indicate how the development proposed might be accommodated.

1.4 The parameters plans and indicative layouts have been amended during the course of the consideration of the application. The current scheme indicates that the commercial development (B1) will be provided at the southern end of the site adjacent to the A689, also on this side of the site the proposed sports facilities will be accommodated. To the north of this area a dualled spine road will be provided. To the north of the spine road adjacent to the Hospital site a Local Centre and Village Hall will be accommodated to the west a housing area will be provided. To the north of this a secondary estate road will be provided and beyond housing areas and an area of informal open space (largely coinciding with an archaeological sensitive area) will be provided. A school and playing fields will also be accommodated in this area should it be required. The applicant has provided two versions of the parameters plan one shows a school provided on the site the other does not. The preferred option is for the school not to be provided on site but to be sited in Stockton in Wynyard Village in accordance with an application which has been submitted by a separate developer there (H/2013/0076) but as a back up option the applicant has asked that the options for an on site school also be considered and parameters plans showing both options have been submitted.

1.5 The application is in outline however the applicant has indicated that the housing would be a mix of 2,3,4 and 5 bedroom properties the parameters plans indicate that the density of the housing sites for the school option would be between some 16 to 24 dwellings per hectare and for the non school option some 16 to 20 per hectare.

1.6 The applicant has submitted various reports including a Planning Statement, an Environmental Impact Assessment, a Consultation Statement, a Design And Access Statement, a Transport Assessment, a Travel Plan, an Existing Services Assessment Report, a Sustainability Statement, an Energy Statement, a Report On Local Housing Requirements for Hartlepool, an Employment Land Assessment, an Arboricultural Impact Assessment & Method Statement, a Flood Risk Assessment And Drainage Strategy, a Play Strategy and a Public Transport Strategy. The applicant has also submitted a Woodland, Ecology and Recreational Strategy this includes proposals for recreational facilities in the woodland which lie outside the scope of the current application and which will need to be the subject of a separate planning application.

1.7 In support of the planning application the applicant's planning statement states that.

- The proposal complies with the NPPF.
- That the development will deliver a comprehensively planned mixed use development providing high quality, high quality homes, business units, infrastructure and community facilities and recreational opportunities to create a sustainable place and meet local needs.
- It will contribute to the quality and choice of housing.
- The housing is required to cross subsidise the infrastructure provision crucial to the short and long term success of Wynyard Park.
- That there is a huge oversupply of employment land in the Borough and HBC's employment policies are out of date.
- The development will secure the continued development and future of Wynyard Park and support economic growth.
- The development will help to ensure that HBC meets its five year housing and supply.
- The proposal will deliver significant economic benefits.

PLANNING HISTORY

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

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

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

This consent granted outline planning permission for an extension to the Wynyard park business Park.

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

This application for reserved matters approval for a business park incorporating the current application site was subsequently effectively superseded by the application approved below.

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

This application again for reserved matters approval for a business park incorporating the application site, was approved in October 2010. In this application, commercial development was approved on the sites which are the subject of the current application.

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

RELEVANT APPLICATIONS ON ADJACENT SITES

1.9 A number of relevant applications have also been approved on adjacent sites and these are listed below.

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

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

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

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

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

This application for full planning permission for the erection of 168 dwellings on a site to the west of the current application site was considered at Planning Committee in December 2012 it was approved subject to the completion of a legal agreement. The legal agreement secured an affordable housing contribution, a public right of way contribution, public right of way link(s) through the site, a conservation and habitat amangement plan, a woodland management plan, provision and maintenance of public open space and a play area, maintenence of highways, and the applicant's agreement not to implement the extant commercial permissions on parts of the site. The planning permission was granted in June 2013.

OTHER RELEVANT APPLICATIONS CURRENTLY UNDER CONSIDERATION IN THE WYNYARD AREA

1.10 Major housing applications have been brought forward on two other sites in Wynyard and are currently under consideration by Hartlepool and Stockton Borough Council's. The applications relate to sites which are largely within Stockton however as parts of the accesses for the sites are in Hartlepool identical applications have been submitted to both Council's. These applications, with Hartlepool reference numbers, are listed below.

H/2013/0043 Residential development of up to 780 dwellings, a retirement village of up to 220 dwellings with a security point, ancillary retail facilities, access, infrastructure, open space and landscaping (all matters reserved except access).

This site is located to the east of the application site. The applicant's are Wynyard Park Limited and Mauve Limited.

H/2013/0076 Outline planning application with all matters reserved for construction of up to 650 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space

This site is located to the south of the A689 in Wynyard Village. The applicant is Cameron Hall Developments Limited.

In light of the scale of development currently being brought forward in the Wynyard area by different developers, and the complex issues arising from the consideration of mutiple applications across two authorities Stockton Borough Council invited ATLAS (Advisory Team for Large Applications part of the Homes & Communities Agency) to act as a facilitator in discussion on issues arising. In light of this a cooperative exercise involving representatives from Hartlepool Borough Council, Stockton-on-Tees Borough Council, ATLAS, the Highways Agency, North Tees & Hartlepool NHS Foundation Trust, Wynyard Park Limited, Cameron Hall Developments Limited, has been progressed. This process has not concluded, but to date has proved a useful exercise in identifying areas requiring cross boundary consideration for example, highway issues, public transport, the location of the schools and other facilities and connections across the A689 and to the wider area.

OTHER RELEVANT APPLICATIONS IN STOCKTON ON TEES

1.11 Other relevant recent applications determined by Stockton On Tees Borough Council in the vicinity of the site are listed below.

08/1410/FUL Construction of access road and associated works Wynyard Park Access Road Wynyard Park. The above application which relates to works to the dual the access road to Wynyard Park to the south east of the site was approved in September 2010. It was designed to facilitate access to the business park development approved by Hartlepool Borough Council under the provisions of planning permission (H/2009/0494) and effectively the Hospital site. A High Pressure Gas Main crossed the site and following discussions with relevant parties measures to protect the integrity of the gas main during the construction works and when the proposed dual carriageway became operational were agreed. These measures included the provision of a concrete impact protection slab in the first instance and the subsequent diversion/replacement of the existing pipeline under the road with a thicker walled steel pipe. These requirements and measures and triggers to manage the process were secured through conditions and a legal agreement. These include conditions which restrict the use of the road to single carriageway and the number of vehicles using the road (to less than 2000/hour) until the pipeline is upgraded. This approval has not been implemented and is about to expire. It is understood that the applicant, Wynyard Park Ltd, intends to renew this permission.

12/0067/FUL Erection of a pre-nursery to sixth form co-educational independent school with associated playing fields, landscaping, car parking and infrastructure including a new access from the A689 and from Wellington Drive. Land South Of Coal Lane, , East Of Wellington Drive, Wynyard Village. The above application for a school on the south side of the A689 was approved in June 2012.

OTHER APPLICATIONS CURRENTLY UNDER CONSIDERATION

1.12 Another application currently under consideration has been raised in objections to the development. H/2013/0328 Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access). Land to the south of a179 and west of middle warren (known as upper warren) Hartlepool.

The above application for the provision of 500 new dwellings at Upper Warren is currently under consideration. The applicant has objected to the current application on the following grounds

- that their application at Upper Warren would represent an integrated, sustainable and logical addition to Hartlepool, providing a range of high quality housing, linked to the existing development at Middle Warren and its Local Centre.
- that the development is not sustainable and that the Upper Warren proposal is a far more sustainable option.
- that development at Upper Warren would not result in the loss of employment land.
- that the publication draft of the emerging local plan allocates the site for employment land not housing and the provision of housing at Wynyard would prejudice and undermine the emerging local plan's strategy which should be

to provide homes in sustainable locations which link well to the existing urban area.

- that future consequences for the emerging local plan of approving houses at Wynyard are great.
- that the applicant has failed to explain one of their main justifications for the development, i.e. that it will cross subsidise the delivery of infrastructure for the future development of the business park. That Case law suggests it is questionable as a planning argument in any case as the housing element cannot be justified on its own merits.

PUBLICITY

1.13 The application was initially advertised by neighbour notification, site notice and press advert. There have been thirty nine letters of objection, three letters of no objection and four letters of support.

1.14 Those objecting to the proposal raise the following issues.

- Traffic Congestion. Current infrastructure is inadequate, and busy road network cannot safely cope with the additional development and other developments proposed in the area. Mitigation to encourage sustainable travel disregarded. This will affect the quality of life of residents. Application should be refused until transport issues are addressed.
- Wynyard isolated and unsustainable with poor infrastructure and services. The development is not a sustainable and desirable option for the Borough, locating development within or adjacent to Hartlepool is the most sustainable option. There is no reasonable justification, evidence or sound planning reasons for the development at Wynyard above more sustainable sites well connected to Hartlepool with access to local facilities.
- Loss of prime, strategic and flagship employment land. Wynyard Park is key employment land, a driver for growth and employment it has a unique role within the Borough and sub regions employment land portfolio. If used for housing the land will be lost to employment to the economic disadvantage of the region. The land should be retained for employment use.
- Public transport links are poor, and improvements dependent on future developments, adding to the unsustainable nature of the development.
- Overdevelopment. Latest of many development proposals on green field sites proposing thousands of dwellings. All representing an unsustainable level of development.
- Area attracts business owners who make significant contribution to the area. It would be a shame if excessive development was to spoil a prestigious residential area.
- Loss of fauna and flora, farmland, woodland and wildlife.
- Reduction in house prices.
- The Tees Valley Strategic Housing Market Assessment (SHMA) 2012 identifies Wynyard as an area for executive housing attracting high

earners and wealth creators. The area will lose its exclusivity if general market housing is to be provided. This should be provided within or adjoining Hartlepool.

- Contrary to original Wynyard vision. Large and out of character. It will ruin its exclusivity, watering down the Wynyard offer with general market housing turning it into just another housing estate which will not attract wealth creators.
- Wynyard village has doubled in size and the services and upkeep of infrastructure are inadequate.
- High earners will not be attracted to Wynyard due to lack of facilities.
- Loss of small rural wooded community feel. No thought to Wynyard Residents. The proposal was not requested by the community and the community will not benefit from it, the developer will.
- New buildings in Wynyard large and ugly, area looking like an industrial estate.
- Noise.
- New housing not needed there are numerous dwellings for sale and rent and more proposed.
- Area affected by snow and flooding in winter. Danger of exacerbating flooding.
- Can severely stretched amenities cope?
- Poor quality telephone system and broadband will be put under further pressure and mean workers will not be able to work from home to ease any traffic congestion.
- Residents should have been more widely consulted.
- Detrimental to the visual amenity of the area and it will change landscape character.
- Environmental Impact.
- Loss of recreational area. It will restrict access to Castle Eden Walkway.
- Access for emergency services will be hampered.
- Lack of on-site affordable housing unjustified.
- Not sustainable without significant investment in infrastructure.
- The proposals at Upper Warren (being promoted by a different developer) would represent an integrated, sustainable and logical addition to Hartlepool, providing a range of high quality housing, linked to the existing development at Middle Warren and its Local Centre. It is clear that when the proposals at Upper Warren and Wynyard Park are compared that the Wynyard Park proposals in no way can be seen as sustainable. Development at Upper Warren would not result in the loss of employment land.
- The publication draft of the emerging local plan allocates the site for employment land not housing. The provision of housing at Wynyard would prejudice and undermine the emerging local plan's strategy which should be to provide homes in sustainable locations which link well to the existing urban area. The future consequences for the emerging local plan of approving houses at Wynyard are great.
- One of the main justifications for the development is that it will cross subsidise the delivery of infrastructure for the future development of the

business park. However the applicant has not explained why this is the case. Case law suggests it is questionable as a planning argument in any case as the housing element cannot be justified on its own merits.

- Applications should not be looked at in isolation, the cumulative negative environmental impact would be enormous.

1.15 The North Tees & Hartlepool NHS Foundation Trust have also raised concerns in relation to the relationship of the Hospital to the proposed housing in particular in relation to potential for noise and disturbance arising from the use of the hospital site (Traffic/Helicopters/Plant) to impact on the housing areas and to lead to complaints from future residents.

1.16 Those supporting the proposal raise the following issues:

- It will provide homes for employees of the business park supporting businesses, attracting employees and businesses. Potentially reducing congestion.
- It will attract employment and investment increasing saleability of the site.
- The location and the region as a whole will benefit from the positive economic impacts.
- The business park has expanded rapidly. It is high quality and helps attract a skilled workforce, the new housing will reinforce this, attracting infrastructure, jobs and investment, and allowing on site businesses to continue to thrive.
- New residents will increase demand for public transport.
- School leavers will be available for apprenticeships.
- It will improve security outside office hours.
- Wynyard Park is an excellent location and its future development should be supported.

1.17 The time period for representations in the original consultation has expired. The amended plans, details and information received have been advertised by site notices, neighbour notification and in the press. The time period for representations expires on the day of the planning meeting. Members will be advised of any further representations received at the meeting.

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CONSULTATIONS

1.18 The following consultation replies have been received:

Traffic & Transportation: In their original comments Traffic & Transportation raised concerns in relation to the original indicative internal site layouts. Following the receipt of amended plans Traffic & Transportation are satisfied in terms of the indicative internal site layout. However in terms of the impact of the development on the local (A689) and strategic (A19) highway networks investigations including modelling of traffic scenarios arising from the various developments currently approved or under consideration are being undertaken in a cooperative joint exercise supported by the relevant parties to understand the impact of the developments on

the trunk road and local highway network and any mitigation required. This is a complicated piece of work however and has not been concluded.

Economic Development: No objections.

Parks & Countryside: One of the fundamental improvements that Hartlepool Borough Council looks for, when a site of such size is developed, is improvement to the existing public rights of way access network. This site is looking to develop housing, schools and other services and as such all the age groups who will use and live in this development will require access to physical and mental health. To the north is the access network of Hartlepool and Durham public rights of way. To the south is Stockton rights of way. This development has the opportunity to benefit not just the housing, education and servicing needs of the residents but also the physical, recreational and mental well being as well. To keep the residents in isolation with only the use of a car to access any other access paths in the district would be unsustainable, unhealthy and expensive.

Engineering Consultancy: I have considered the Environment Statement for the development area, and I have the following comments

In principle, the adoption of the proposed sustainable drainage systems is acceptable subject to a detailed design. I request that a planning condition is in place to ensure that full consideration of storm drainage can be outlined and agreed with the LPA. Storm drainage may be attenuated in various locations and discharged offsite. I note that the Environment Agency has requested a discharge rate of 3.5l/s/ha, and this is something we would also request. The drainage assessment must consider the potential flood risk down gradient of the site, and provide full mitigation against this.

In terms of the sustainable drainage, the Council will soon have duties through the provision of the Floods and Waters Management Act to adopt and maintain all new SuDS systems; therefore in theory we accept the storm drainage proposals are achievable, however subject to detailed drainage design and acceptance through the planning process.

With regards to any potential land contamination issue, the Environmental Statements are sufficiently detailed to suggest that a low contamination profile would be expected. The ES is sufficiently detailed to negate the need for a PRA; however given the size of the development areas, a condition would be required to confirm that the assumptions made within the ES are reasonable. (Requests standard contamination condition) (20/03/2013 & 26/03/2013)

Child & Adult Services (Education): No objection to proposed siting of appropriate off site school in Stockton. In relation to the fall back position of a school on site the Service has advised it seems sensible to have a fall-back position if Plan A fails to materialise and, given that Stockton want a 2 1/2 form entry, it would appear that a two form entry primary would be a reasonable fall back position.

Child & Adult Services (Sports & Recreation): In response, whilst we are happy to support the application with respect to the proposals for the sporting infrastructure

associated with this development, what remains a concern are the future management and maintenance arrangements for these facilities. Given the proximity of the development, we would suggest this is undertaken through a leasing arrangement with an established local club. This would also ensure the development of participation opportunities for local residents.

Greenspaces Development Officer : From the information supplied I presume that I'm commenting on (H/2012/0360 & H/2013/0033) and the play provision there in.

The Wynyard park outline play strategy (interim report) follows recognised lines of development and this is reflected in the provided plan Figure 1. The 3 sites A, B, C are all clearly divided by woodland belts, I would consider this will place barriers on children's travel between sites and would indicate the need for a NEAP in each site along with LEAP's in sites B and C. As for the provision of LAP's they appear liberally distributed in site B with some missing areas in Site C and site A could do with more.

However if ultimately the play sites were to become the responsibility of Hartlepool Borough Council, I would personally look to reduce the maintenance liability to a minimum by concentrating the play provision resources in 2 or 3 main play sites of a NEAP size.

The provision of Natural Grass pitches and MUGA is located only in Site B, I would consider the provision of such sites should also be in sites A and C. A to a lesser extent than C, this being due to the clear boundaries being drawn by the development layout. In relation to this I note Mr Mennear's response which I agree with (15th March 2013).

At this time it is not possible for me to comment on the content of any of the play sites as the detail provided is only of a general nature and not site specific.

As for the matter of the long term maintenance/funding of the recreational areas within the sites A, B, C. I would consider that this would be best met from the developer or other local sources like the Hospital, Business Park or School. May be following the Milton Keynes model.

Landscape Planning & Conservation (Ecologist) : Given the commitment to the ponds and wetlands and the range of mitigation measures for biodiversity that have been stated in the ES and subsequently. I can confirm that I now consider that an equivalent biodiversity value can be maintained as part of this development.

The details of biodiversity measures will need to be agreed as will timing triggers for habitat management and creation. I have discussed this with Chris Pipe and we are happy that these can be dealt with by way of conditions and S106 and a separate application for works in the woodland.

Landscape Planning & Conservation (Arboriculturalist) : A comprehensive arboricultural impact assessment has been submitted in support of the application. The assessment has been produced to comply with British Standard 5837:2012 "Trees in relation to design, demolition and construction. Recommendations". The

tree population is mainly limited to the periphery of the site in the form of dense woodland. In addition to the woodland that forms the periphery there are 71 individual mature trees scattered across the site, a relatively low number given its extent.

The proposal involves the removal of 36 individual mature trees from across the site, as well as the complete removal of 9 hedgerows and the partial removal of a further 8 sections of hedgerow. Of the 36 mature trees proposed for removal, 30 are for reasons relating to their condition, leaving only 6 individual mature trees that are recommended for removal purely to facilitate the development. All of the hedgerow removals are necessary to facilitate the development; however 12 sections of existing hedgerow will be retained within the development

An arboricultural method statement has been submitted which includes satisfactory details of the tree protection measures to be implemented during construction works. 35 of the individual mature trees on the site will be retained within the development and protected from accidental damage during the construction phase. The protection of the woodland edges to the periphery of the site, and the sections of hedgerow to be retained, are also included in the arboricultural method statement.

A general indication of landscaping for the proposed development, which includes areas of public open space, tree lined thoroughfares, wetland habitat creation and areas of native structure planting is contained within the design and access statement. Insufficient detail is provided to allow a full assessment of the landscaping proposal however; therefore these details will be required by condition.

The loss of a number of mature trees from the site is considered regrettable, however, given the scale of the development, the retention and protection of many of the existing mature trees and the significant landscaping proposal that is indicated within the design and access statement, I would raise no objection to the proposal as it relates to trees and landscaping.

Standard conditions J161 and J170 apply.

Public Protection: In their initial response Public Protection raised concerns regarding the relationship of proposed housing and a proposed multi use games area and in relation to the relationship between the proposed housing and the approved hospital site adjacent. Following discussions the applicant has sought to address these concerns, the site layout has been amended and further information has been provided by the applicant's noise consultant to demonstrate that the relationship between the proposed housing and the approved hospital site is satisfactory including any impacts arising from helicopter flights. (This further information is currently being considered by Public Protection). Public Protection also advised that the retail development and the bar/café would require extract ventilation conditions for any A3/A4/A5 use and some restrictions on operational hours to protect the amenity of neighbouring residents. A sound insulation condition across the site would be required to enable the LPA to agree suitable sound insulation measures to properties where required as identified in the noise assessment submitted with the application.

Housing Services : I have concerns about this planning application, H/2013/0033, as it seems to be moving the Wynyard "offer" away from executive and more towards the establishment of general needs accommodation, this is very similar to what happen in the 1990's with Middle Warren and the damage this has created in the general housing market in Hartlepool. Additionally more service provision will be required across the already stretched Council Services and section 106 or other contributions could be lost to the general regeneration of the Town, towards the needs of a more general needs resident in Wynyard, in line with current government policies.

Environment Agency: No objection subject to a condition requiring that the development is carried out in accordance with the Flood Risk Assessment and the prior approval of surface water drainage details. Separate to the above issue, we have the following advice/comments to make:

Biodiversity

We welcome the planned integration of new green space for people and wildlife both within the development footprint and with the adjacent land. We advise that all the proposed mitigation as listed in the report by E3 Ecology Limited dated January 2013 is conditioned through the local authority and is resourced for successful and effective delivery.

Discharge of Foul Sewage - advice to LPA

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

Car Parking Areas Discharging Direct to Watercourse - advice to LPA/Applicant
Drainage from parking areas that will discharge to a surface watercourse must be first passed through an oil interceptor. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to surface waters.

Car Parking Areas Draining to Ground Watercourse - advice to LPA/Applicant
Drainage to soakaway from car parking areas for >50 spaces should be passed through an oil interceptor before discharging to ground. The Environmental Permitting Regulations make it an offence to cause or knowingly permit any discharge that will result in the input of pollutants to groundwater. (19/02/2013)

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

Having assessed the proposed development against the context outlined above we have the following comments to make: The planning application does not provide sufficient detail with regards to the management of surface and foul water from the development for NWL to be able to assess our capacity to treat the flows from the

development. (NWL therefore request a condition requiring the approval of details of foul and surface water disposal).

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely, Soakaway, Watercourse, and finally Sewer. If sewer is the only option the developer should contact this office to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

Hartlepool Water : I can confirm the following. Within the proposed development area we have several major water mains which will require significant diversion works and additional new mains to reinforce the existing network. We are currently in discussions with Wynyard Estates and the Developers to resolve. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed developments. We have no objections to this development.(9/04/13)

Highways Agency: The Highways Agency have placed a holding direction on the application requiring that planning permission not be granted for the development for a specified period. This is because the Highways Agency do not consider that sufficient information has been provided by the applicant to determine whether the development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and with safety and free flow of traffic on the trunk road.

Similar holding directions have been placed on the other applications currently under consideration by Stockton on Tees & Hartlepool Borough Council's. In this respect investigations including modelling of traffic scenarios arising from the various developments currently approved or under consideration are being undertaken in a cooperative joint exercise led by the Highway Agency to understand the impact of the developments on the trunk road and local highway network and any mitigation required. This is a complicated piece of work however and has not been concluded.

Cleveland Fire Brigade: Vehicle access to be in accordance with B5 requirements of guidance in Approved Document B of the Building Regulations. (Volume 1 - Dwellinghouses & Volume 2 - Buildings other than dwellinghouses where commercial premises or flats involved) Do the locations of all dwellings comply with the 45m criteria for vehicle access for a pump appliance access for dwelling houses. Also does the roadway meet the full criteria of this guidance up to the point of pumping appliance access. No potential blocks of flats identified from info provided. Adequate hydrant provision to be provided for the development that meets current guidance.

National Grid: National Grid wishes to advise that provided that the previous conditions, that require the upgrade of the Feeder 6 pipeline are maintained to relay the pipeline in heavy wall proximity pipe for the new dual carriageway road we are prepared to remove our Holding Objection.

Tees Archaeology : No objections. Tees Archaeology acknowledge that the majority of the site is either of low archaeological potential or that sufficient mitigation

has already taken place to allow development (e.g. the historic building recording of the 19th century estate farmsteads at High and Low Newton Hanzard.). However as a result of previous archaeological work a high status medieval site has been identified at Low Newton Hanzard. This is a heritage asset of regional importance. Tees Archaeology have previously suggested that this area should be retained as an archaeological exclusion zone to ensure the site is preserved as a community asset. Tees Archaeology initially raised concerns in relation to the original proposal which showed the siting of school playing fields in the southern part of this area and the earthworks preserved under the pitch. Following subsequent multi party discussions led by ATLAS it is understood that the school is likely to be located off site, on a site in Stockton, in such a scenario the playing fields would not be required and the earth works would not be affected. However in the consideration of the application the applicant wants to retain an option that should the agreed off site school provision not materialise the option of an on site school site is retained. Following discussions with Tees Archaeology in relation to the method of earth raising to accommodate playing fields it has been agreed that this on site school option can be accommodated subject to satisfactory archaeological conditions. In terms of the rest of the site Tees Archaeology have advised that the extent of the medieval settlement has been defined as tightly as possible in light of previous archaeological field evaluation and that there may be other features on site. In addition the remains of an Iron Age building were noted to the south east of Low Newton Hanzard. In relation to these matters Tees Archaeology consider that these can be dealt with by an appropriate programme of archaeological work which could be conditioned.

Natural England: No objection. Natural England initially objected on the grounds that there was insufficient information to establish whether Great Crested Newts would be affected by the development. Following the receipt of further clarifying information from the applicant this objection was withdrawn. Natural England noted that the development was likely to affect bats through the disturbance and destruction of resting places but that this could be addressed through mitigation. They advise a licence would be required from them for works affecting bats. They advised that the impact on any other protected species should be considered. Natural England acknowledged the loss of various habitats, sections of broadleaved woodland, an ephemeral water body and neutral and marshy grassland and potential damage and disturbance to a number of watercourses. They acknowledge that a mitigation strategy is proposed however were unable to quantify the benefits which will arise to local ecology in the long term on the basis of the information submitted. They advised therefore that the views of the local Ecologist be sought on the suitability of the proposed mitigation measures. They advised that they would welcome the provision of a Habitat Management Plan. Natural England noted that the site is within the High Newton Hanzard Meadows Local Wildlife Site and within/adjacent to Close Wood Complex Local Wildlife Site and advised that the Local Authority should be satisfied that it has sufficient information to fully understand the impact on these sites before it determines the application. Natural England noted that the site did not appear to be either located within, or within the setting of, any nationally designated landscape. It advised that all proposals however should complement and where possible enhance local distinctiveness. It advises the authority to consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application.

Teesmouth Bird Club : We appreciate being consulted on this significant development, as TBC has a long history of providing data and commenting on Planning Applications for the various parts of the Master Plan for Wynyard Park. This Application involves a huge development on a green field site that contains a mosaic of wildlife habitats, including former arable farmland, woodland, hedgerows, copses, grasslands, hedgerow trees, ponds and wetland areas. The proposed mitigation will not compensate for the loss of farmland habitat and TBC remains opposed to the commercial and residential development of prime green field sites that have significant ornithological and landscape value, as at Wynyard Park. **TBC OBJECTS TO THIS APPLICATION** for the following reasons:

- (i) The impact on locally, regionally and nationally declining breeding farmland species, such as Grey Partridge, Skylark, Lapwing and Tree Sparrow, which depend on such habitat. This development will involve a fundamental change in habitat from agricultural land to a largely built environment and TBC considers that the Environmental Statement understates the adverse impacts of this change, although it does acknowledge that the area to be developed holds 190 territories of 37 species and an additional 15 “foraging species”. Of these, it is predicted that 127 territories of 25 species will be lost, 13 being of conservation concern, viz: Skylark 26 territories, Yellowhammer 7 territories, Meadow Pipit 10 territories, Grey Partridge 1 territory, Mallard 1 territory, Linnet 5 territories, Curlew 1 territory, Reed Bunting 5 territories, Tree Sparrow 5 territories, Dunnock 1 territory, Stock Dove 1 territory, Swallow 1 territory, Whitethroat 11 territories. In addition, the following will also be lost: Jackdaw 7 territories, Pheasant 4 territories, Chaffinch 10 territories, Goldfinch 6 territories, Pied Wagtail 1 territory, Wren 3 territories, Blackbird 4 territories, Carrion Crow 1 territory, Wood Pigeon 2 territories, Chiffchaff 3 territories, Great Tit 4 territories, Blue Tit 7 territories.

Despite these losses, Chapter E (Ecology) of the ES states: “The assemblage of birds on site is considered to be of low sensitivity as the site is considered to be of parish value to birds and the local populations of individual species are likely to readily absorb the effects of the proposals, given the large swathes of arable and pastoral land in the wider area”.

- (ii) The loss of vital winter feeding areas for birds through the destruction of former arable land and hedgerows.
- (iii) The adverse impacts on the diverse range of important breeding bird species totalling 190 territories of 37 species, 13 of which are of conservation concern (Skylark, Linnet, Yellowhammer, Mallard, Grey Partridge, Tree Sparrow, Meadow Pipit, Reed Bunting, Dunnock, Stock Dove, Swallow, Whitethroat and Curlew).

‘The State of the UK’s Birds’ includes a report on the UK wild bird indicator and states that the farmland and woodland bird indicators both fell to their lowest ever levels, at 51.3% and 75.9% respectively of their 1970 starting values. There is a nationwide shortage of farmland providing suitable nesting and feeding sites. This shortage is one of the reasons why there have been such massive declines in some Red and Amber Listed farmland species

monitored by the BTO, such as Grey Partridge (-91% between 1970-2009), Curlew (-60%), Skylark (-55%), Linnet (-56%) and Yellowhammer (-56%). Displaced birds from the Wynyard development will not survive and the continued loss of farmland to development at Wynyard is of serious concern, particularly in view of the cumulative impact as more of the area is developed. Neglected farmland and pasture regarded as being of low ornithological value often form vital over-winter feeding areas for small birds, such as Skylark, sparrows, finches and buntings, and the loss of such areas is contributing to the continuing decline of these species in the UK.

- (iv) The loss of or damage to two designated Local Wildlife Sites, involving the complete destruction of the High Newton Hanzard LWS and removal of some mature deciduous woodland at Close Wood LWS. We have previously highlighted the importance of the Wynyard woodlands for rare breeding raptors, notably Common Buzzard and Goshawk. The former almost certainly breeds at Wynyard. Goshawk has been recorded at Wynyard since 1990 and observed displaying in the early spring during recent breeding seasons, including 2012. There seems little point in designating areas as Local Wildlife Sites if they are to be destroyed by development.
- (v) The implications of a future 'Management Plan', with possibly a parkland-based, clinical management ethos, rooted in health and safety and 'tidiness'.
- (vi) Contravention of National and Local Planning policies. We consider that the development is at variance with a number of Hartlepool Borough Council's retained policy statements relating to biodiversity and the environment (eg Local Plan Policy GEP12). While TBC is well aware that PPS9 has been subsumed into the new National Planning Policy Framework, the ODPM guidance for PPS9 remains valid and the section of the NPPF on the natural environment retains much of PPS9 and states that: "The aim of planning decisions should be to prevent harm to biodiversity and geological conservation interest."

At a National level, the 'National Planning Policy Framework' states that: "If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused."

"Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss."

We consider that this development contravenes these policies.

- (vii) The problems associated with the area changing from rural to urban fringe, including disturbance, vandalism, anti-social behaviour, loss of habitat and fly-tipping.

- (viii) Pressure on Retained Woodlands. We are concerned about disturbance, increased pressure and anti-social behaviour in the retained woodlands peripheral to the development, which are currently isolated and quiet. Such problems accrue to formerly isolated wooded areas becoming 'urban fringe' or when they are 'opened up' to public use.
- (ix) Mitigation and Compensation. The proposed mitigation will not compensate for the loss of agricultural land and woodland. The compensatory habitat under the landscape master plan will be more fragmented and unattractive to the farmland species the development has displaced.
- (x) Cumulative Impacts : We are gravely concerned about the cumulative loss of breeding bird territories resulting from this development in combination with those existing or proposed under the overall Wynyard Master Plan. Excluding the hospital site, the combined total of territories occurring within the development areas of Wynyard 1, Wynyard 2 and this, Wynyard 3, is 470 of over 40 species, some of which are rare or scarce breeders in Cleveland.

We hope you will find our comments useful and will persuade your Council to refuse this Application.

Cleveland Emergency Planning Unit : with regards the planning applications H/2013/0033 and H/2013/0043 at the land north of the A689 Wynyard Business Park, the only points we wish to note are the presence of both the Natural Gas, NGN and National Grid pipeline and the Teesside Saltend Ethylene pipeline in the vicinity, the flooding of the A689 back in November and the impact on the transport links within the area. As far as the plans we would offer no objections to them.

Coal Authority : The application site does not fall within the defined Development High Risk Area. The application site is located instead within the defined Development Low Risk Area.

Meaning that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted or for The Coal Authority to be consulted. (Request that their Standing Advice be included within the Decision Notice if planning permission is granted.)

Elwick PC : No objection.

Wolviston PC: Wolviston Parish Council has concerns over these developments as it believes these schemes will greatly increase traffic around Wolviston village, meaning more traffic delays, road noise and traffic pollution for the residents. Therefore, Wolviston Parish Council object to applications H/2013/0033 and H/2013/0043.

Durham County Council : Please find below the comments and observations of Durham County Council. I will address the following issues:

- Sustainability
- Employment land

• **Highways**

Sustainability of the site : As identified in comments on application H/2013/0043, the development of this level of housing requires sufficient infrastructure to support it, otherwise the development is unsustainable. This application provides facilities to support the housing growth in H/2013/0043 and the 603 dwellings proposed within this application. Again as stated previously in comments on H/2013/0043, it is essential that supporting facilities are developed out alongside the housing in order to provide a sustainable form of development.

Employment Land : The application site was identified as employment land within the RSS and development of the site would be contrary to this approach. It would also appear to be contrary to the approach detailed within the Council's submission draft Core Strategy which identifies the site as its prestige employment location. An approval of this application would clearly mean the aspirations of the RSS and the Council's preferred approach as detailed in their Core Strategy would not be realised. Whilst it is acknowledged that Hartlepool has an over supply of employment land, Wynyard Park would appear to offer a unique high quality development that is unlikely to be replicated elsewhere in the borough.

Highways : I have taken the views of a DCC transport engineer on the Highways aspect of the proposal. It is concluded that there would be substantial reduction in trips from both developments and therefore the impact on the surrounding highway network would be less than that of the existing extant permissions. No concerns are therefore raised with regards to Highways.

Stockton Borough Council : Any housing development should be sustainable and any potential negative impacts fully mitigated in line with the NPPF. I am not yet in a position to provide comments from a highway perspective as any potential implications for the road network are currently being assessed. Officers at Stockton-on-Tees Borough Council would welcome joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard Park.

The Ramblers Association : The 603 dwellings proposed in this application are included in the estimate of 1800 dwellings for which planning permission is being sought from Stockton and Hartlepool Borough Councils on land north of the A689. Our comments are the same as those made about H/2013/43 in our reply to Hartlepool Council. They are repeated below.

We would re-emphasise the point made in our reply to Stockton (see below) about lack of recreational facilities, particularly the lack of access to the public rights of way networks in Hartlepool, Stockton and Durham for quiet, healthy recreation. We estimate from the applications seen so far from Hartlepool and Stockton that if granted over 1800 dwellings will be built north of the A689 with more to come. The provision of a school clearly expects youngsters to be part of the population. There is no easy access to the Castle Eden walkway except by using the verges of the busy A689; and if occupiers were to cross the busy A689 the only available route is BW Grindon 13 to the east, which isn't linked to any other PROW. The rest of the Wynyard Estate south of the A689 is effectively no mans land for the public.

Tees Valley Local Access Forum : The Tees Valley Local Access Forum is an independant, statutory body with an interest in Public Rights of Way and access to

the countryside, towns and coast in our area. The Local Authority areas the Forum represents are Darlington, Hartlepool, Stockton on Tees, and Middlesbrough. Thank you for the opportunity to comment on the application the Forum asks would the Developer consider wider links to established PROW in Hartlepool, Stockton on Tees and Durham and how safe pedestrian and cycle routes could be made with the existing Wynyard village - across the A689? The Countryside Access Officers in Hartlepool and Stockton on Tees Borough Councils would be able to advise, as would the TVLAF members. The Forum is pleased to see the feedback from the Community Exhibition being noted, that 86% of those who responded agreed with the creation of new footpaths, cycleways and woodland trails within the surrounding woodland. We note that the same number of those who responded also want to see public open spaces and landscape improvements.

The Forum has a responsibility to examine how our Local Authorities manage our PROW, and put forward ideas about how improvements can be made. The Forum must balance the needs of land management and the desirability for recreation, conservation and biodiversity in the region. Membership of the Forum is a mixture of the users of Rights of Way, the owners and occupiers of land and any other relevant interests.

Health & Safety Executive (HSE) : Does not advise on safety grounds against the granting of planning permission. The HSE advises that as the site is within the consultation distance of a major hazard pipeline (high pressure gas pipeline) the Local Planning Authority should consider contacting the pipeline operator (National Grid) before determining the application.

Sport England : The site is not considered to form part of, or constitute a playing field as defined The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No.2184), therefore Sport England has considered this a non-statutory consultation.

Sport England has assessed the application against its adopted planning policy objectives. The focus of these objectives is that a planned approach to the provision of facilities and opportunities for sport is necessary in order to meet the needs of local communities. The occupiers of any new development, especially residential, will generate demand for sporting provision. The existing provision within an area may not be able to accommodate this increased demand without exacerbating existing and/or predicted future deficiencies. Therefore, Sport England considers that new developments should be required to contribute towards meeting the demand they generate through the provision of on-site facilities and/or providing additional capacity off-site. The level and nature of any provision should be informed by a robust evidence base such as an up to date Sports Facility Strategy, Playing Pitch Strategy or other relevant needs assessment.

This requirement is supported by the Governments National Planning Policy Framework, which states:

“Within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. (Principle 12 is) that planning should:

Take account of and support local strategies to improve health, social, and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.” [Paragraph 17]

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses, and places of worship) and other local services to enhance the sustainability of communities and residential environments...

Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.” [Paragraph 70]

The population of the proposed development is estimated to be over 1400 people. This additional population will generate additional demand for sports facilities. If this demand is not adequately met then it may place additional pressure on existing sports facilities, thereby creating deficiencies in facility provision. In accordance with Circular 05/05, Sport England seeks to ensure that the development meets any new sports facility needs arising as a result of the development.

Hartlepool Council has an adopted mechanism for ensuring that the sports facility needs arising from new development are met by that development. The Hartlepool Borough Council Planning Obligations SPD was adopted in October 2009.

The SPD requires investment in open space, outdoor sport / recreation, and play facilities at the rate of £250 per dwelling, and investment in built sports facilities at the rate of £250 per dwelling. Therefore for a development of this scale there should be provision made for investment of £195,000 in open space, outdoor sport / recreation, and play facilities, and £195,000 into built sports facilities. Such provision can be made on site or a contribution made to enhance local provision that might serve residents by way of a planning obligation.

The SPD therefore requires a total investment into sports facilities of £301,500.

The indicative masterplan has been amended to show a senior and junior football pitch, multi-use games area, and changing pavilion. On the assumption that;
The pitches are constructed to Sport England specification
The MUGA is floodlit and designed to SE specification
The changing pavilion is 4 team sized
Sport England would value the investment into sports facilities to be to the value of £790,000.

This level of provision would meet the needs arising from this application, and indeed liaison with sports development staff from both Hartlepool and Stockton Councils have identified local teams that are in need of such provision.

In light of the above Sport England wishes to support this [aspect of the] development.

PLANNING POLICY

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

Hartlepool Local Plan (2006)

1.20 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
Hsg 5: Management of Housing Land Supply
Hsg9 : New Residential Layout – Design and Other Requirements
Ind1: Wynyard Business Park
Tra20: Travel Plans
WL7: Protection of SNCIs, RIGSs and Ancient Semi Natural Woodland
Rur2: Wynyard Limits to Development
Rur 20: Special Landscape Area.
Rec 2 : Provision for Play in new housing areas.

The Tees Valley Minerals and Waste DPD (2011)

MWP 1 Waste Audits

Submission Local Plan (June 2012):

1.21 The following policies of the emerging local plan are relevant to the determination of this application:

LS1 : Locational Strategy
TR1 : Strategic Transport Network
TR2 : Improving Connectivity in Hartlepool
HSG1 : New Housing Provision
HSG4 : Overall Housing Mix
HSG5 : Affordable Housing
EC1 : Prestige Employment Site Wynyard Park
HE4 : Other Heritage Assets
NE1 : Green Infrastructure
NE2 : Natural Environment
ND1: Planning Obligations & Compulsory Purchase Orders
ND4 : Design of New Development

National Policy

1.22 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

- 14: Presumption in favour of sustainable development.
- 17: Core Planning Principles.
- 18: Securing economic growth.
- 19: Support sustainable economic growth.
- 30: A development strategy which encourages sustainable modes of transport.
- 32: Transport Assessment.
- 34: Need to travel minimised and the use of sustainable transport modes can be maximised.
- 47: Boost the supply of housing.
- 50: Deliver a wide choice of housing.
- 56: Good design.
- 111: Effective use of land
- 129: Effect on heritage assets.
- 158: Using an appropriate evidence base.
- 159: Evidence Based Housing Needs – Strategic Housing Market Assessment & Strategic Housing Availability Assessment.
- 186: Delivering sustainable development.
- 196: Determination in accordance with the development plan.
- 197: Presumption in favour of sustainable development.
- 216: Weights should be given to emerging plans.

Regional Spatial Strategy (RSS) (2008)

1.23 An order to revoke the RSS for the North East was laid in Parliament on 22 March 2013 which resulted in the RSS being officially revoked on 15th April 2013.

PLANNING CONSIDERATIONS

1.24 The main planning considerations are policy, design and layout, landscape/visual impact, highways, ecology, trees, relationships within and outwith

the site/residential amenity, drainage/flooding/contamination, education, public rights of way, health and safety, and archaeology.

POLICY

GENERAL

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

CURRENT POLICY

THE NATIONAL PLANNING POLICY FRAMEWORK (2012)

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

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

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

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

- be genuinely plan-led.
- be a creative exercise.
- should proactively drive and support economic development to deliver the homes, businesses and industrial units, infrastructure and thriving local places that the country needs.
- seek to secure high quality design and a good standard of amenity.
- take account of the different roles and character of different areas promoting the vitality of main urban areas and recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities.
- support the transition to a low carbon economy.
- contribute to conserving and enhancing the natural environment and reducing pollution.
- encourage the effective use of land by reusing land previously developed.

- promote mixed use developments.
- conserve heritage assets.
- actively manage patterns of growth to make the fullest use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.
- take account of and support local strategies to improve health and wellbeing for all; and deliver sufficient community and cultural facilities and services to meet local needs.

1.30 In terms of decision taking the NPPF advises that Local Planning Authorities should approach decision taking in a positive way to foster the delivery of sustainable development. (186). Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. (196). Decision takers may also give weight to relevant policies in emerging plans according to: the stage of preparation of the emerging plan; the extent to which there are unresolved objections to relevant policies; Policy consistency with the NPPF (216).

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

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

HARTLEPOOL LOCAL PLAN (2006)

1.33 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies within the Wynyard Limit to Development (Policy Rur2) of the adopted Hartlepool Local Plan 2006 however the site is reserved for development as a Flagship business park (Policy Ind 1). The site also accommodates a site identified as a Local Wildlife Site where development likely to have a significant adverse effect is restricted unless the reasons for development clearly outweigh the harm (Policy WL7). Where development takes place on such sites it is advised that the Borough Council may seek to impose conditions, or seek legal agreements to minimise harm and enhance the remaining nature conservation interest and secure compensatory measures and site management.

1.34 In conclusion whilst the proposed commercial development of the site is acceptable the proposal to develop the site for housing and the consequent loss of prestige employment land would be contrary to the extant local plan.

EMERGING POLICY

THE LOCAL PLAN SUBMISSION DOCUMENT (2012)

1.35 The Local Plan Submission Document has reached an advanced stage. It has been prepared with due regard to the policies and guidance contained within the NPPF. The Local Plan was submitted to the Secretary of State in June 2012 and has been through a public examination in late January and early February 2013. The examination was suspended due to an issue regarding the provision of a Gypsy and Traveller site. The Hearing is due to re-open on 23rd September 2013 and close on 25th September 2013. The Inspector has advised that the Local Planning Authority can expect his report within a few weeks of the closing date. Hartlepool Borough Council (HBC) gives significant weight to the policies in this plan as they have been through several stages of public consultation and public hearings.

1.36 The relevant policies of the emerging Hartlepool Local Plan (2012) are identified in the policy section above. Policy LS1 (Locational Strategy) and EC1 (Prestige Employment Site Wynyard Business Park) allocate the site as a prestige business park. The emerging local plan makes allocations for key sustainable strategic housing sites elsewhere in the Borough notably in the form of the south west extension and other sites in central Hartlepool. It allocates three sites for executive housing at Wynyard (HSG 1, HSG 4). Further, whilst the application is in outline and only limited details of the housing proposed has been provided, it appears from the parameters plan and planning statement that the type of housing proposed (a mix of 2,3,4,5 bedroom houses) and its density (16 to 20/23 dwellings per hectare), would not meet the definition of executive housing identified within the emerging Local Plan. This defines executive housing as of high quality design, predominantly detached, having 4 or more bedrooms, set in generous grounds, in an attractive setting and of a low density no greater than 10 dwellings per hectare. It would therefore be contrary to the aspiration of Hartlepool Council to develop Wynyard as an area for executive housing.

1.37 In conclusion in terms of the policies of the Submission Hartlepool Local Plan (2012) the proposal to develop the site for housing and the consequent loss of prestige employment land is contrary to the policies of this plan.

OTHER RELEVANT INFORMATION

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

1.39 The **Hartlepool Affordable Housing Economic Viability Assessment (2009)** looked at the likely effect on the viability of developments of requirements for affordable housing. The assessment showed that on the sites assessed under certain market conditions schemes including a 10% affordable housing are viable.

This evidence was used to support the requirements of emerging Local Plan Policy HSG5 (Affordable Housing Provision) which sets a minimum requirement of 10% affordable provision.

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

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

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

DEVELOPER CONTRIBUTIONS

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

1.44 The applicant has submitted an Infrastructure and Delivery Report. This document relates to both the housing site in Stockton (H/2013/0043) and the housing site in Hartlepool which is the subject of this report. In the document the applicant advised that he will provide the following developer contributions.

- An off-site highway works contribution of £1 million.
- A contribution towards a primary school of £2.5 million.
- A contribution towards public transport of £500,000.
- A secondary school contribution of £2 million (This relates to provision in Stockton)
- An affordable homes contribution equivalent to a 15% on site provision. A 25/75 on site/off site split was proposed. This will equate to the provision of 240 affordable houses provided on site across the two sites. (This presumably would equate to some 22/23 affordable dwellings on the Hartlepool site). In addition the applicant proposed an affordable housing contribution of some £2,680,000 to Hartlepool and of some £4,520,000 to Stockton.
- A contribution of £150,750 contribution was also proposed towards Public Rights of Way Improvements.

1.45 Members should be aware, that the final level of contributions could be affected by the final outcome of discussions with the Highway Agency and the relevant Traffic & Transportation Teams (Stockton & Hartlepool) relating to off site highway considerations. For example, if additional highway mitigation measures are required this could see developer contributions proposed to be considerably reduced to pay for these measures in order that the scheme remains viable. Alternatively if only a proportion of the housing currently proposed at Wynyard can be accommodated on the strategic (A19) and local (A689) highway network then the level of contributions will again accordingly reduce. Until these matters are resolved the final level of contributions cannot be confirmed.

1.46 In terms of housing need the affordable housing need as defined in the Tees Valley Strategic Housing Market Assessment is 27.5% of the overall net additional dwellings provided each year. In order to meet this need 27.5% of the dwellings would need to be affordable subject to economic viability.

1.47 The level of affordable housing proposed by the developer, at 15%, falls significantly below the 27.5% requirement and therefore the viability of the scheme needs to be considered in order to ascertain whether additional contributions are sustainable. Officers have therefore reviewed the Infrastructure and Delivery Report submitted by the applicant and consider, subject to the outcome of the outstanding highway issues discussed above which may also affect the viability of the proposal, that the development can accommodate additional developer contributions to meet the aspirations of the Local Planning Authority in terms of affordable housing. (It is understood that the applicant has already agreed to increase the Affordable Housing on the Stockton site to the equivalent of a 20% on site provision).

1.48 Negotiations with the applicant are ongoing however should agreement not be reached on appropriate levels of developer contributions then this would potentially be a reason to refuse the application.

PLANNING POLICY CONSIDERATIONS

1.49 In the terms of extant and emerging development plan policies the site is located within the limits to development, however it is within an area allocated for employment use in both the Hartlepool Local Plan (2006) and in the emerging Hartlepool Local Plan (2012). The proposal whilst it includes commercial development includes a large housing development. It is therefore contrary to current and emerging local plan policy. It is considered that an approval here would result in the loss of a significant area of prestige employment land and have the potential to undermine the delivery of housing in the more sustainable locations proposed within the allocations of the emerging Hartlepool Local Plan (2012). Further, whilst the application is in outline and only limited details of the housing proposed has been provided, it appears from the parameters plan and planning statement that the type of housing proposed (a mix of 2,3,4,5 bedroom houses) and its density, would not meet the definition of executive housing identified within the emerging Local Plan and would therefore be contrary to the aspiration of Hartlepool Council to develop Wynyard as an area for executive housing.

1.50 In light of the above the Local Planning Authority must consider whether there are any other material planning considerations which would indicate that the application should be approved contrary to policy and in this respect there are a number of material planning considerations to consider many of which have been identified by the applicant.

1) There is an oversupply of employment land in the borough.

The Hartlepool Employment Land Review December (2008) indicated that there was an over supply of employment land within the built up area of Hartlepool. However, the Employment Land Review accepted that the land at Wynyard Business Park and at North Burn were not considered as part of the Borough's employment land supply but rather forms a sub regional supply as it is prestige employment land that is of regional importance . It is considered that due to its location adjacent to the strategic highway network Wynyard Business Park (with the exception of the Port and Port related land) is the only location with the true potential to attract national and multinational companies into the Borough and is therefore of great importance to the sub-regional and regional economy.

It is the considered that any further loss of prestige employment land at Wynyard to residential uses would have a significant impact on the quantitative and qualitative nature of the employment land portfolio for Hartlepool and the wider economy. This would be in terms of the loss of more of the highest quality employment land the Borough has to offer and the resulting impact for attracting inward investment needed for future growth and job creation for the Borough as well as the wider sub-region and region. Wynyard Park is crucial to job creation, economic growth and the prosperity of Hartlepool and its neighbouring local authorities. In light of the above little weight can be attached to this material consideration.

2) The development would help to meet the five year housing supply.

It is considered, with the existing permissions and allocations in the emerging Hartlepool Local Plan, that the Local Planning Authority has sufficient land to meet its requirement for a five year housing land supply without this site. Further the housing allocations in the emerging Hartlepool Local Plan are considered to be in more sustainable locations on the fringe of the main urban area of Hartlepool with easy access to the goods, services and employment it sustains. In light of the above little weight can be attached to this material consideration..

- 3) There is a need to accommodate sites for executive housing in the Borough.

The need to provide additional areas of executive housing in the Borough has been identified in various recent reports some of which are discussed above. This identified need for more executive housing sites was the justification for the de-allocation of the three discrete areas of prestige employment land at Wynyard and the allocation of a site at Wynyard Woods in the emerging local plan. Planning permission has been granted on one of these sites (H/2012/0360) for 168 dwellings and this and the other allocated sites will meet this need. The application is in outline and only limited details of the housing proposed has been provided however it appears that the type of housing proposed would not meet the definition of executive housing identified within the emerging Local Plan. In light of the above little weight can be attached to this material consideration.

- 4) The proposal will contribute to the quality and choice of housing in the borough.

It is considered, the allocations in the emerging Hartlepool Local Plan, will provide the quality and choice of housing required in the borough in more sustainable locations that complies with the findings of the various evidence base reports. In light of the above little weight can be attached to this material consideration.

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

In light of the significant highway issues outstanding it is not possible at the time of writing to quantify the nature of any further highway mitigation which might be required and the potential costs of this and how this will affect the viability of the proposal. It is therefore not possible to precisely quantify for members the developer contributions which will arise from the proposal. In any case, the current allocations in the emerging local plan will also address this housing need and provide similar levels of developer contributions whilst delivering housing in what are considered to be more sustainable locations. In light of the above little weight can be attached to this material consideration.

- 6) The applicant maintains that the housing development is needed to deliver the infrastructure to serve the future development phases of Wynyard Business Park.

The applicant has been asked to substantiate this matter but no robust evidence has been provided. At the same time it is understood that parts of the infrastructure will be delivered by the NHS Trust who are delivering the Hospital and Taylor Wimpey who are developing the 168 units to the west (H/2012/0360).

It must be concluded that this argument is unsubstantiated at this time. In light of the above little weight can be attached to this material consideration.

7) The development will drive forward economic growth.

It is considered that an approval here would result in the loss of a significant area of prestige employment land and have the potential to undermine the delivery of the allocated housing sites identified in the Hartlepool Local Plan in locations which are considered more sustainable. In light of the above little weight can be attached to this material consideration.

8) The development will deliver economic benefits.

Section 143 of the Localism Act (Applications for planning permission: local finance considerations) makes amendments to the Town & Country Planning Act 1990 as to allow consideration of: “any local finance considerations, so far as material to the application”, when determining planning applications.

The Act describes local finance Considerations as

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

1.51 The government has recently introduced the New Homes Bonus to incentivise house building. Hartlepool Borough Council could potentially receive income under the New Homes Bonus and in Council Tax payments whilst the development itself will generate jobs and expenditure. However, similar benefits and levels of contribution could be derived from the housing allocations currently being brought forward in the emerging local plan. The proposal could jeopardise the delivery of these housing allocations in what are considered more sustainable locations. In light of the above little weight can be attached to this material consideration.

CONCLUSION

1.52 In determining planning applications planning authorities are required to make decisions in accordance with the development plan unless material considerations indicate otherwise. The proposal, in particular the housing element of the development and the loss of prestige employment land, is contrary to policies Hsg 5 and Ind 1 of the Hartlepool Local Plan (2006) and the overall spatial strategy and policies LS1, HSG 1 and EC1 of the emerging Hartlepool Local Plan Submission Document (2012). It is not considered that there are other material considerations which would outweigh current emerging and extant policies and support a decision contrary to policy in this case.

DESIGN & LAYOUT

1.53 The application is an outline application with all matters reserved. The applicant has nonetheless asked that consideration be given to a parameters plan which identifies the broad areas where development will take place. The applicant

has also where necessary prepared more detailed indicative layouts to demonstrate how these areas might be laid out.

1.54 In terms of the original proposals concerns were raised in relation to various aspects of the parameters plan, in particular concerns were raised in relation to the relationships between the hospital site, the MUGA and the proposed housing areas, the location of sports provision in relation to the proposed housing and areas of archaeological interests and in relation to the highway layout.

1.55 In order to seek to address these issue discussions have taken place and the proposals have been amended. The current scheme indicates that the commercial development (B1) will be provided at the southern end of the site adjacent to the A689, also on this side of the site the proposed sports facilities including playing fields, a MUGA and changing facilities for community uses will be accommodated. The Local Centre and Village Hall have been relocated immediately adjacent to the west of the Hospital site and the secondary estate road has been relocated to the north. These changes have ensured that effectively a buffer is provided between the Hospital site, the sports facilities and the housing areas.

1.56 Further minor amendments to the layout to ensure a school of the required specification can be accommodated are currently under consideration and the comments of education, public protection are awaited.

1.57 It is considered that the site can physically accommodate the level of development proposed. The provision for sport and recreation proposed is considered acceptable in principle. In terms of the relationships on site, archaeology, highway and other considerations these are discussed below.

LANDSCAPE/ VISUAL IMPACT

1.58 The site is not covered by any statutory landscape designation however, with its surrounding woodland, it is a relatively attractive rural landscape of fields and woodland. It must be remembered however that the site is currently identified for business development in both the adopted and emerging local plans and that planning permission has previously been granted for a hospital on an adjacent site, and commercial development on the site itself.

1.59 The proposed development will have an impact on the rural character of the landscape, and will change it, introducing a more urban character. The woodland which substantially bounds the site to the north, west and east will help to limit the developments impact in the wider landscape however the southern boundary with the A689 is relatively open and this allows for extensive views across the site from the A689 and beyond. In order to mitigate against this impact areas of established woodland surrounding the site will be retained and additional landscaping and planting can be conditioned to help screen the development and its assimilation into the landscape. It is anticipated that these matters would be detailed at the reserved matters stage. In the context of the above it is considered that the landscape/visual impact arising from the development is acceptable.

HIGHWAYS

1.60 It is considered that in terms of on site highway considerations the proposal is acceptable in principle subject to the detailed consideration of highway design which would be detailed at the reserved matters stage. In terms of the off-site highway consideration and the impact on the off- site strategic (A19) and local (A689) highway networks however at the time of writing these issues remain unresolved.

1.61 Concerns in relation to traffic congestion and the impact the development might have on the A19 and the A689 have featured prominently in objections to the proposals. The Highways Agency have placed a holding direction on the application and two other major applications (H/2013/0043 & H/2013/0076) which are currently being considered in the Wynyard Area. This is because the Highways Agency do not consider that sufficient information has been provided by the applicant to determine whether the development would generate traffic on the trunk road to an extent that would be incompatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10 (2) of the Highways Act 1980 and with safety and free flow of traffic on the trunk road.

1.62 Following this initial response, in light of the fact that a number of other major applications are currently under consideration in the Wynyard area (H/2013/0043 & H/2013/0076), the Highway Agency promoted a cooperative joint exercise of traffic modelling, agreed and supported by the relevant parties to understand the impact of the various developments currently proposed, and previously approved, on the trunk road and local highway network, and to identify capacity and any mitigation required. This is a complicated piece of work which is progressing however it has not yet been concluded.

1.63 Contrary to the agreed cooperative approach outlined above, the applicant has recently unilaterally submitted additional information including a Transport Assessment which seeks to demonstrate that their development can be accommodated.

1.64 This information has been passed to the Traffic & Transportation Section and the Highways Agency and their response is awaited. At the time of writing however it must be concluded that the issues of the impact of the development on the strategic and local off site highway network remains unresolved. Members will be updated at the meeting should any further response from the Traffic & Transportation Section and the Highways Agency be received.

1.65 If this issue is not resolved then the failure to demonstrate that the development will have an acceptable impact on the strategic local (A689) and national (A19) highway network would be a reason to refuse the application.

1.66 The applicant and the developer promoting a scheme to the south have agreed to jointly fund the provision of a footbridge across the A689. This is one of the cross boundary issues currently being discussed in the meetings facilitated by ATLAS. At the current time the desirability for a bridge crossing as opposed to crossings and traffic calming measures on the A689 is being explored. This issue has not been resolved.

ECOLOGY

1.67 The site does not contain any statutorily protected areas though it does accommodate a Local Wildlife Site (High Newton Hanzard Meadow) which will be lost through the development.

1.68 In terms of protected species the only species identified on the site from surveys conducted to support the application were bats which have been identified as roosting in the farm complexes on site and using the land for foraging. The development of the site will also affect the habitats of a number of birds, some of which are of conservation concern and currently utilise the farmland/grassland within the site and the surrounding woodland area. Concerns in relation to the impact of the development on the Ecology of the area have featured prominently in the responses of objectors to the proposal notably Teesmouth Bird Club.

1.69 The Ecological information has been considered by HBC's Ecologist and following discussions with the applicant further information has been submitted to address concerns which were raised.

1.70 It is acknowledged that the development of the site will result in some negative ecological impacts, for example habitats suitable for farmland birds will be lost and such species will disappear from the site. Also there will be a very large increase in disturbance to the woodland surrounding the application site. In order to address these impacts the approach followed is to mitigate against these ecological losses through various short and long terms measures including the provision of new ecological features which have the potential to result in a positive ecological impact.

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

TREES

1.72 The site is surrounded by woodland, there are a number of individual mature trees scattered across the site and a number of hedgerows.

1.73 The proposal involves the removal of 36 individual mature trees, the complete removal of 9 hedgerows and the partial removal of a further 8 sections of hedgerow. Of the 36 mature trees proposed for removal, 30 are for reasons relating to their condition. All of the hedgerow removals are considered necessary to facilitate the development however 12 sections of existing hedgerow will be retained within the development.

1.74 The application is in outline and therefore it is difficult to precisely assess the impact on individual trees and hedgerows shown to be retained. However the proposals have been considered by HBC's Arboriculturalist who has raised no objections to the proposal. It is considered that whilst trees will be lost on site given the woodland cover in this area, and the significant opportunities for compensatory landscaping, these losses will not be significant and that the impacts on any retained trees could be addressed through appropriate conditions which would require that tree protection measures, including tree friendly construction techniques in discrete areas, are secured. In the longer term the proposals discussed above to mitigate against the ecological impacts of the development, and in particular the proposals to manage the woodlands in the wider Wynyard Park Estate, if secured, will potentially benefit the health and diversity of the woodlands in the area and wildlife which uses them.

RELATIONSHIPS WITHIN AND OUTWITH THE SITE/ RESIDENTIAL AMENITY

1.75 The parameters plans which show the broad locations of the different types of development proposed have been revised following discussions principally to address concerns raised regarding the relationships of the various developments on site. The relationships with off site development including neighbouring residential properties also require consideration.

1.76 The closest neighbouring residential properties to the site are located on the opposite side of the A689. These are Wynyard North Lodges, Foresters Lodge and the properties on the northern edge of Wynyard Village located to the south. In general the location of these properties on the opposite side of A689 should help to limit direct impacts arising from the development. It is not considered that the residential amenity of these properties would be significantly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance. Various residential properties to the north also have accesses which pass through the site though the properties themselves are located a considerable distance away. The various indicative layouts proposed retain access for these properties. Given the considerable separation distances it is not considered that the residential amenity of these properties would be significantly affected in terms of loss of light, outlook, privacy or in relation to any issues relating to over-dominance.

1.77 In terms of the relationships with adjacent development. A substantial woodland buffer separates the site from development to the east in Stockton and a woodland buffer to the west separates the site from the recently approved housing sites to the west. It is considered that these relationships are acceptable.

1.78 In terms of the on site relationships, the sports facilities have been relocated to a site adjacent to the commercial areas on the south side of the main spine road. This was to address concerns raised by Public Protection regarding the relationship with nearby housing. It is considered that this relationship is acceptable and could be of mutual benefit with workers making use of the facilities.

1.79 A major concern has been the relationship between the approved Hospital site which bounds the site at its eastern end and the proposed housing areas. The original parameters plan showed housing located close to the boundaries with the Hospital and concerns were raised both by HBC Public Protection and the NHS Trust regarding this relationship and the disturbance that could arise to these residents from the activities associated with a 24 hour hospital including the potential for disturbance from helicopter flights. In order to seek to address these concerns the layout has been amended, so that the Local Centre and secondary road have been located adjacent to the Hospital, and the applicant's noise consultant has provided additional information. It is hoped that these amendments and additional information have addressed the concerns regarding the relationship here however at the time of writing the comments of Public Protection and the NHS Trust are awaited and this issue is not resolved.

1.80 In addition the Head of Public Protection has requested various conditions relating to the provision of extract and ventilation for the food and drink uses (A3/A4/A5) and restrictions on their operational hours to protect the amenity of neighbouring residents. He has also requested a sound insulation condition across the site to enable the Local Planning Authority to agree suitable sound insulation measures in critical locations.

1.81 Subject to the satisfactory resolution of the issue regarding the relationship of the development with the approved Hospital site, and appropriate conditions it is considered that the relationships on and off site are acceptable. It is not considered that the development will unduly affect the amenity of existing residents or impinge on the operations of nearby businesses.

DRAINAGE/FLOODING/CONTAMINATION

1.82 The application is in outline and no detailed plans of the drainage infrastructure have been prepared. The applicant has however prepared a Flood Risk Assessment and Drainage Strategy. This concludes that the risk to the site of flooding is low and that there are no significant increased risks of off site flooding arising from the development. The surface water drainage strategy indicates that the development will incorporate sustainable urban drainage systems, these will include ponds and swales which will attenuate the surface water discharge to various streams and water courses in the area. Foul sewage will be accommodated to the public system. The Environment Agency, Northumbrian Water and HBCI's Engineering Consultancy have raised no objections to the proposal subject to appropriate conditions. The proposal is considered acceptable in terms of issues relating flooding and drainage subject to the imposition of appropriate conditions.

1.83 In terms of contamination the applicant has submitted a Preliminary Environmental Risk Assessment. HBC Engineering Consultancy have advised that subject to appropriate conditions the proposal is acceptable.

EDUCATION

1.84 It is recognised that there is a need for additional primary school provision at Wynyard.

1.85 This is one of the cross boundary issues currently progressed in the meetings being facilitated by ATLAS. At the current time the preferred option is that a single school is provided in Wynyard Village on the site in Stockton which is the subject of a separate application (H/2013/0076), the developer promoting that scheme is in the advanced stage of discussions with the Diocese and the relevant Government Departments to deliver the school. It is anticipated that the applicant would compensate this Developer for accommodating the school. At the same time the applicant has asked that, should this preferred option not materialise, then the accommodation of a school on the current site be considered.

1.86 In terms of a school on the Hartlepool site further minor amendments to the layout to ensure a school of the required specification can be accommodated are currently under consideration by HBC Education.

1.87 The precise mechanism for delivering the primary school, given the options requires further detailed discussions, it is anticipated however that the provision could be secured through conditions and or a legal agreement.

PUBLIC RIGHTS OF WAY

1.88 The Ramblers Association, Tees Valley Access Forum and Hartlepool Borough Councils Parks & Countryside section have raised the issue as to whether improvements to the existing public rights of way in the vicinity could be secured.

1.89 Unfortunately the applicant does not own neighbouring land, or accesses, which would be required to accommodate links to the Public Rights of Way (PROW) network to the north and west. Hartlepool's Countryside Officer has been investigating prospects for linking the site through the existing Close Farm access to a PROW to the north which in turn also links to the Castle Eden Walkway. This will however require the agreement of the adjoining landowner(s) as was the case with the application approved to the west (H/2012/0360) the applicant has agreed to accommodate a PROW links through the site to facilitate this link should it be achieved. For the future if a southern link at Wynyard Woods West, could also be accommodated, together they would provided a substantial circular recreational route which would significantly enhance the PROW network in the area to the benefits or residents and visitors alike.

1.90 The applicant has also agreed to provide a contribution of £150,750 towards improvement to provide a cycleway link along the A689 to the outskirts of Hartlepool. It is anticipated that this link would pass through Wolviston entering Wynyard along a backroad thereby avoiding the A19 junction.

1.91 The applicant has also submitted a Woodland, Ecology and Recreational Strategy this includes proposals for recreational facilities in the woodland surrounding the site which lie outside the scope of the current application and which will need to be the subject of a separate planning application.

1.92 The developer contribution toward improvements to cycleways in the area and the provision of a PROW link through the site could be secured through a section 106 agreement.

ARCHAEOLOGY

1.93 The majority of the site is of low archaeological potential however as a result of previous archaeological work a high status medieval site has been identified at Low Newton Hanzard. This is a heritage asset of regional importance. The latest proposals shown on the parameters plans show the development largely avoiding the most sensitive archaeological areas save in the case of the option where a school is provided on the site. In this case the school playing fields will be accommodate on the archaeological area with the land raised in this area to avoid any damage to archaeological features. Tees Archaeology have been consulted and subject to suitable archaeological conditions have raised no objections to either of the two development options proposed by the developer. In terms of its impact on archaeology the proposal is considered acceptable.

HEALTH & SAFETY

1.94 A high pressure gas main is located to the south east of the site. It crosses the main access road into Wynyard Park to the east.

1.95 The issue of the gas main arose in relation to earlier applications approved at Wynyard Park. An application in Stockton (08/1410/FUL) for the works to the access road to facilitate the development of the business park in Hartlepool (H/2009/0494) included relevant conditions and a legal agreement to ensure that issues of health & safety relating to the high pressure gas main were addressed. These measures included the provision of a concrete impact protection slab in the first instance and the subsequent diversion/replacement of the existing pipeline under the road with a thicker walled steel pipe. These requirements and measures and triggers to manage the process were secured through conditions and a legal agreement.

1.96 The pipeline operator has been consulted and indicated that subject to similar safeguards being applied they would have no objections to the proposal.

1.97 In light of this it is considered that this matter could be dealt with through appropriate conditions and or a legal agreement if required.

RISKS

1.98 There are a number of risks associated with this application which it would be prudent for members to be aware of should they be minded to approve the application.

1.99 The emerging Hartlepool Local Plan (2012) has reached an advanced stage, an approval of this application which is contrary to the overall spatial strategy and key policies of the emerging plan could lead the Inspector examining the Plan to declare the plan unsound. In such an event Officer's consider HBC would need to go back to a preferred options stage with considerable expenses arising for the council. If this were to happen there are also risks which might arise. In brief the risks are:

- The policies of NPPF would take precedent as there would be no up to date Development Plan.
- The ability to seek developer contributions such as affordable housing (onsite or off site), regeneration funds, play facilities, green infrastructure would be lost as there would be no policy basis to secure these contributions.
- In the absence of a policy basis for developer contributions, developers including the current applicant, could seek to renegotiate in principle agreements, and existing legal agreements, securing developer contributions, which could result in the loss of many millions of pounds of developer contributions which have already been negotiated or legally secured.
- In the absence of any allocations in an up to date local plan developments could be brought forward by developers on an adhoc basis in locations which were previously discounted or larger than currently allocated and which might well prove difficult to resist.
- Community Infrastructure Levy (CIL) would not be able to be progressed which is a potential source of funding for significant infrastructure.
- Threat to Neighbourhood Planning as neighbourhood plans require to be in accordance with an up to date development plan.
- Employment Land could be lost to housing with knock on effects to economic growth.

1.100 In short, until a new local plan was brought forward to a sufficient stage to be given due weight, the development of Hartlepool would progress on an adhoc basis which could well be counter to the aspirations of the Borough Council as a whole. Ultimately, for a period the Council could loose control of shaping the future of development in the Borough.

1.101 As discussed in the section above in light of the significant key highway issues, and responses outstanding it is not possible at the time of writing to reach a conclusion with regards to all of the potential highway impacts arising from the development. It is also not possible to quantify the nature of any further highway mitigation which might be required and the potential costs of this and how this will affect the viability of the proposed development.

CONCLUSION

1.102 At the time of writing a number of issues are outstanding in particular the key issue of the impact of the development on the strategic and local off site highway network, the issue of the relationships with the hospital site, and the issue of

developer contributions. (Depending on the position reached in relation to these matters further reasons for refusal may need to be considered). The revised plans and information, including those for the school have also been re-consulted upon. Members will be updated on any developments in relation to these issues and any additional responses received at the meeting.

1.103 Notwithstanding these outstanding issues, it is considered that the proposal, in particular the housing element of the development and the loss of prestige employment land, is contrary to policies of the Hartlepool Local Plan (2006) and the overall spatial strategy and policies of the emerging Hartlepool Local Plan Submission Document (2012). It is not considered that there are other material considerations which would outweigh current emerging and extant policies and support a decision contrary to policy in this case.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.104 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

RECOMMENDATION – REFUSE for the following reason, further reasons for refusal may be recommended at the committee should outstanding issues not be resolved.

1. The proposal, in particular the residential element of the development and the consequent loss of prestige employment land, is contrary to policies Hsg 5 and Ind 1 of the Hartlepool Local Plan (2006) and the overall spatial strategy and policies LS1, HSG 1 and EC1 of the Hartlepool Local Plan Submission Document (2012). It would jeopardise the delivery of the spatial strategy and result in the provision of residential development in a far less sustainable location. It would result in the loss of a significant area of prestige employment land to the detriment of the long term economic growth of the borough and subregion/region and would have the potential to undermine the delivery of housing in the more sustainable locations proposed in the Hartlepool Local Plan Submission Document (2012).

BACKGROUND PAPERS

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

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

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WYNYARD PARK



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:15000
Date : 6/9/13
H/2013/0033

No: 2
Number: H/2013/0378
Applicant: Mr William Rowntree c/o Bell Anderson Limited 264-266
Durham Road GATESHEAD Tyne & Wear NE8 4JR
Agent: The Shadbolt Group Mr Ian Carman 18 Bewick Road
GATESHEAD NE8 4DP
Date valid: 12/08/2013
Development: Demolition of day centre and erection of community day
centre, mixed use residential care and independent
supported living dwellings, associated car parking and
road layouts
Location: Havelock Day Centre Burbank Street HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 NONE

PROPOSAL AND SITE CONTEXT

2.3 The site to which this application relates is located on the corner of Burbank Street Mainsforth Terrace and Havelock Street, within a mixed use area with residential properties to the north and industrial development to the south. The site covers two areas, with one area currently occupied by an existing day centre 'The Havelock Centre' and the other a multi use games area (MUGA).

2.4 The proposal seeks consent for the demolition of the Havelock Day Centre and the erection of residential care bungalows, independent supported living units (ISL) and a day care/community building, including cafe, car parking and garden areas.

The development will be carried out in three phases:-

Phase 1 – the building of the new day care/community building

Phase 2 – Erection of 2 detached four bed residential care bungalows and 2 semi-detached two bed residential care bungalows.

Phase 3 – The demolition of existing Havelock Day Centre and the erection of 1 four bed residential care bungalow, 1 detached three unit ISL bungalow (apartment) and 1 detached five unit ISL bungalow (apartment).

2.5 The day centre will accommodate multiple uses, including specialist departments using the facility, including home care, learning disability, social work etc. The centre also provides a café/bistro for both users of the centre and the wider local community. Phase 2 and 3 of the development will provide residential premises offering varying levels of care.

PUBLICITY

2.6 The application has been advertised by way of site notice, press notice and neighbour letters (38). To date, there has been 1 letter of no objection.

The period for publicity has expired.

CONSULTATIONS

2.7 The following consultation replies have been received:

Traffic & Transportation – The proposed parking capacity and layouts are acceptable.

Engineering Consultancy – No objection subject to standard contamination condition being imposed.

Housing Services – No objection

Public Protection – This development is directly adjacent to commercial/industrial premises in Havelock Street and Pilgrim Street. I would therefore require a sound insulation condition to ensure that there is adequate protection to the habitable rooms of the residential elements of this development. The boundary wall to the Havelock Street/Pilgrim Street facades will need to be of a suitable height to give some protection to the garden areas from any noise impacts from the commercial operations opposite. I will require an extract ventilation condition to the Kitchens of the community day centre. The bar/bistro will probably require a licence under the Licensing Act 2003.

Landscape Planning – Although there are trees growing on this site, they amount to two ornamental cherries, a laburnum, a hawthorn, whitebeam and three hybrid poplars. Their condition is only average and although they do provide some limited visual amenity I would not regard these trees of significant quality for TPO status.

As part of this development, a new landscape scheme has been submitted and this should more than offset the loss of these 8 trees as it incorporates a significant increase in soft landscaping to what is there at the moment.

I have no objections to make on this application and consider that the details that have been submitted already have discharged any landscape conditions.

Ecology - The building does not meet the Councils criteria for requiring a bat survey prior to determination as it is located well away from any suitable bat habitat. However, as a precautionary approach, I inspected the building on 23rd August 2013

to look for any signs that bats had been using the building. These signs are usually in the form of their droppings which tend to collect on windows and walls below access points. No signs of bats were observed. It is therefore concluded that the risk that bats are currently roosting in the building is very low.

However there were a number of features on the building that bats could potentially access and bats are highly mobile and can turn up in any building which has suitable access points. Therefore by way of mitigation for the small risk of a bat taking up residence in the building the following measures should be conditioned:

1. Those features that a bat could potentially access should be carefully removed by hand. Specifically those features should be: The barge board around the roof; the wooden fascia above the door on the south side; the wooden fascia on the west side, where it meets the wall at the south side; all loose or broken hanging tiles and the hanging tiles immediately adjacent to them.

An informative should be issued with any permission informing the applicant of the statutory protection status of bats and what to do should bats or signs of bats be discovered during works.

Property Services – No objection. The scheme will bring regeneration benefits and enhance the area.

Cleveland Police – Access Control – Make various recommendations in relation to crime prevention and security.

Cleveland Fire Brigade – Cleveland fire Brigade offers no representations regarding the development as proposed.

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements

Further comments may be made through the building regulation consultation process as required.

Environment Agency – Comments awaited

Northumbrian Water – There is a public sewer rising main crosses the site and is shown built over in the application. Northumbrian Water will not permit a building over or within 6m to its apparatus. Diversion or relocation of the apparatus may be possible at the applicants full cost. Discussions are ongoing with the developer regarding the siting of the public sewer within their site boundary.

Hartlepool Water – No objection. Hartlepool Water has sufficient capacity in the local network to supply the proposed development.

PLANNING POLICY

2.8 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

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

GEP1: General Environmental Principles
 Development
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 Hsg5: Management of Housing Land Supply
 Hsg9: New Residential Layout – Design and Other Requirements
 Rec2: Provision of Play in New Housing Areas
 Tra14: Access to Development Sites
 Tra16: Car Parking Standards

Emerging Local Plan

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

LS1: Locational Strategy
 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

Regional Policy

2.11 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

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

development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

2.13 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 effect of the proposals on neighbouring properties and the surrounding area, highway safety/parking, ecology, landscaping, drainage and flooding, noise and disturbance.

POLICY

2.14 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 2012/12 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.

2.15 The site is part of the existing Havelock Day Centre and is located within an established residential area with industrial uses adjacent to the site. In policy terms the development is considered acceptable.

PLANNING OBLIGATIONS

2.16 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.

2.17 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 dwelling towards play provision to contribute towards the existing and future play/MUGA provision in the Burbank area which occupants could use.
2. £250.00 per dwelling towards green infrastructure to contribute towards green infrastructure maintenance and/or improvement schemes in the Burbank area with specific reference to the nearby recreation area which occupants could use.
3. £250.00 per dwelling towards built sports facilities to contribute toward build sports facilities in the Borough which occupants could use.

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

DESIGN/IMPACT ON THE STREET SCENE

2.19 The day centre/community facility is a two storey building which is accessed through a central atrium, with a wing either side. This building is of a modern contemporary design incorporating render, cladding, brick, tile and glass materials. The residential bungalows and ISL units are single storey and one of a conventional brick render and tile design. The design and appearance of the proposed buildings are considered acceptable in this location. It is considered that the buildings will have an acceptable impact upon the street scene and the area in general.

IMPACT ON THE AMENITY OF NEARBY PROPERTIES

2.20 The surrounding area is a mix of residential dwellings including flats and two storey houses, there are large commercial premises on Havelock Street and Lynn Street. The proposal exceeds minimum separation distances. It is considered that the proposed development will not unduly affect the amenity of the occupiers of the neighbouring properties in terms of loss of privacy, light, outlook or in terms of any overbearing effect.

2.21 It is not considered that the development will have a significant impact upon the commercial uses within the area. The Head of Public Protection raises no objection to the proposed works subject to an extract ventilation condition for the kitchens and bistro and adequate sound insulation measure to mitigate any potential noise transmission from the commercial/industrial units adjacent the development.

HIGHWAYS

2.22 The development provides 55 standard parking spaces and 14 disabled parking spaces. Traffic and Transportation have raised no objections to the level of parking provision provided and consider the parking layouts acceptable. In highway terms the proposal is acceptable.

ECOLOGY

2.23 The application site is not subject to any ecological designations however there are a number of features on the existing Havelock Centre which is to be demolished that bats could potentially access. It would be prudent to impose a condition outlining mitigation for the small risk of a bat taking up residence in the Havelock building.

LANDSCAPING

2.24 There are eight trees on site which will be removed. The Council's Arborist does not consider these trees are of significant quality for TPO status. Therefore there are no objections to the removal. The proposed development provides a significant increase in soft landscaping to the area which is considered acceptable in landscape terms.

DRAINAGE

2.25 Northumbrian Water (NWL) and Hartlepool Water have been consulted on the application. Initial responses from NWL raised concerns with the proposed development being close to a public sewer rising main, the developer is in negotiations with NWL to tackle this issue. It is proposed that an informative be added to.

FLOODING

2.26 The site lies within a Flood Risk Zone a flood risk assessment has been submitted with the application. This recommends that floor levels and part of the site be set at an appropriate level with a footpath link to the higher ground to deal with any risk of flooding. The Environment Agency has been consulted and comments are awaited,

EQUALITY AND DIVERSITY CONSIDERATIONS

2.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.29 There are no Section 17 implications.

REASON FOR DECISION

2.30 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 subject to the comments of the Environment Agency.

RECOMMENDATION – APPROVE subject to no objections received from the Environment Agency the completion of a legal agreement securing the developer contributions of £4,000 each for play green infrastructure and built sports (£12,000 in total) and conditions. The condition will be covered in an update report to follow.

BACKGROUND PAPERS

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

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

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BURBANK COURT



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:2000
Date : 6/9/13
H/2013/0378

No: 3
Number: H/2013/0311
Applicant: Mr Graham Frankland Civic Centre Victoria Road
HARTLEPOOL TS24 8AY
Agent: Hartlepool Borough Council Steven Wilkie Bryan Hanson
House Lynn Street Hartlepool TS24 7T
Date valid: 08/07/2013
Development: Hybrid planning application comprising: Full application for erection of 3G pitch and associated 4.5m fencing, 8 x 15m floodlights and footpaths; change of use of 1164m² of floor space from school (D1) to offices/conference facilities (B1a); change of use of 75m² from school (D1) to office space (B1); change of use of 160m² of floor space from school kitchen (D1) to industrial catering (B2); creation of additional 0.74ha of playing fields and erection of 2.4m high fencing. Outline application for the erection of up to 107 dwellings with all matters reserved. Outline application for single storey swimming pool with all matters reserved.
Location: FORMER BRIERTON SCHOOL SITE CATCOTE ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The Brierton School site has been the subject of a number of planning applications. These include a number of applications relating to the development of part of the site as a community based sports complex, which establishes a planning use for the further development of the Sports and Recreation hub. In addition, the provision of the current site boundary fence can be identified within a number of related applications. The demolition works for south west school buildings and the selective demolition around the main site are also covered. The most recent and relevant applications relating to the Brierton site are identified below:

Planning reference: HOUT/1996/0374

Application type: Outline Application

Description: Alterations and extensions to provide additional sports/changing facilities, provision of sports arena, swimming pool, all weather pitch and additional car parking for school and community use

Status: approved

Planning reference: HFUL/1997/0316

Application type: Full Application

Description: Installation of telecommunications base station comprising antennae and equipment cabinets on roof

Status: approved

Planning reference: HHDC/1999/0493

Application type: Outline Application

Description: Outline application for the erection of a community sports complex, provision of floodlit all weather football and netball pitches, provision of floodlights to 4 existing netball courts and a new coach and car park

Status: approved

Planning reference: HRES/2000/0525

Application type: Reserved Matters Approval

Description: Approval of reserved matters for the erection of a community sports complex, floodlit all-weather football and netball pitches and a new coach and car park

Status: approved

Planning reference: HHDC/2002/0057

Application type: Full Application

Description: Repositioning and provision of replacement CCTV camera and equipment and provision of CCTV camera and equipment

Status: approved

Planning reference: HHDC/2003/0542

Application type: Full Application

Description: Erection of a 2.4m high perimeter fence

Status: unstated; assumed withdrawn

Planning reference: HHDC/2003/0917

Application type: Full Application

Description: Erection of 2.4 metre high mesh type perimeter fencing

Status: approved

Planning reference: HHDC/2004/0578

Application type: Variation of Conditions

Description: Removal of condition 5 attached to planning approval H/HDC/917/03 requiring removal of existing fence

Status: approved

Planning reference: H/2010/0596

Application type: Demolition Determination

Description: To determine whether the prior approval of the Local Planning Authority is required for the demolition of the former caretaker's bungalow

Status: approved

Planning reference: H/2010/0010

Application type: Outline Major Application

Description: Outline application for the erection of new school

Status: approved

Planning reference: H/2010/0015

Application type: Environmental Impact Assessment Screening

Description: Erection of school

Status: EIA not required

Planning reference: H/2012/0502

Application type: Demolition Determination

Description: Prior notification for the method of demolition of the former Brierton School (top site)

Status: approved

Planning reference: H/2013/0050

Application type: Demolition Determination

Description: Prior notification for the method and demolition of former school buildings (bottom site)

Status: approved

PROPOSAL AND SITE CONTEXT

3.3 The site is an area of Borough Council owned land bounded by Brierton Lane to the south, Catcote Road to the east and residential areas to the north and west. The site formerly housed Brierton Lane Secondary School until it was closed in 2008/9. The site incorporates the Brierton Community Sports Centre use and the recently consented Catcote Futures scheme underway to the south of the site, encompassing an extended and refurbished caretaker's bungalow and one of the retained building complexes. Scallywag's day nursery also operates from one of the existing building in proximity to the sport centre area.

3.4 The wider school site covers approximately 15.5 hectares of land, with the majority of this (8.6ha) consisting of playing field land and sports facilities. This site is located within a well established residential community and is located to the west of Catcote Road which is one of the main north-south routes through Hartlepool. The site lies in close proximity to Brierton Lane shops and Health Centre and is also in close proximity to shops and facilities along Catcote Road.

3.5 The proposals cover the following main works and changes of use, including where relevant an indication of the size of any development and whether this relates to new construction or change of use:

- **Sports and Recreation** – Improvement works to existing playing fields including drainage improvements and rationalisation of layout (no area change).
- **Sports and Recreation** – Creation of additional playing field area following reinstatement of demolition sites (approximately 7,412m² or 0.74ha).

- **Sports and Recreation** – Creation of a new full sized 3G Artificial Turf Pitch, including 4.5m high ball stop fencing, 8 no. 15m high floodlighting columns and associated footpath connections (8,389m² or 0.84ha).
- **Sports and Recreation** – Outline consent sought for a single storey swimming pool development to the north east of the sports centre with a footprint of 30m x 50m (1,500m² or 0.15ha).
- **Sports & Recreation** – Associated office/administration space for Sports & Recreation staff utilising 75m² of existing internal space (requiring change of use). No external construction is required.
- **Sports and Recreation** – Realignment of fencing to the maintenance access point south west of the sports centre (approx. 56Lm to realign plus 20Lmn of new fencing; all 2.4m high, twin wire weldmesh in RAL 6005 green).
- **Sports and Recreation** – Realignment of fencing to the maintenance access from Catcote Road (approx. 36Lm to realign plus 53Lmn of new fencing; all 2.4m high, twin wire weldmesh in RAL 6005 green).
- **Education Development Centre (EDC)** - Change of use of approximately 1,164m² of existing school internal floorspace from education institution use (D1) to office use (B1(a)) including a conference facility and a number of meeting rooms which can also be utilised for staff training events. No external construction is required.
- **Pupil Referral Unit (PRU)** – No change of use is required for the approximately 1,440m² of existing school internal floorspace to be used as teaching space for this specialist facility for assisting students disaffected by regular schooling. No external construction is required.
- **Function Catering** – the relocation of the Function Catering team will require a change of use of the existing 160m² of school kitchen to 'general industrial' (B2) use with an associated ancillary use of a cafeteria type function provided through the intended re-use of the existing kitchen service hatch. No external construction is required.
- **Housing site** – Outline consent sought for the approval in principle of the use of the western limits of the Brierton site for use as a future housing development for the erection of up to 107 dwellings with all matters reserved. The housing site is approximately 32,586m² (3.26ha) in size, with 16,817m² (1.68ha) of this comprised of former school development undergoing demolition (Brownfield land) and 15,769m² (1.58ha) of playing field land.

PUBLICITY

3.6 The application has been advertised by way of neighbour letters (309). To date, there has been 1 letter received raising no objection.

3.7 The period for publicity has expired.

CONSULTATIONS

3.8 The following consultation replies have been received:

Engineering Consultancy Section - For the outline housing element only, I would request my standard contamination condition on the application. I note that surface water is to be discharged to main sewer; therefore I do not have any further comments.

Countryside Access Officer - There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by development of this site

Tees Archaeology - The planning application and the Geophysical Survey cover two distinct development proposals. The first is the proposed installation of a 3G pitch and the second the allocation of an area of land for housing development with all matters reserved.

3G Pitch

The Geophysical Survey shows extensive recent activity in this area and no indication of any features of archaeological interest. On this basis we do not believe that there is any need for any further archaeological work in relation to this development proposal.

Land allocated for housing

The Geophysical Survey in this area shows far less modern interference and demonstrates the prior existence of medieval ridge and furrow. It has also identified a number of circular or sub-circular features which would warrant a programme of archaeological evaluation prior to any development taking place. Our view is that while these features are of archaeological interest they are unlikely to be of sufficient importance to make a significant impact on the development and that in this case they can be adequately dealt with as a reserved matter and through a condition.

Traffic and Transportation - There are no general objections to the site being used for housing, however a full application will require both a Transport Assessment and Travel plan to assess the impact on the nearby highway network.

Houses fronting onto Brierton Lane have parking at rear; residents don't like to leave their vehicles out of sight and will park on Brierton Lane unless parking is restricted. Ideally these houses should have the fronts facing onto the estate road.

The 2 houses fronting onto Brierton Lane should be repositioned to allow driveways to be accessed from Brierton Lane.

S bend will undoubtedly cause road safety issues - will require swept path analysis for Refuge vehicles / Fire appliance.

Brierton Lane is to be widened as part of South Western extension; this development should be able to accommodate this. A 3 metre strip has been reserved.

First junction into estate from Brierton Lane should be sighted a minimum 40 metres from Brierton Lane.

All roads and footpaths should be constructed in accordance with the HBC design guide and specification using either an advanced payment code or section 38 agreement.

Non residential development

The proposed non residential element of the application will have a reduced impact in traffic terms than the previous use.

The parking requirement for these uses are as follows.

Football Pitches = 1 space per 2 patrons = $25 / 2 = 12.5 \times 4 = 50$ spaces

Small Pitch = 1 space per 2 patrons = $14 / 2 = 7 \times 6 = 42$ spaces

Swimming Pool = 1 space per 22m² pool = $20 \times 10m = 200 / 22 = 9$ spaces

Staff = 2 spaces

Leisure Centre = 1 space per 22m² = $30 \times 25 = 750m^2 / 22 = 34$ spaces.

staff = 1 space per 3 members of staff = $10 / 3 = 3$ spaces,

1 coach space minimum

EDC and PRU staff = 55 + 10 Kitchen 1 space per 2 staff = 32 spaces

Total = 172 parking spaces (including 6%) disabled

15 cycle spaces

Minimum 1 coach space

It is likely that parking will be restricted on Brierton Lane following implementation of South Western Development. Therefore it is essential that parking requirements are upheld and over supply would be preferable. All car parks should be accessible to all facility users.

The proposed development has a total of 173 parking spaces; this will be able to accommodate the needs of the non residential element of the site.

Following the submission of the comments outlined above a Transport Assessment has been submitted. The Traffic and Transportation Section were asked to provide further comment with regard to the Assessment submitted. The following comments were received:

The attached Transport Assessment is fairly limited in scope and does not assess the impact on the Catcote Road / Brierton Lane junction.

Notwithstanding this we have access to previous modelling work which provides details on the capacity of the junction. This modelling indicates that there is sufficient capacity left in the junction to accommodate the development. There are therefore no highway or traffic concerns with siting of a housing development in this location.

The proposed non housing element of the scheme will generate less vehicle journeys than the previous use as a school.

Environment Agency - We have no objections to the proposal as submitted, and consider the proposed development will be acceptable subject to the development being constructed in accordance with the Flood Risk Assessment.

Public Protection - No objections to this application subject to the floodlighting to the ATP being installed in accordance with the supporting documentation submitted with the application.

Hartlepool Water – The existing supply arrangements to the former school may not be suitable to the proposed re-development.

The proposed erection of 107 dwellings will require a full detailed design. Any changes to the internal pipework of the buildings will require full submission of drawing and fittings schedules for approval.

I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed developments.

We have no objections to this development.

Northumbrian Water - The application has been examined and Northumbrian Water Ltd has no objections to the proposed development provided that a condition with regard to surface water drainage is imposed upon any permission granted:

Sport England - It is understood that the site forms part of, or constitutes a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement.

Sport England has therefore considered the application in the light of its playing fields policy. The aim of this policy is to ensure that there is an adequate supply of quality pitches to satisfy the current and estimated future demand for pitch sports within the area. The policy seeks to protect all parts of the playing field from development and not just those which, for the time being, are laid out as pitches. The policy states that:

“Sport England will oppose the granting of planning permission for any development which would lead to the loss of, or would prejudice the use of, all or any part of a playing field, or land last used as a playing field or allocated for use as a playing field in an adopted or draft deposit local plan, unless, in the judgement of Sport England, one of the specific circumstances applies.”

Reason: Development which would lead to the loss of all or part of a playing field, or which would prejudice its use, should not normally be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country.

This is a complicated hybrid application which involves the loss of some playing field at the western side of the site to residential development. To compensate, new playing field is to be created through the demolition of redundant former school buildings and the development of a new artificial grass pitch at the eastern end of the site.

The end result would be that there was a minor net loss of playing field at the site.

Sport England's exceptional circumstance E4 requires that;

'The playing field or fields to be lost as a result of the proposed development would be replaced, prior to the commencement of development, by a new playing field site or sites:

- Of equivalent or better quality and*
- Of equivalent or greater quantity;*
- In a suitable location and*
- Subject to equivalent or better management arrangements.'*

Strictly speaking the proposal does not meet exceptional circumstance E4 as there is a minor net loss of playing field.

Sport England has consulted with the Football Association to gain their view of the proposal's overall impact on football. They have advised that;

The FA has agreed to fund the 3G Football Turf Pitch (FTP) via the Football Foundation. The pitch has been designed to meet our technical standards and the business plan, usage plan and football development plan have all been agreed. The site is the home of Greatham Youth FC and they are the key partner for this project.

The site is a key multi pitch football site within Hartlepool and has been identified within the council's Playing Pitch Strategy as the best location for an additional 3G FTP. The profit generated from the pitch will be ring fenced to help sustain the natural turf pitch maintenance on the site.

The council are also improving the quality of some of the natural turf pitches with the help of a Sport England protection of playing fields grant.

The FA is fully supportive of the application.

In light of the above I am satisfied that the gains to playing field quality, and the benefits they will bring to football are sufficient to mean that the minor loss in the quantity of playing field is not material to Sport England.

It is our understanding from the funding timescales for the playing field improvements and the provision of the AGP that the replacement playing field will be in place before the western area of playing field is lost to residential development.

This being the case, Sport England does not wish to raise an objection to this application, **subject** to the following condition(s) being attached to the decision notice (if the Council are minded to approve the application):

The new playing pitches outlined on blue on drawing no701/56F L010 Rev C shall be constructed and laid out in accordance with the standards and methodologies set out in the guidance note "Natural Turf for Sport" (Sport England, 2011), and shall be made available for use before first use prior to the commencement of the residential development

Reason: To ensure the quality of pitches is satisfactory and they are available for use in accordance with Sport England's playing field policy.

Council's Arborist - The full application part of the proposal involves the removal of 19 mature Norway Maple trees and 3 mature Hybrid Poplar trees from the Catcote Road entrance driveway in order to accommodate the proposed artificial turf pitch.

Although the loss of the Norway Maple trees from the site is considered regrettable, it is considered that the resulting loss of amenity is outweighed by the benefits of creating the proposed artificial turf pitch and also mitigated by the planting of new trees to the boundaries of the site. The Hybrid Poplar trees have previously been lopped and topped, therefore due to their poor condition their removal would be considered prudent in any case, and given this circumstance I would recommend that the remaining Hybrid Poplar tree is also removed.

The majority of the existing trees to the Catcote Road boundary will be protected during development works by the retention of the existing perimeter fencing (as is mentioned in the design and access statement), however there are a small number of trees that will not be protected by the existing perimeter fencing and therefore these should be protected by the erection of temporary protective barriers during development works. The submission of details for the erection of the temporary protective barriers should be secured by a suitably worded condition.

With regard to the outline part of the proposal, there are no existing trees within the proposed housing site. Landscaping details will be required as part of a reserved matters submission.

Natural England – No objections

Cleveland Fire Brigade – Offers no representations

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 Principles
GEP2 – Access for All
GEP3 – Crime Prevention by Planning and Design
GEP9 – Developer Contributions
Rec4 – Protection of Outdoor Playing Space
Hsg9 – New residential layout – Design and other Requirements
Tra16 – Car parking standards
Tra20 – Travel Plans

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:

Policy CC1 – Climate Change
Policy CC2 – Energy Efficiency
Policy TR1 – Strategic Transport Network
Policy ND1 – Planning Obligations and Compulsory Purchase Order
Policy ND2 – Community Facilities and Services
Policy ND4 – Design of New Development
Policy HSG1 – New Housing Provision
Policy HSG5 – Affordable Housing
Policy LT1 – Leisure and Tourism
Policy NE1 – Green Infrastructure

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.

Para 12 – Development Plan is the starting point for decisions unless other material considerations indicate otherwise

Para 14 – Presumption in favour of sustainable development

Para 17 – bullet 8 – re-use previously developed land

Para 47 – Delivering a wide choice of high quality homes

Para 50 – wide choice of high quality homes - all three bullet points

Para 56 – Requiring good quality design

Para 74 – Building on playing fields – loss of playing fields should be replaced by equivalent or better provision.

Para 96 & 97 – comply with requirements for decentralised energy supply and ways to minimise energy consumption in new developments. Help to increase the use and supply of renewable and low carbon energy

Para 186 – Decision taking in an appropriate way

Para 203 – Planning Conditions and obligations

Para 216 – Weight of emerging policies

PLANNING CONSIDERATIONS

3.14 The main issues for considerations in this instance are the appropriateness of the proposals in relation to the relevant development plan policies and in particular the impact of the development on the amenity of surrounding residents, the impacts on the existing playing fields and sports facilities, the effect on the highway network, drainage and flooding issues and developer contributions.

PRINCIPLE OF THE DEVELOPMENT

3.15 The Hartlepool Local Plan (2006) forms part of the Development Plan and is still the overriding consideration for determining planning applications. However, the 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 Inspector has noted that he is happy that other elements of the Plan can be modified where necessary to make the plan sound. Therefore it is considered that the policies within the emerging 2012/2013 Local Plan hold significant weight when determining planning applications.

3.16 Policy Rec4 of the 2006 Local Plan and policy NE1 of the Emerging Plan look to protect and improve the playing pitch provision within the town. As a result of this development there will be a loss of playing field space in quantity terms but a significant improvement in qualitative terms through the creation of the new 3G pitch and drainage improvements. Sport England have raised no objections to the proposals as the loss of the land in the west of the site that is currently playing field

is compensated for by the new playing field created including the new 3G football pitch. Given the above, the Local Planning Authority is satisfied that in principle housing on the western end of the site is acceptable. The further works including the change of uses and the outline consent for the swimming pool are all also considered to be acceptable forms of development in line with the policies and proposals contained within the Development Plan.

RESIDENTIAL AMENITY AND DESIGN

3.17 It is considered that the layout, design and appearance of the works seeking full planning approval, including the artificial turf pitch with floodlighting and all proposed fencing, the works to the existing playing pitches are all acceptable and are unlikely to have any significant impact upon the amenities of the occupants of neighbouring properties. The design and appearance of the proposals are all considered to be acceptable and will assimilate into the wider area. The scale of the works is also considered to be appropriate. It is considered that the proposed design and layout of the scheme is acceptable in the context of its surroundings and is unlikely to detract from the visual amenities and character of the area.

3.18 The proposed changes of uses are all considered to be acceptable upon the site. There are ample separation distances associated with the proposed buildings to which the changes of uses are sought as well as the proposed artificial turf pitch towards the closest neighbouring properties. With regard to the proposed flood lighting the Council's Head of Public Protection has raised no objections subject to it being installed in accordance with the supporting documentation submitted with the application. An appropriately worded condition has been suggested.

3.19 The proposed boundary fence will assimilate into the wider area and the existing boundary fences upon the site, in terms of design it is a typical boundary fence used to enclose such uses and facilities. It is not considered that the fencing will create any detrimental impact upon the living conditions of the existing neighbouring properties in the vicinity or future occupiers of the housing upon the site to which this permission is also seeking outline approval.

3.20 It is not considered that the works as a whole seeking full planning consent will detrimentally impact upon the amenities of the area to a level whereby the Local Planning Authority could sustain a refusal.

3.21 The indicative layout for the outline part of the site shows separation distances in accordance with the guidance outlined in the Hartlepool Local Plan 2006. Separation distances in excess of 20m to those existing properties on Brierton Lane have been demonstrated. It is acknowledged, however, that layout is a reserved matter, and the detail of those relationships would be for consideration at reserved matters stage.

3.22 Further to the above, outline consent is also sought for a single storey swimming pool development to the north east of the sports centre with a footprint of 30m x 50m. The siting of the proposed swimming pool is considered acceptable, notwithstanding this, as per the housing layout, the layout, design and appearance of the outline proposals would all be considered at reserved matters stage.

IMPACTS UPON EXISTING PLAYING FIELDS AND SPORTS FACILITIES

3.23 It is considered that the proposed works will result in the retention and improvement of much of the site's playing field area as high quality pitches along with the existing Brierton Community Sports Centre indoor facilities and the addition of a 3G Artificial Turf Pitch. It is considered the proposed works will further develop Brierton as a Sports and Recreation hub. In addition the application seeks to establish outline approval for the location of a single storey swimming pool building. The playing field area will be utilised to provide pitches in accordance with the need determined in the Playing Pitch Strategy 2012 (PPS), ensuring that adequate space provision is made for all pitches to be relocated annually to reduce wear and tear on heavy use areas such as goal mouth. It is considered that the proposed works will significantly improve the quality of pitch surfaces and reduce maintenance costs. The results of the Playing Pitch Strategy 2012 have effectively determined the nature of the required sports improvements at Brierton, as proposed.

3.24 With regard to the proposed works Sport England are satisfied that the gains to playing field quality, and the benefits they will bring to football are sufficient to mean that the minor loss in the quantity of playing field is acceptable subject to new playing pitches being made available for use prior to the commencement of the residential development (as proposed in outline form).

3.25 Given the above, it is considered by officers that the minor loss in the quantity of playing field by way of the proposals is acceptable giving the wider benefits the scheme will bring to the area and the Borough as a whole.

HIGHWAY SAFETY

3.26 The proposed highway impacts of the part of the proposals for which full planning consent is sought are considered acceptable. The Council's Traffic and Transportation Section have stated that the proposed non residential element of the application will have a reduced impact in traffic terms than the previous use. The Section have further advised that the parking requirements for the proposed developments would be 172 spaces, with 15 cycle spaces and 1 coach park space provided. Given that the proposed development has a total of 173 parking spaces it is considered that this will accommodate the parking requirements of this element of the scheme. A suitably worded planning condition can be imposed on any approval requiring the parking, cycle and coach spaces provided to be retained for the lifetime of the development. It is also considered prudent to state that the Traffic and Transportation Section have stated that the proposed non housing element of the scheme will generate less vehicle journeys than the previous use as a school.

3.27 In terms of the proposed outline housing, the Traffic and Transporting Section have advised that there are no general objections to the site being used for housing. Some general comments have been received regarding the layout. Given that the housing plan is only indicative it is considered that any layout issues can be considered at reserved matters stage. The Traffic and Transportation Section have also considered a Transport Assessment which has been submitted in support of the application. Whilst the Section have stated that the Assessment provided is fairly

limited in scope and does not assess the impact on the Catcote Road / Brierton Lane junction the Section have advised that they access to previous modelling work which provides details on the capacity of the junction. This modelling indicates that there is sufficient capacity left in the junction to accommodate the development. The Traffic and Transportation Section have stated that there are therefore no highway or traffic concerns with siting of a housing development in this location.

3.28 The Traffic and Transportation Section have advised that Brierton Lane is to be widened as part of South Western extension and that this development should retain a 3m wide strip of land for any future road improvements works upon the Brierton Lane Boundary. A suitably worded planning condition can be attached with regard to this.

3.29 It is considered that the proposals as a whole will not give rise to levels of vehicular traffic which would detrimentally impact upon the capacity of the surrounding highway network.

DRAINAGE AND FLOODING

3.30 Northumbrian Water, Hartlepool Water, The Environment Agency and The Councils Engineering Consultancy Section all have no objections to the proposal in terms of drainage. Notwithstanding this, Northumbrian Water have requested that a condition be imposed with regard to details of surface water drainage have been submitted and agreed in writing by the Local Planning Authority. A suitably worded planning condition can be attached with regard to this.

3.31 In terms of flooding the Environment Agency have raised no objections to the proposal subject to the development being carried out in accordance with the Flood Risk Assessment (as submitted) and the mitigation measures outlined within it, a suitably worded planning condition has been suggested by the Environment Agency with regard to this.

DEVELOPER CONTRIBUTIONS

3.32 The Borough Council seeks contributions from developers for the provision of additional works deemed to be required as a result of development on the basis of Local Plan policy. 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 within a development site, the developer will be required to make a financial contribution to provide or maintain it elsewhere within the surrounding area.

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

1. £250.00 per dwellinghouse towards off site play provision;
2. £250.00 per dwellinghouse towards built sports facilities within the locality;
3. The completion of a targeted training and employment charter.

OTHER ISSUES

3.34 Tees Archaeology has advised that the Geophysical Survey for the proposed housing site demonstrates the prior existence of medieval ridge and furrow. Given this Tees Archaeology have advised that the features present would warrant a programme of archaeological evaluation prior to any development taking place. A suitably wording planning condition can be attached in this regard.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.37 There are no Section 17 implications.

REASON FOR DECISION

3.38 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 – Minded to APPROVE subject to a S106 legal agreement to secure contributions as outlined in the report with the final decision delegated to the Planning Services Manager to agree the final wording of conditions anticipated to include the following areas:

1. Timing of the development
2. Plans and details
3. Finishing materials
4. Removal of permitted development rights relating to the residential development
5. Landscaping
6. Landscape Timing
7. Surface water drainage scheme
8. Construction management plan
9. Scheme to minimise energy consumption
10. Maximum number of dwellings on outline element
11. Ground contamination
12. The development being carried out in accordance with the Flood Risk Assessment
13. The floodlights being installed in accordance with the details provided
14. A 3m buffer being retained upon Brierton Lane for future highway works
15. The uses and amount of floorspace for each use proposed being restricted
16. Cycle parking
17. Coach parking

18. Car park layout approved being retained and available for such use for the lifetime of the development
19. The playing pitches being made available on site prior to the commencement of the residential development
20. A programme of archaeological evaluation prior to any development taking place on the housing site
21. Surfacing materials of all roads and footpaths
22. Details of storage container in association with artificial turf pitch
23. Hours condition with regard to the floodlights
24. Affordable housing provision
25. Maximum heights of dwellinghouses limited to two and a half storey
26. Details of the emergency access
27. Details of the access onto Brierton Lane
28. Travel Plan

BACKGROUND PAPERS

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

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

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BRIERTON SCHOOL, BRIERTON LANE



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

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Scale: 1:3000
Date : 6/9/13
H/2013/0311

No: 4
Number: H/2013/0356
Applicant: PERSIMMON HOMES LTD (TEESSIDE) BOWBURN
NORTH INDUSTRIAL ESTATE BOWBURN DURHAM
DH6 5PF
Agent: Persimmon Homes (Teesside) Persimmon House
Bowburn North Industrial Estate BOWBURN Durham DH6
5PF
Date valid: 22/07/2013
Development: Erection of 30 dwellinghouses, associated infrastructure,
landscaping and car parking
Location: FOGGY FURZE BRANCH LIBRARY STOCKTON ROAD
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 None

PROPOSAL AND SITE CONTEXT

4.3 The site to which this application relates is located to the north of Stockton Road in a residential area. The site is bounded by residential properties on Caledonian Road to the east, Beachfield Drive to the north and Stockton Road, to the west boundary is the Greenside's public house.

4.4 The site previously housed the Foggy Furze library, bowling green and tennis courts. The bowling green ceased operation at the end of the 2011 bowling season with members transferring to other clubs within the town. The library was demolished in 2012. The tennis court hard standing remains but is not in use. The site has 28 trees which are protected by a tree preservation order along the western boundary and the southern boundary.

4.5 The proposal seeks consent for the erection of 30 dwellings, together with associated road, infrastructure and landscaping.

4.6 The development proposes a mix of detached, semi detached and terraced properties ranging from 2 and 3 storeys which consist of 19 x 3 bed dwellings and 11 x 4 bed dwellings. 3 of the 3 bed dwellings will be of an affordable tenure.

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

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (47), site notices (x3) and press notice. To date, there have been 7 letters of objection and 1 letter of comments. The concerns raised are:

- 1 The height of three storey properties to rear of our property
- 2 Impact on light
- 3 Traffic noise and block light
- 4 Overlooking
- 5 Extra traffic would cause congestion
- 6 We live in a bungalow unfair to put houses to rear
- 7 Concerns with traffic and parking over driveway
- 8 The development in Tanfield Road and this development will put excessive strain on local infrastructure the pressure on the roads system with extra vehicles will cause serious congestion problems.
- 9 The existing roundabout system in Stockton Road is already dangerous obstacle, if development goes ahead serious consideration should be given to modifying this junction.
- 10 The site is too close to a primary school and will create unacceptable levels of traffic.
- 11 Possible anti-social behaviour could increase because of more people using the Greenside public house.

Copy Letters D

The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

Traffic & Transportation – The carriageway should be a minimum 4.8 metres wide with 3 x 90 metre sight lines and 6 metre radii at the Stockton Road junction. The proposed layout conforms with these requirements.

There should be a minimum provision of 2 parking spaces per property and 1 space per property for social housing, 57 spaces have been provided for 30 properties. The site includes an element of social housing, therefore the site meets the requirements for parking provision.

Pre-sight inspection of the footway and carriageway on Stockton Road to be undertaken and any repairs to be carried out to the Highway following the completion of the scheme.

All roads and footways to be constructed to HBC design guide specifications either by section 38 agreement or advance payment code.

There's an existing bus stop on Stockton Road immediately southwest of the proposed access, the bus stop will have to be relocated including low floor infra structure to a more suitable location.

The provision of 30 houses in this location will have a low impact on the surrounding highway network.

Parks & Countryside – No objection

Engineering Consultancy – No objection subject to standard contamination condition0.

Landscaping Planning – As with most schemes such as this my concern is focused on compatibility between trees and any proposed new structures and layout. The information provided includes a detailed arboricultural report which identifies the current status of the trees on the site together with recommendations where special precautions need to be taken where work will be carried out within the root protection area.

There are trees near to the entrance that will need to be removed to accommodate the access road into the site and this is regrettable. That said most of the other trees which are to remain are all on a Tree Preservation Order (TPO no. 204) and it is unlikely that there will be any loss of visual amenity.

Providing that the recommendations contained within the arboricultural report are adhered to I have no further issues to raise therefore I have no objections to make on this application.

Public Protection – No objections subject to the provision of an acoustic fence along the boundary with the Public House and its car park.

Environment Agency – No objection

Northumbrian Water – No objection

Hartlepool Water – No objection, there is sufficient capacity in the local network to supply the proposed development.

Cleveland Police – It is recommended to restrict access to the rear of properties that all boundaries that back on to a public area to these areas are protected by Fence type C. I would also recommend that a 200mm box trellis is fitted to the top of this type of fencing. I have noted that the boundaries to the side of plots 25 and plot 15 do not give indication of the fence type. These require to be Fence type C with a trellis topping.

Side gates to all properties should be fitted as close to the front building line as possible with the capability of been securely locked. The access path to the rear of

plots 4, 5, 6 should also have a secure gate fitted to prevent unauthorised access to the rear of these properties.

I attached a copy of Secured by Design application and checklist and would recommend that the development seeks to achieve this standard for security for residential properties. I see no reason why this development cannot achieve Secured by Design with regard the layout of the development the relevant section for New Homes can be found on the website.

Although not a requirement of Secured by Design I recommend that consideration is given to use lead replacement material particular to areas that are easily accessible such as porch roofs to prevent the theft of valuable metal which is still a problem in this area.

Cleveland Fire brigade – Cleveland Fire Brigade offers no representations regarding the proposal. However access and water supplies should meet the requirements as set out in approved document B part1 (dwellings) of the building regulations.

Sport England – comments awaited

Tees Archaeology - I have checked our records and there are no known archaeological sites in the area indicated. The former library building was of historic interest but has now been demolished.

I therefore have no objection to the proposal and have no further comments to make.

PLANNING POLICY

4.10 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
GEP12: Trees, Hedgerows and Development
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP9: Developers Contributions
Hsg5: Management of Housing Land Supply
Hsg9: New Residential Layout – Design and Other Requirements
Rec2: Provision for Play in New Housing Areas
Rec4: Protection of Outdoor Playing Space
Tra14: Access to Development Sites
Tra16: Car Parking Standards
Tra20: Travel Plans

Emerging Local Plan

4.11 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
 CC4: Flood Risk
 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

Regional Policy

4.12 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

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

Paragraph 7: Presumption in Favour of Sustainable Development – three dimensions

Paragraph 13: The National Planning Policy Framework constitutes guidance

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 and its contribution to sustainable development

Paragraph 57: High quality inclusive design

Paragraph 60: Promotion or reinforcement of local distinctiveness

Paragraph 61: The connections between people and places

Paragraph 64: Good Design

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

4.14 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 and surrounding area, the design of the development, highway safety, drainage, landscaping and trees.

4.15 Discussions are ongoing with regard to developer contributions and key consultation responses are awaited. On that basis it is considered prudent to provide a full update report prior to the meeting.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.16 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.17 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.

There are no Section 17 implications.

RECOMMENDATION – UPDATE TO FOLLOW

BACKGROUND PAPERS

4.18 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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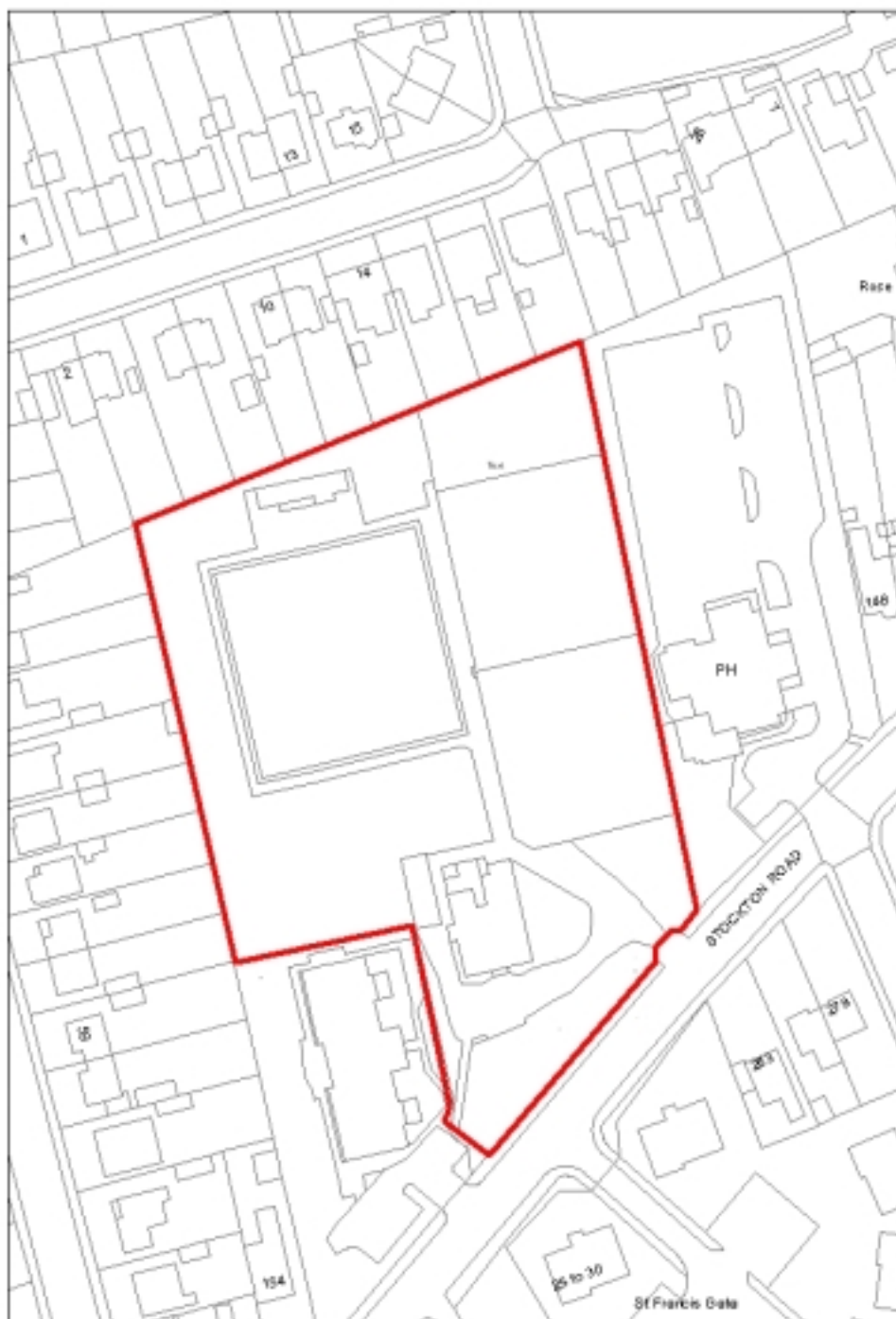
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FOGGY FURZE



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:1000
Date : 6/9/13
H/2013/0356

No:

5

Number: H/2013/0287
Applicant: Mr Dale Clarke Bryan Hanson House Hanson Square
HARTLEPOOL TS24 7BT
Agent: Mr Dale Clarke Hartlepool Borough Council Bryan
Hanson House Hanson Square TS24 7BT
Date valid: 02/08/2013
Development: Change of use to single dwellinghouse including alteration
to form access from Elwick Road and provision of
boundary fencing
Location: Park Lodge Ward Jackson Park Park Avenue
HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL AND SITE CONTEXT

5.2 The Lodge is located at the south-east corner of the park. It is situated inside one of the two main entrances to the park (the other being to the north end of Park Avenue). The entrance allows for both pedestrian and vehicular access.

5.3 The Park is grade II listed on the English Heritage Register of Historic Parks and Gardens due to its special historic interest. Ward Jackson Park is also part of the Park Conservation Area.

5.4 The park was developed in memory of Ralph Ward Jackson, a local industrialist, who was one of the benefactors and founding fathers of West Hartlepool. Late in life he fell into financial troubles and a fund was set up by the townspeople in acknowledgement of what he had done for the area to support him. Following his sudden death, it was decided that the money should go to a public park to be named in his honour. Opened in July 1883, to a design by the son of the Town Surveyor, Mathew Scott the park covers 7ha.

5.5 The Lodge is a grade II listed building. Built as the Park-Keeper's Lodge in 1883 it was designed by Henry Suggitt, Park Manager. The building was constructed in brick with sandstone ashlar dressings and rusticated quoins at angles. The roof is covered in Welsh slate with stone gable copings and kneelers, finished with decorative metal finials.

5.6 The proposal is to change the use of the dwelling including alterations to form two access points from Elwick Road and provision of boundary fencing.

PUBLICITY

The application has been advertised by way of neighbour letters (5) site notice (2) and press notice. To date, there have been circa 400 letters of objection received.

The concerns raised include:

1. The property is unsuitable for conversion.
2. A drive way opening onto Elwick Road means both cars travelling East and West will have little notice of any vehicles exiting the property. This of course carries its danger of collision but will also make emerging from Park Avenue more dangerous.
3. The building was gifted to the people of the town.
4. It is unethical to take something from the people and give it to the highest bidder. It is part of Ward Jackson Park. If it is not it changes the use of the park. The park is for public use.
5. Local groups have offered many times to help turn the building over to more community use.
6. This area is awash with middle class private dwellings but the problems is this Park although in a relatively affluent area serves people from all over the town as Ralph Ward Jackson intended – but it lacks communal indoor space. If this building was used closer to intention it would either be the park keeper's residence or if that use is surplus to requirements a centre for local history would be more useful and tasteful.
7. We do not want more up market residences – there are enough for sale in this area as it is to meet requirements.
8. Ward Jackson Park is not a housing estate and the planning committee if they are to serve the town that pays their wages must send a clear message that this thin end of a potentially very damaging wedge should be assigned to history.
9. There is a covenant, in perpetuity, in favour of the people of Hartlepool and that the Council has no right to sell the lodge.
10. The Council received a grant to secure the future of Ward Jackson Park – has the money been used for this purpose? I understand that the council claim there is no covenant, despite witness evidence to the contrary. The application should be rejected until the legal position is established.
11. This should be used for the good of the people of the town.
12. It should be used to benefit everyone, not just one family who might renovate and destroy any historic features of the house. Its our history.... Not to be sold off for short term profit!
13. This is another piece of Hartlepool the Council are ruining.
14. Being sold purely for the benefit of the Council and not for the benefit of the people of Hartlepool.
15. Building should be restored and used by the community.
16. It is your responsibility to restore the towns heritage and not let it slip through your fingers as the Council has done with the likes of Tunstall Court
17. The building is not the Council's to sell.
18. The road is inadequate at the junction the amount of traffic using the road is increasing.
19. Please do not let us lose any more of our heritage. Use it to benefit the town.

20. The Council were granted more than £1 million to secure the future of Ward Jackson Park, my guess is that English Heritage want their money back.
21. Proposed access is too close to the existing junction.
22. The property is within the boundary of Ward Jackson Park and in a Conservation Area.
23. This house is one of several impressive buildings that this town has and should be kept in the ownership of the town and its people and for future generations.
24. This adds to the proposed list of potential destruction of the conservation area
25. It would be better served as a community arts project centre.
26. Perhaps the Council should entice a recreational business into the building to promote use of the park (e.g. Segway hire, radio controlled boat hire...)
27. I believe the original deed written by the estate of Ward Jackson forbid any development or change of use by the Council.
28. If the building is to be used as a residential dwelling it should be solely for the use of a park warden, not a normal residential dwelling.
29. Changing the lodge to a private dwelling will permanently change the atmosphere of this area.
30. If this is to go ahead what is to stop future private housing development in the Park.
31. If you do this it will be an international disgrace.
32. A private house does not belong within the limits of a public park.
33. Proposing access to the Lodge as a private dwelling directly onto Elwick Road is a recipe for disaster. This stretch of road is very busy as one of the main routes out of town and to High Tunstall School. It would also make pulling out of The Parade onto Elwick Road even more hazardous than it already is.
34. Changes put forward will be detrimental to the public enjoyment and appearance of Ward Jackson Park.
35. It is an unsuitable use for an area within the ground of Ward Jackson Park.
36. Can this legally be done with the green belt and what effects will it have on the rest of the park?
37. Any change of use of this property could weaken the covenant and potentially affect the security of the park.
38. You have sold off the majority of the town's historic buildings and now they stand in disrepair.
39. If you are desperate to raise funds why don't you try selling HUFC the ground for a reasonable price, instead of being a complete pack of mercenaries?
40. Another loss of the town's heritage.
41. If historical buildings are not kept sacrosanct, your descendants and other anglophiles will be bereft of the treasures and the reminders of your rich English heritage.
42. I would hedge a bet that all members of Council cannot name another park/area that allows for children's play areas, fishing, duck observing, open lawns for any number of games, picnics etc.
43. I strongly object to the destruction and desecration of this listed building.
44. The park should be left as it is, once the council sell one little bit, they will think they have the right to sell a little bit more, until it is a housing estate, or even a gypsy site.

45. To allow the Park Keepers Lodge to be changed into any development would be worse than a tragedy. It would make a mockery of the sacrifices that the citizens made in the formation of this park as a whole.
46. We should be restoring these buildings not using them for the wrong purposes.
47. Ward Jackson Park is one of a small number of Grade II listed parks in the UK. The Council should be protecting this listing and be proud of retaining this beautiful park and the lodge.
48. Issues in terms of refuse storage, bins, laundry hanging out, privacy and safety.
49. Should be left for kids to play in.
50. Access is an accident waiting to happen.
51. Don't need anymore houses in this area.
52. Get the town's people to look after the park which I think would save the Council money.
53. Change of use should be restricted to public use only.
54. Could we be considered to be re-housed in this property?
55. This building is one of the Park's fixtures and fittings as are the fountain and bandstand. They should remain in public ownership to maintain the historic quality of the park as a whole.
56. The trees on this site are under a TPO.
There would be a significantly, adverse effect on the setting and character of this main entrance to Ward Jackson Park.

Copy Letters A

5.7 The period for publicity is still outstanding but expires prior to the Committee meeting. Any further responses received will be tabled accordingly.

CONSULTATIONS

5.8 The following consultation replies have been received:

Traffic and Transportation – The two access points will allow vehicles to enter and leave the parking area in a forward gear. Each access should be constructed to HBC specifications and by a NRASWA approved contractor.

English Heritage – Our specialist staff have considered the information received and we do not wish to offer any comments on this occasion.

The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Garden History Society – No comments received

Council's Arborist – The proposal involves the removal of a small section of overgrown privet hedge and scrubby undergrowth in order to create an access between the proposed parking area and the lodge house. None of the trees at the site, which, should be transferred into private ownership are protected by virtue of

their being in the park conservation area, will be affected by the proposal. Therefore I would raise no objection.

Tees Archaeology – No objections

Garden History Society – No comments received

The Civic Society – The Society has no comment to make regarding the planning application, however it would emphasise its serious objection to the actual sale of the property – the view which the Council has been aware of. We would like to remind members of the Planning Committee of our concerns:

Park Lodge is a most attractive listed building located in the Park Conservation area and is also an important feature of Ward Jackson Park, which is registered as a historic park and garden by English Heritage. The Society is extremely worried at the sale of a corner of the park and the pitfalls of separating the ownership of the lodge and associated garden/trees from the park of which it is so important a feature.

New owners, sooner or later, will wish to completely alter the scale of the building. It is doubtful the effect on the character of the park will be a concern and some of the trees included within the sale site are also going to be at risk. There are examples of how separate ownership of lodges to the large houses in The Park area can result in poorly scaled extensions destroying the scale and character of these buildings. It would be a tragedy for this to happen to the Park Lodge and for this corner of the park to be dominated by a completely disproportionate building.

The Society is realistic enough to know that the Council is looking for assets to release capital; however, it is difficult to believe that this one small building is going to make any significant contribution. We can only assume that this is being viewed purely as a commercial property transaction with no consideration as to the historic, cultural and economic importance of Ward Jackson Park as a whole.

The Society is aware of a Council initiative to buy up and renovate empty properties to be renting out through Housing Hartlepool. We feel this is a very positive and laudable scheme. Why not include such property already in the ownership of the council? The Park Lodge would appear to be an excellent candidate and could be easily renovated – it would only need cosmetic work.

Alternatively perhaps the Council might be more creative and could follow the National Trust or Landmark Trust scheme of renting out historic properties for holiday lets. There must be many who would find Ward Jackson Park an attractive base for a holiday. The building could then pay for itself and also provide employment for cleaning staff. The property might even make a continuing contribution to the council's coffers. If the council feels unable to manage such a scheme there are instances of working in partnership with the likes of the Landmark Trust – an excellent opportunity to add to tourism in the area.

We would strongly urge the Council to withdraw this property from the For Sale List – the **negative implications of breaking up the park** make the proposed sale a **huge mistake outweighing any limited monetary benefit**. Ward Jackson Park is

an extremely well-used public facility inserting a private home into its boundary is a dubious concept

PLANNING POLICY

5.9 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

5.10 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

GN3: Protection of Key Green Space Areas

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

HE6: Protection and Enhancement of Registered Parks and Gardens

Emerging Local Plan

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

LS1: Locational Strategy

CC1: Climate Change

CC2: Energy Efficiency

ND4: Design of New Development

HSG1: New Housing Provision

HE1: Conservation Areas

HE4: Other Heritage Assets

NE1: Green Infrastructure

Regional Policy

5.12 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

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

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

7: Presumption in favour of sustainable development

14: Presumption in favour of sustainable development

49: Housing and the presumption in favour of sustainable development

56: Good design is a key aspect of sustainable development

57: High quality inclusive design

60: Promote or reinforce local distinctiveness

128: Describe the significance of any heritage assets affected, including any contribution made by their setting

129: Identify and assess the particular significance of any heritage asset

131: Viable uses consistent with the conservation, positive contribution to sustainable communities and local character and distinctiveness

132: Great weight should be given to the asset's conservation

PLANNING CONSIDERATIONS

5.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the impact upon the character and appearance of the conservation area/listed building and park, impact on the amenity of nearby residential properties, restrictive covenants and highway safety.

Principle of Development

5.15 The lodge house, Ward Jackson Park and the Park Conservation Area are all designated heritage assets. The definition of which is 'A building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of heritage interest.'

5.16 Current National Policy as set out in the NPPF advises that Local Planning Authorities (LPAs) should identify and assess the particular significance of any heritage asset that may be affected by a proposal. In determining applications LPAs are required to examine the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and the desirability of new development making a positive contribution to local character and distinctiveness. When considering the impact of a proposed development on the significance of a designated heritage asset the NPPF advises great weight should be given to the asset's conservation. It also states that where a proposed development will lead to

substantial harm to, or total loss of significance of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or various other criteria apply (the nature of the heritage asset prevents all reasonable uses of the site, no viable use of the heritage asset itself can be found, conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and the harm or loss is outweighed by the benefit of bringing the site back into use).

5.17 The following Local Plan policy remains relevant,

HE1, 'Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.'

HE6 'Developments within or in the immediate vicinity of those areas included in the register of parks and gardens of special historic interest should take account of the character of those parks and gardens. Such developments should not involve the loss of features considered to form an integral part of the special character or appearance of the area.'

5.18 In light of the above, having considered the impact of the proposed development on the heritage assets, including the Conservation Area, the lodge house and Ward Jackson Park along with issues regarding the impact upon the character of the area and highway safety and given the nature of the proposed use the Local Planning Authority considers that in principle the change of use of the property to a single dwelling is acceptable. The justification for this reasoning is outlined in the remainder of the report.

Impact Upon the Character and Appearance of the Conservation Area/Listed Building and Ward Jackson Park

5.19 As outlined earlier in the report, The Lodge is located in the Park Conservation Area and is a Grade II listed building. Furthermore, the property is located within Ward Jackson Park, which is grade II listed on the English Heritage Register of Historic Parks and Gardens.

5.20 With regard to the proposed change of use of the building to a dwelling house including the provision of boundary fencing and accesses, given the history of the building, it is considered by officer's that purely changing the use of the property, providing a suitable boundary fence and the insertion of accesses onto Elwick Road would not have any significant detrimental impact on the character and appearance of the listed building, the registered park and garden or the wider Park Conservation Area. Moreover, it is not considered that the use of the property as a single dwelling house will have any significant impact upon the function of Ward Jackson Park or the surrounding area as a whole. In general appearance terms, aside from the provision of a boundary fence and the insertion of two accesses onto Elwick Road there will only be very minor visual alterations, none of which are considered to be significantly detrimental upon the character of the area, subject to suitable materials being used. An appropriate condition has been suggested with regard to boundary enclosure

details and surfacing materials to be used in the construction of the parking area to be created.

5.21 Further to the above, it is considered that the proposed use is a sustainable and viable use which will conserve the future of The Lodge as a heritage asset. Moreover, the proposal will not lead to any substantial harm to the significance of not only The Lodge but Ward Jackson Park and the Park Conservation Area as a whole. It is therefore considered that the proposal accords with National and Local policy. It is prudent to state that English Heritage have raised no objections to the proposal.

Impact on the Amenity of Nearby Residential Properties

5.22 The Lodge is located at the south-east corner of the park. It is situated inside one of the two main entrances to the park (the other being to the north end of Park Avenue).

5.23 Residential properties are located to the south and east of the property. Given the separation distances, nature of the proposed use and screening it is not considered that the proposal will unduly affect the amenity of any of the neighbouring properties in terms of loss of light, outlook, privacy or in terms of any overbearing effect.

Restrictive Covenants

5.24 Several concerns have been received with regard to a restrictive covenant upon the property. It is prudent to state in the context of this report that any issues with regard to restrictive covenants are outwith the remit of the planning system and the consideration of this planning application.

5.25 Notwithstanding the above, officer's have discussed the concerns raised with the applicant who has outlined that the Council have obtained an official copy of the register of title which identifies that the land (to which the application relates) is registered to Hartlepool Borough Council and there are no charges/restrictive covenants contained within that would affect the disposal of the land.

Highway Safety

5.26 A number of concerns have been received with regard to the proposed access arrangements, as proposed two accesses will be formed onto Elwick Road. The Council's Traffic and Transportation Team have considered the proposal and have stated that the two access points will allow vehicles to enter and leave the proposed parking area in a forward gear. The Traffic and Transportation Team have raised no objections to the proposed access. It is considered therefore that in highway terms the proposed access arrangements are acceptable.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the conditions outline below

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 02/08/2013 (DRWG NO's: E/S/761c, E/S/761-a and E/S/761-b), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the details shown on the proposed plans as outlined in condition 2 of this permission prior to the occupation of the dwellinghouse further details of all fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details and in the locations detailed on DRWG NO: E/S/761-b.
In the interests of the character and appearance of the Conservation Area, the Listed Building and visual amenity.
4. Prior to the occupation of the dwellinghouse details of the proposed treatment of the proposed hardstandings, including the driveway/parking/manoeuvring areas and pathways, shall be submitted to and approved in writing by the Local Planning Authority. These features shall thereafter be constructed in accordance with the details so approved and retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity, the character and appearance of the Conservation Area and the Listed Building.
5. Prior to the occupation of the dwellinghouse a scheme detailing how the existing garage door opening into the park will be sealed shut (as outlined on DRWG NO: E/S/761-b) shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall thereafter be implemented in accordance with the details so approved and retained for the

lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interests of the character and appearance of the conservation area and users of the park

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

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

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure other than those agreed by way of condition 3 of this permission, shall be erected within the curtilage of the dwellinghouse without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the character and appearance of the conservation area and the listed building.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s), shed(s) or any other outbuilding(s) shall be erected without the prior written consent of the Local Planning Authority.

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

BACKGROUND PAPERS

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

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

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PARK LODGE, ELWICK ROAD



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:1000
Date : 6/9/13
H/2013/0287

No: 6
Number: H/2013/0403
Applicant: Mr Ranjit Singh 2 Grosvenor Court Ingleby Barwick
STOCKTON ON TEES TS17 0YP
Agent: Mr Eklas Bradwell 41 Rillston Close HARTLEPOOL
TS26 0PS
Date valid: 12/08/2013
Development: Change of use from police station to residential dwelling
and change of use of public open space to residential
curtilage, alterations to windows and doors and provision
of bin store
Location: 174 WEST VIEW ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 NONE

PROPOSAL AND SITE CONTEXT

6.3 The application site is a single storey bungalow former community police station. The property although different in size and type was built in a similar style and time period to the surrounding residential properties. The property has existing parking spaces for up to three or four cars to the front of the property on a concrete hard standing facing onto West View road the main thoroughfare in the area. The area to the rear is fenced and currently in a poor state of upkeep. The property itself is in reasonable state of repair.

6.4 The building is constructed of red brick with a hipped black slate roof and has white plastic windows. The roof detail has sprocketed eaves giving a slightly shallower pitch to the eaves. The windows and doors of the property currently have shutters which were subject to a previous planning application (H/HDC/0113/98). External walls are a mixture of upper rendered panels which have covered some of the existing window locations, with a brick plinth effect base topped with a painted course banding below the window sill level.

6.5 The proposals are for a change of use from police station to a two bedroom residential dwelling and change of public open space to residential cartilage, alterations to windows and doors and provision of a bin store.

PUBLICITY

6.6 The application has been advertised by way of neighbour letters (10). To date, there have been 3 objections received.

The concerns raised are:

- The land to the rear of the police station has always been public land and was handed to the community some years ago.
- Residents have placed a memorial plaque to Diana Princess of Wales at the base of the large tree at the rear of the open area.
- The local children have always played safely on this green space.
- In the past the land to the rear has always been immaculately maintained. It's only since the police station closed and the land has been sold that the land has been neglected.
- The green as it is known locally was donated to the community of West View Road known as "Greenfingers" as a safe and environmentally friendly area for children to play in.
- This area used for children to play means they do not have to cross the busy dual carriageway.
- This green space allows my disabled daughter to play safely and confidently and develop socially with other children who know her and accept her.
- Opposed to the refuse store which could attract rodents.
- Proposal would be detrimental to the whole Grove by taking away an area enjoyed by so many residents and creating a divide between two sides of the Grove.
- If necessary the residents could cut the grass, trim the hedges etc.
- It would reduce house prices

Copy Letters E

The period for publicity has expired.

CONSULTATIONS

6.7 The following consultation replies have been received:

HBC Public Protection – No Objection

HBC Traffic and Transport – There are no highway or traffic concerns with this application. The site provides 2 off street parking spaces with minimum drive length of 5 metres.

HBC Arboricultural Officer - The protected trees will not be affected by the proposed change of use.

PLANNING POLICY

6.8 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
 Hsg5: Management of Housing Land Supply
 Hsg9: New Residential Layout

Emerging Local Plan

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

SUS1: Presumption in favour of Sustainable Development
 CC2: Energy Efficiency
 ND4: Design of New Development
 HSG1: New Housing Provision

Regional Policy

6.10 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

6.11 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Government's 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 headings – 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 surroundings, 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.

Relevant parts include Paragraph 51

PLANNING CONSIDERATIONS

6.12 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 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 proposals in relation to the existing dwelling.

IMPACT UPON SURROUNDING AREA

6.13 The proposals are to change the use of the property to a two bedroom detached bungalow. The building shape will be retained and the works confined to amending the layout internally to make it suitable for use as a dwelling. The proposals include the replacement of the front windows and door with smaller in scale windows and which would include cavity wall infill and render finish. The shutters currently on the existing doors and windows will all be removed as part of these proposals. New UPVC windows are proposed in the both side elevations as well as the removal of an existing door and cavity infill on the eastern side elevation. A new UPVC window and door are proposed in the rear elevation. The door to the rear elevation will give access to the proposed bin store and back garden. The proposed external bin area has a fence measuring which is 1800mm in height. All materials will match the existing buildings character.

6.14 None of the windows will be located opposite to any main frontages of the surrounding houses to the east or west, however the existing kitchen window will be reopened and looks down the garden towards the houses at the rear which are approximately 30m away and are far in excess of the usual 20m separation distance.

6.15 The proposed bin store does not extend further back from the rear of the property as existing and is of typical size and height to meet the need of modern recycling purposes.

6.16 A condition requiring for details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced in the interests of neighbours amenity.

STATUS OF LAND

6.17 Investigations have been made regarding the status of the rear garden as there has been confusion regarding the status of the land. The proposed application as described includes change of use of from public open space to residential cartilage. The vast majority of the objections points raised by the three objectors were regarding the loss of this green space and the fact that the land behind the former police station has been used for many years for informal recreation by the local people and particularly their children. It seems the land has been used for many years by the local children and at one point a memorial to Diana Princess of Wales was erected close to the large tree to the rear of the garden. One of the objections

says that the land was donated to the local community under an initiative called “greenfingers” several years ago.

6.18 However during investigations made by the case officer it transpires that the land has never been designated public open space and was sold as private garden connected to the police station to the current owner by the Council. The land is surrounded and totally enclosed by a fence of less than a metre in height which has an access gate located on the eastern boundary close to the exiting former police station. The garden is currently in a poor state of upkeep and the council horticultural team have confirmed they did not maintain the land as it was not public open space. The neighbourhood management team have confirmed that the land was never officially open to residents but was always used as a play area for local children in the grove.

TREES

6.19 There are three mature trees on the site. Two trees either side of the frontage of the property are subject to a Tree Preservation Order. There is another tree in the area to the rear, however this tree is not subject to a Tree Preservation Order. The Arboricultural Officer has confirmed that the proposals will not affect the protected trees on the site.

CONCLUSION

6.20 Therefore and in conclusion the change of use to residential will not have an impact upon neighbouring properties in terms of privacy, light, outlook or dominance. The proposals meet separation distances and are in line with current policy guidelines and provide a more than adequate level of off street parking. This location is a long established residential area and the change of use to residential will be in keeping with the area. The removal of the shutters and general restoration of the property will be of benefit to the wider area. Finally a new bungalow will add to the housing offer in this part of the West View area.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.23 The final scheme will be designed with the reduction of crime and anti social behaviour in mind.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 12 08 13, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

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

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174 WEST VIEW ROAD



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:1000
Date : 6/9/13
H/2013/0403

No: 7
Number: H/2013/0320
Applicant: Mrs Sylvia Wilkinson 4 Worset Lane HARTLEPOOL
TS26 0LJ
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 28/06/2013
Development: Erection of a single storey family room at the rear and a
two storey extension at the side to provide garage with
bedroom above
Location: 21 SWANAGE GROVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 A valid planning application was received on 26/04/2012 for the demolition of a garage and the erection of a two storey side and rear extension to provide double garage, two bedrooms, bathroom and dining room and the erection of an extension to the front to provide living room (H/2012/0217). The application was withdrawn by the applicant following concerns raised by the Local Planning Authority in terms of its scale.

7.3 On 07/03/2013 a valid planning application was received by the Local Planning Authority seeking consent for the demolition of a garage and erection of a two storey extension at the side and rear and two storey extension to the front to provide double garage, dining room, lounge and bathroom with bedrooms above and canopy to front (H/2013/0127). The application was refused by the Local Planning Authority on 02/05/2013 for the following reason:

Given the relationship and separation distances associated with the proposed extensions and the neighbouring property of 20 Swanage Grove it is considered that the proposed two storey side/rear and one and a half storey side extension, by virtue of their siting, design and scale would appear unduly large and overbearing upon the outlook and privacy currently enjoyed by the neighbouring property all to the detriment of the amenity of the occupants contrary to policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan.

PROPOSAL AND SITE CONTEXT

7.4 The application site, 21 Swanage Grove, is a two storey semi-detached property with gardens to the front, side and rear. It is located within an estate of similar style

properties. The property is bounded to the south by the residential dwelling of 20 Swanage Grove and its rear garden. To the west is the residential property of 22 Swanage Grove. To the east is the side and front garden of 20 Swanage Grove. Further properties in Swanage Grove are located to the north of the site.

7.5 The application seeks consent for the erection of a single storey family room to the rear and a two storey extension at the side to provide a garage with a bedroom above.

7.6 The proposed single storey family room extension to the rear of the property projects 3m from the original rear wall at a width of 6.64m. The roof will measure 2.7m at the eaves with a maximum height of approximately 3.6m.

7.7 The proposed two storey side extension will project 6.955m from the side elevation of the dwellinghouse at a depth of approximately 7.02m. The roof will measure approximately 5.8m at the eaves (measured at the rear of the site – given changes in gradient associated with the site the height of the eaves of the extension differ between the front and rear of the dwelling) with a maximum height of approximately 8.8m.

PUBLICITY

7.8 The application has been advertised by way of neighbour letters (9). To date, there have been 3 letters of objection and 1 letter of comments received.

The concerns raised are:

1. Little change has been made to the original planning application. My main concern about the development is the size, which should the application be accepted, would make the property out of character with neighbouring properties.
2. Parking issues – a house of this size has the potential to generate the use of several cars and looking at the plans there does not appear to be provision made for this. Parking is already an issue within the grove and I feel a development such as this would only add to that problem.
3. Due to its elevated plot a double width two storey extension would be unduly large. Also the featureless gable end would make it look like a block of flats.
4. A single width extension with a garage on the side would be more in keeping with the area.
5. I appreciate the new plans show a reduction to the rear of the property however I remained concerned that they have now increased the size of the side elevation to that of the original plan. I still feel this will encroach on my property invading my privacy and will affect both sunlight and daylight to my property.
6. Very concerned that the side extension is the same level as the existing roof which I feel will overshadow my house as it is already elevated in comparison to my house.
7. Size of the extension will overwhelm the grove making it look unduly large and out of keeping with the rest of the grove.

8. I refer to your previous report in which you refuse planning permission “the proposed two storey side/rear and one and a half storey side extension, by virtue of their siting, design and scale would appear unduly large and overbearing upon the outlook and privacy currently enjoyed by the neighbouring property”. This will not have changed with the size of the side elevation.
9. Like my neighbours I am not against an extension to this property but feel it needs to be more considerate to those around them and needs to be scaled down.

A letter of comments has also been received raising the following:

1. As a neighbour of the said property (an speaking on behalf of the neighbourhood), we would like to ask for more information relating to the recent decision of delaying the application up to 18 October

With regard to the above comments, the neighbour has been informed that the reason the determination of the application has been delayed is because given the number of objections received the application is to be presented at planning committee.

Copy Letters B

The period for publicity has expired.

CONSULTATIONS

7.9 The following consultation replies have been received:

Traffic and Transportation – There are no highway or traffic concerns

PLANNING POLICY

7.10 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

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

GEP1: General Environmental Principles
Hsg10: Residential Extensions

Emerging Local Plan

7.12 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

ND4: Design of New Development

Regional Policy

7.13 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

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

PLANNING CONSIDERATIONS

7.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular any impact upon the character and appearance of the area, any potential for loss of amenity for 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 proposals in relation to the existing dwellinghouse and, more generally the character of the streetscene.

Principle of Development

7.16 Policy Hsg10 of the adopted Hartlepool Local 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.

7.17 On balance, It is considered that the proposed two storey side and rear extension to the dwelling can be suitably accommodated in the proposed locations without significantly impacting negatively on the outlook and privacy of the occupants of 20 Swanage Grove and the surrounding residential properties in the area. Whilst it is acknowledged that the scale of the works is large it is considered that the scale of the proposed extension, in particularly to the side of the property has been reduced to an acceptable level from that previously refused by the Local Planning Authority. The proposal is therefore considered to be in accordance with policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan. The justification for this reasoning is outlined in further detail in the remainder of this report.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

7.18 As outlined in the previous report for the recently refused planning application (H/2013/0127) at the property, whilst it is acknowledged that the scale of the proposed works is large and would present a form of development not typically reflective of properties located in the immediate vicinity, on balance, it is not considered that the appearance of the proposed works would significantly impact on the character of the area in general to a level whereby the Local Planning Authority could sustain a refusal.

7.19 Whilst large, it is considered that the scale of the proposal is subservient to the main dwellinghouse. It is therefore not considered that the character of the existing dwellinghouse would be detrimentally affected.

7.20 Overall, the proposed extensions are considered acceptable in terms of its impact on the amenities of the surrounding area in terms of character and appearance, in accordance with the requirements set out in policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging Local Plan. As per the previous refusal (H/2013/0127) it is considered that the key area of consideration in the determination of this application is the impact of the proposed works upon the amenity of the occupants of neighbouring residential properties.

RESIDENTIAL AMENITIES

7.21 Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and policy ND4 of the emerging 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.

7.22 It is necessary for the Local Planning Authority (LPA) to consider the impact the proposals will have on the aforementioned properties and whether or not a significant impact will be created of a level that the LPA could sustain a refusal. With regard to this application, it is also prudent to consider whether the amendments made to the proposal from that previously refused are enough to reduce the impact upon the amenities of the neighbouring property of 20 Swanage Grove to an acceptable level in line with Local and National policy.

SINGLE STOREY SIDE EXTENSION

7.23 The physical relationship and orientation of the property is such that it is considered unlikely that this element of the proposed works would create any detrimental overshadowing/dominance issues upon the neighbouring properties, in particular those of 20 and 22 Swanage Grove.

7.24 It is prudent to state in the context of this report that given the projection of the extension and its height this element of the proposed works could be constructed without the benefit of prior planning consent under the Town and Country Planning (General Permitted Development) Order 2008.

7.25 Notwithstanding the above, it is considered that the scale of the family room would appear subservient to the main dwellinghouse and therefore the character of the existing dwellinghouse would not be detrimentally affected.

TWO STOREY SIDE EXTENSION

7.26 20 Swanage Grove is located to the side and rear of the application site. The previous planning application at the property (H/2013/0127) was refused given the siting of this neighbouring property and its relationship with the then proposed two storey rear and side extension (including the one and a half storey extension to the side). Officer's considered that given the scale and massing of the extension and its close physical proximity the proposal would lead to a detrimental dominant, potential overlooking and overbearing effect impacting upon outlook and privacy, therefore significantly effecting the living conditions of the occupants of the aforementioned property both from within the building and the garden areas. Officer's considered that this impact would be exacerbated by changes in land levels between the two sites. Furthermore, officers considered that the proposal to the rear and side of the dwellinghouse would significantly affect the outlook from the primary windows in the rear and side elevation of 20 Swanage Grove. It was considered that the fundamental consideration was with regard to the dominance impact the proposal would create.

7.27 Notwithstanding the concerns raised by neighbouring properties, officer's consider that the scale of the proposed works as a whole have been reduced from the previously refused application. Whilst the two storey element of the works to the side of the property is larger than the two storey and one and a half storey extension which was previously refused, it is prudent to state that the two storey works to the rear which were previously proposed (and refused) have been omitted. The two storey side extension as proposed does not project beyond the rear wall of the original dwellinghouse.

7.28 Given the relationships between the application site and 20 Swanage Grove and the previous application at the site which was refused the impact of the two storey side extension upon the living conditions of the aforementioned neighbouring property require careful consideration.

7.29 On balance, whilst it is acknowledged that the proposed two storey extension will impact upon the amenities of 20 Swanage Grove, it is considered that, the

physical relationship and orientation of the property is such that it is considered unlikely that the two storey side extension would create any significant detrimental overshadowing/overlooking or dominance issues upon the living conditions of the occupants of aforementioned neighbouring property.

7.30 Again, whilst it is acknowledged that the proposal is large and will have an impact on the outlook of the neighbouring property from the rear windows and first floor rear and side windows it is not considered that the impact upon the property will be of a level so to sustain a refusal. As outlined earlier in this report, the previously refused application at the site proposed a two storey side/rear extension which projected beyond the rear wall of the dwellinghouse. It is considered that the proposed development will have significantly less impact upon the outlook and living conditions of 20 Swanage Grove, particularly from the rear windows of the dwellinghouse. It is not considered that it will appear unduly large or overbearing from the rear windows given that the bulk of the extension now proposed is to the side of the dwelling and does not project beyond the original rear wall. Whilst the proposed two storey side extension will be prominently viewed from the side and rear windows of a bedroom located at first floor level which is in close proximity to the boundary between the two properties. On balance, given that the aforementioned bedroom is multi aspect, in that there are windows serving the bedroom located in the side, rear and front elevations of the property it is not considered that the impact created will be significantly detrimental upon outlook, loss of light or dominance. It is not considered that any direct overlooking will be created by way of the proposed development; a planning condition has been suggested requiring all the windows located in the rear elevation of the proposed two storey extension to be obscurely glazed.

7.31 Further to the above, whilst the scale of the roof to the two storey extension proposed is large and the land levels associated between the two properties will exacerbate its scale from the outlook of 20 Swanage Grove, on balance, it is not considered that the proposed extension will unduly affect the amenity enjoyed by the occupants of the dwelling in terms of outlook or loss of light to a level whereby the Local Planning Authority could sustain a refusal. As outlined earlier in the report, given that the proposed two storey extension does not project beyond the rear wall, on balance it is considered that the impact the proposed extension would have has been reduced to an acceptable level.

7.32 With regard to the remaining residential properties in the vicinity located to the front and side of the dwellinghouse it is not considered that the proposed works will create any detrimental impact upon living conditions. The property is located upon a corner plot and benefits from ample separation distances to the front and side.

HIGHWAY SAFETY

7.33 Whilst concerns have been received from neighbouring properties with regard to potential parking issues generated by way of the development, Officers do not consider that any significant issues will be created. The proposed development incorporates a double garage and adequate space upon the driveway for two cars to be parked.

7.34 The Council's Traffic and Transportation Section has considered the proposed development and have stated that there are no highway or traffic concerns with the application.

STREETSCENE

7.35 Again, whilst it is acknowledged that the proposed development is large It is considered unlikely that it would appear unduly large or incongruous upon the streetscene.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

7.38 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – Approve subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 20/06/2013 (Sheets 1,2,3,4 and the site location plan), unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevations of the extensions facing 11, 20 and 22 Swanage Grove without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. The proposed first floor windows to the rear of the two storey extension hereby approved shall be glazed with obscure glass which shall be installed

before the hereby approved extension is occupied and shall thereafter be retained at all times while the windows exist.
To prevent overlooking.

BACKGROUND PAPERS

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

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

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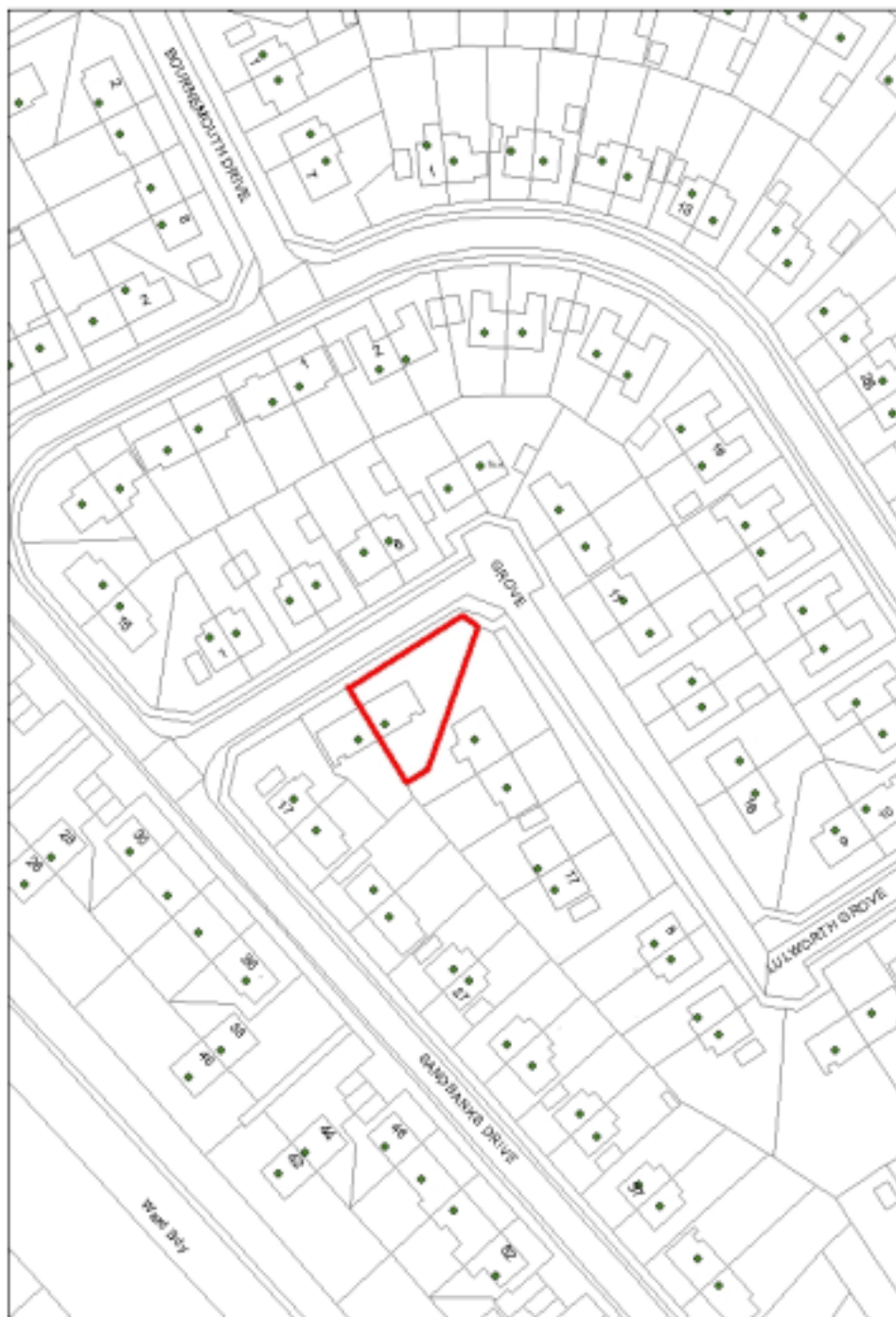
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21 SWANAGE GROVE



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

COPYRIGHT RESERVED LICENCE 1000233902013
Scale: 1:1000
Date : 6/9/13
H/2013/0320

UPDATE

No: 2
Number: H/2013/0378
Applicant: Mr William Rowntree c/o Bell Anderson Limited 264-266
Durham Road GATESHEAD Tyne & Wear NE8 4JR
Agent: The Shadbolt Group Mr Ian Carman 18 Bewick Road
GATESHEAD NE8 4DP
Date valid: 12/08/2013
Development: Demolition of day centre and erection of community day
centre, mixed use residential care and independent
supported living dwellings, associated car parking and
road layouts
Location: Havelock Day Centre Burbank Street HARTLEPOOL

BACKGROUND

2.1 This item appears as item 2 on the main agenda. The outstanding response from the Environment Agency has been received and this and conditions are set out below.

ENVIRONMENT AGENCY – No objection to the proposal as submitted, and consider the proposed development will be acceptable subject to relevant conditions being imposed regarding finished floor levels and footpath link.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.2 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.3 There are no Section 17 implications.

REASON FOR DECISION

2.4 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 completion of a legal agreement securing the developer contributions of £4,000 each for play, green infrastructure, and built sports (£12,000 in total) as set out in the officers 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. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the details and plans Existing Plans Dwg No(s) A018-100 (Rev A) Location Plan, A018-101 (Rev A) Site Plan, 811/23/2006 Existing Floor Plan, 811/23F/2001 Existing Elevations. Proposed Plan(s), Dwg No(s) A018-102 (Rev A) Site Plan, A018-112 (Rev A) Day Centre Elevations (sheet1), A018-113 (Rev A) Day Centre Elevations (sheet2), A018-110 (Rev A) Day Centre Ground Floor Plan, A018-111 (Rev A) Day Centre 1st Floor Plan, A018-120 (Rev A) Bldg 2A 4 Bed Residential Unit, A018-130 (Rev A) Bldg 2B 4 Bed Residential Unit, A018-140 (Rev A) Bldg 2C 2 No 2 Bed Residential Units, A018-150 (Rev A) Bldg 3A 4 Bed Residential Unit, A018-160 (Rev A) Bldg 3B 3 No ISL Unit, A018-170 (Rev A) Bldg 3C 5 No ISL Unit, received 31 July 2013 Landscape Plan(s), 822/01 Outline Tree Survey, 822/02 Phase One Detailed Planting, 822/03 Phase Two Detailed Planting, 822/04 Phase Three Detailed Planting, the Maintenance Schedule received 5 August 2013, and the Design and Access Statement, Flood Risk Assessment & Drainage Strategy, Ground Investigation Interpretative Report received by the Local Planning Authority 31 July 2013, unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity.
6. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons

and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

7. The residential properties hereby approved shall be provided with noise insulation measures, details of which shall first be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the commercial/industrial area to the south (Havelock Street and Pilgrim Street) and the dwellings hereby approved. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
To ensure that the building is adequately soundproofed in the interests of the amenity of the occupants of adjacent residential property.
8. The café/bistro use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation, filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed.
Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
9. The cafe/bistro shall only be open to the public between the hours of 7am and 12 Midnight Mondays to Sundays.

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

10. Prior to the commencement of the development hereby approved a scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development.
11. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted and agreed in writing with the Local Planning Authority before the construction of any of the buildings commences. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention.
12. The permission hereby granted shall permit the phased development of the site as indicated on the approved drawings and unless otherwise indicated all other conditions shall be construed accordingly.
In order to ensure that the development of the phases of the site proceeds in an orderly manner.
13. 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.
14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
15. The features on the existing building that have the potential to be used as roosts for bats, such as hanging tiles with gaps or fascia boards with gaps, shall be removed by hand with a suitably qualified ecologist present when the existing building is demolished.
In the interest of protecting bats.
16. The development hereby permitted shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated July 2013 by Shadbolt Group Consulting and the following mitigation measures detailed within the FRA:
 1. The finished floor levels shall be set no lower than 6.45m above Ordnance Datum (AOD),
 2. The footpath link to higher ground shall be set no lower than 6.15m AOD.

The mitigation measures shall be fully implemented prior to occupation of the development and in accordance with the timing/phasing arrangements embodied within the scheme, unless otherwise agreed in writing, by the Local Planning Authority.

To ensure safe access and egress from and to the site and to reduce the risk of flooding.

BACKGROUND PAPERS

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

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

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UPDATE

No: 3
Number: H/2013/0311
Applicant: Mr Graham Frankland Civic Centre Victoria Road
HARTLEPOOL TS24 8AY
Agent: Hartlepool Borough Council Steven Wilkie Bryan Hanson
House Lynn Street Hartlepool TS24 7T
Date valid: 08/07/2013
Development: Hybrid planning application comprising: Full application for erection of 3G pitch and associated 4.5m fencing, 8 x 15m floodlights and footpaths; change of use of 1164m² of floor space from school (D1) to offices/conference facilities (B1a); change of use of 75m² from school (D1) to office space (B1); change of use of 160m² of floor space from school kitchen (D1) to industrial catering (B2); creation of additional 0.74ha of playing fields and erection of 2.4m high fencing. Outline application for the erection of up to 107 dwellings with all matters reserved. Outline application for single storey swimming pool with all matters reserved.
Location: FORMER BRIERTON SCHOOL SITE CATCOTE ROAD
HARTLEPOOL

BACKGROUND

3.1 This application appears as item 3 on the main agenda. An update report will be tabled at the meeting.

RECOMMENDATION update to be tabled.

UPDATE

No: 4
Number: H/2013/0356
Applicant: PERSIMMON HOMES LTD (TEESSIDE) BOWBURN
NORTH INDUSTRIAL ESTATE BOWBURN DURHAM
DH6 5PF
Agent: Persimmon Homes (Teesside) Persimmon House
Bowburn North Industrial Estate BOWBURN Durham DH6
5PF
Date valid: 22/07/2013
Development: Erection of 30 dwellinghouses, associated infrastructure,
landscaping and car parking
Location: FOGGY FURZE BRANCH LIBRARY STOCKTON ROAD
HARTLEPOOL

BACKGROUND

4.1 This item appears as item 4 on the main agenda. The recommendation was left open as the response of Sport England was awaited and discussions in relation to developer contributions were ongoing.

CONSULTATIONS

4.2 The following additional consultation has been received.

Sport England – Initial objections received from Sport England regarding the loss of the bowling green have been resolved and the objection withdrawn subject to a condition securing improvement works to be carried out to existing bowling greens within Hartlepool.

PLANNING CONSIDERATIONS

4.3 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 and surrounding area, the design of the development, highway safety, drainage, landscaping and trees.

POLICY

4.4 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 with the emerging 2012/2013 Local Plan hold significant weight when determining planning applications.

4.5 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 to be broadly acceptable.

Affordable Housing

4.6 Within the area there is an acute need for affordable housing, as identified within the Hartlepool Strategic Housing Assessment. Taking this into account a minimum 10% provision of the development would need to be provided for affordable housing provision.

4.7 A viability assessment appraisal has been undertaken. Discussions are ongoing with regard to the number of affordable units to be provided. It is anticipated an update will be available at the meeting.

Planning Obligations

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

4.9 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
3. £250.00 per dwellinghouse towards sports facilities

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

Impact Upon the Character and Appearance of the Area

4.11 There have been some public objections to the development 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.

4.12 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, 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.

4.13 Officers consider that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between the dwellings within, and neighbours without, 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 fronting onto Stockton Road, with residential properties having average gardens.

4.14 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.

4.15 There were objections raised by residents with regard to the provision of three storey dwellings within the site, this mix of housing development is not unusual within modern housing and it is considered that separation distances exceed the guidance set out in the Hartlepool Local Plan 2006, it is not considered that the dwellings will appear incongruous within the street scene.

Effect of the Proposals on Neighbouring Properties and Surrounding Area

4.16 The layout has been refined through extensive discussions. It is considered that the layout of the 30 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 address issues arising. It is considered that the scale of the 30 dwellings, are proportionate to that of neighbouring properties and the plots upon which they are located.

4.17 It is considered that the relationships between the properties and the premises adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed comply with the guidance outlines in the Hartlepool Local Plan 2006 and is therefore considered acceptable. It is not considered that the proposed dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties adjoining the site. It is not considered that the development will appear incongruous within the street scene.

Impact Upon Highway Safety

4.18 Concerns have been raised within the public responses in relation to issues surrounding highway safety and parking provision.

4.19 The vehicular and pedestrian access to the development is via an existing access from Stockton Road.

4.20 The Council's Traffic and Transportation Team have been consulted on the application and raise no objection to the proposal. The development provides 57 spaces for 30 properties, this provision is considered acceptable.

4.21 In terms of increased traffic generation the Traffic and Transportation Team do not consider that the traffic movements associated with an additional 30 houses will compromise the efficiency or the safety of the transport network for the area.

4.22 There is an existing bus stop southwest of the proposed access on Stockton Road which will need to be relocated this can be achieved through conditions.

4.23 In terms of the layout of the residential development, Officers consider that an acceptable level of parking provision is proposed.

Landscaping and Trees

4.24 The frontage of the site onto Stockton Road, close to the access to the development, contains a number of trees, the majority of these trees are covered by a Tree Preservation Order (TPO) number 204. An arboricultural report has been provided with the application. Some trees will need to be removed to accommodate the access and most of the other trees to be retained are covered by a Tree Preservation Order. The arborist raises no objections to the proposals.

Drainage and Flooding

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

4.26 The site is located in an area which is identified as a low risk to flooding (Flood Zone 1), the Environment Agency raise no objection to the proposed development.

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

Noise and Disturbance

4.27 Some public objection relates to an increase in noise and disturbance associated with the proposed development.

4.28 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 public house (The Greensides). Subject to these mitigation measures, Officers are satisfied that the

levels of amenity afforded to the occupiers of the proposed dwellinghouses will be acceptable.

4.29 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

4.30 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

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

Loss of Bowling Green

4.32 The existing bowling green closed at the end of the bowling season 2011 with all members moving to other clubs within the area. It was identified that the existing bowling greens within the area required upgrading works which would significantly enhance their performance.

4.33 Sport England initially objected to the development, however they have removed their objection subject to the provision of a condition which will require the upgrading works to the Burn Valley Bowling Greens to be carried out.

4.34 The funding for the proposed works will be available from the proceeds of the land sale following the completion of the sale of the Staby House Land (Foggy Furze).

EQUALITY AND DIVERSITY CONSIDERATIONS

4.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.37 There are no Section 17 implications.

REASON FOR DECISION

4.38 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 completion of a legal agreement securing the developer contributions for play (£7,500), green infrastructure (£7,500), sports provision (£7,500) and affordable housing units (to be confirmed).

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 details and plans SRH-001 Rev B proposed site layout received 15 August 2013, SRH-002 existing site plan, LY-WD01 (Lumley) Rev G, HT-WD01 (Hatfield) Rev K, SU-WD01 (Souter) Rev M, HB-WD01 (Hanbury) Rev M, RF-WD01 (Rufford) Rev M, RS-WD01 (Roseberry) Rev N received 15 July 2013, and the plans SGD01 - Rev B (single and double garage detail) and SGD02 - Rev A (triple garage detail) received by the Local Planning Authority on 22 July 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 other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
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. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

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

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

8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
10. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
11. Notwithstanding the submitted details, prior to any of the hereby approved dwellings on plots 30, 23 and 22 being occupied, the proposed acoustic barrier along the eastern boundary between the residential dwellings and public house (the Greensides) shall be erected strictly in accordance with Dwg No: SRH-001 Rev B received 15 August 2013. Thereafter the acoustic barrier shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.
In the interest of the amenities of the occupants of the proposed properties.
12. A scheme to incorporate sustainable energy systems shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
To encourage sustainable development.
13. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures shall be submitted to and agreed in writing with the Local Planning Authority before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall be implemented in accordance with the approved details.
In the interests of crime prevention.
14. Prior to the occupation of the hereby approved dwellings the bus stop on Stockton Road southwest of the proposed access shall be relocated in

accordance with a scheme to be first agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of highway safety.

15. Prior to the occupation of any dwelling hereby approved the bowling green improvements specified in the document entitled 'Proposed Improvement Works to Bowling Greens in Hartlepool following closure of Staby House (Foggy Furze) Bowling Green' received by the Local Planning Authority on 3 September 2013 shall be carried out unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

BACKGROUND PAPERS

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

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

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PLANNING COMMITTEE

25 September 2013



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND TO THE REAR OF 20 OWTON MANOR LANE, HARTLEPOOL – APPEAL REF: APP/H0724/A/13/2203299 – ERECTION OF TWO FOUR BEDROOMED DETACHED DWELLINGS WITH DETACHED DOUBLE GARAGES AND ASSOCIATED ACCESS ROAD AND FENCING

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 two four bedroomed detached dwellings at land to the rear of 20 Owton Manor Lane, 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.

3. CONTACT OFFICER

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DELEGATED REPORT

Application No H/2013/0054

Proposal Erection of two four bedroomed detached dwellings with detached double garages and associated access road and fencing

Location Rear of 20 Owton Manor Lane HARTLEPOOL

PS Code: 13

DELEGATION ISSUES	Neighbour letters:	04/03/2013
	Site notice:	12/03/2013
1) Publicity Expiry	Advert:	12/03/2013
	Weekly list:	03/04/2013
	Expiry date:	03/04/2013
<p>2) Publicity/Consultations</p> <p>The application has been advertised by way of neighbour notification, site notice (x2) and press advert. The time period for representation has now expired. No letters of no objection and 9 letters of objection have been received.</p> <p>Tees Archaeology – There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make</p> <p>Traffic and Transportation – This application has parking implications. The applicant is proposing 2 new properties using the existing access onto Owton Manor Lane while the existing property will not have any parking due to the access road. The applicant will need to provide at least 2 parking spaces for this property either by the proposed access road or with a new carriage crossing on the east side of the property onto Owton Manor Lane.</p> <p>The width of the access road is acceptable and will allow two vehicles to pass each other.</p> <p>There are amenity issues for refuse collection as both proposed properties are more than 25 metres away from the public highway.</p> <p>The traffic coming from the two properties would have minimal impact on the highway network.</p> <p>Northumbrian Water – No comments to make</p>		

Arboricultural Officer – The trees on this site are currently protection by Tree Preservation Order 106 therefore any work to them will first need the consent of the Local Planning Authority. That said, the layout of the property development has been designed to accommodate them.

I have read the Arboricultural Pre-development survey submitted with this application and find this to give an accurate assessment of the trees on this site together with the recommendations contained therein. As many of these trees have been downgraded to a C category, I consider that a landscaping scheme will be needed here to offset the loss of some of these trees as they have been described as having a short life expectancy.

In respect of this application I therefore have no objections but would need to see the following:

1. A further arboricultural impact assessment and tree protection plan
2. Landscaping scheme
3. The replanting of two trees

Hartlepool Civic Society – We have studied the plans and we feel that the size and height of these 2 properties is overwhelming for the site, they will be very close to neighbours all round and alter the setting of the area.

We would suggest that these planned houses should be adjusted to be more in keeping with the situation

Public Protection – Notwithstanding the provision of acoustic fencing to the access road I still have concerns about the impact in terms of noise and disturbance to the occupants of 20 and 22 from the access and egress of vehicles to the two properties to the rear. This is supported by recent appeal decisions on similar application both in Owton Manor Lane and Bilsdale Road

Engineering Consultancy – No objections subject to detailed drainage proposals having regard to a culvert which runs through the site being submitted to and agreed in writing prior to development commences.

Cleveland Fire Brigade – No comments received

3) Neighbour letters needed	Y
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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 Government's intention to abolish Regional Spatial Strategies when Orders have been made under section 109 of the Localism Act 2011, and weight can now be attached to this intention.

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.

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 Government's 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 headings – 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 56 – Requiring good design

Paragraph 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

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 – Location Strategy

ND4 – Design of New Development

HSG4 – Overall Housing Mix

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 and Hsg9) 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

Outline planning permission was granted (H/OUT/0526/96) for the erection of 3 detached houses at land to the rear of 20 Owton Manor Lane on 16th September 1997 with access to the site taken through a garage block located off Benmore Road.

PUBLICITY

Nine letters of objection have been received. The concerns raised include:

1. In the application it mentions 1.8 metre high close boarded fence yet on the drawing it mentioned 2m acoustic fence at what point does the acoustic fence transition take place to the close boarded fence and will said fence be erected prior to any construction phase works.
2. To alleviate any vibration to my property during the construction phase works will the kerb line indicated on the drawing be established prior to the construction phase?
3. Will all drainage on my boundary be drained away from my property and land
4. We have had our property up for sale for 3 years but each time a buyer was found they dropped out due to the development next door.
5. Application at No.16 turned down
6. Drainage issues
7. Increased traffic causing congestion
8. Highway safety
9. Impacts on privacy
- 10.Noise and dust
- 11.Overlooking

12. Loss of wildlife
13. Size of the proposed development is not in conjunction with the majority of the other dwellings along the Lane
14. Development will appear unduly large and out of keeping
15. Impact on daylight/sunlight
16. Impacts of overshadowing and dominance
17. Development constitutes tandem development
18. noise and disturbance issues
19. Presence of increased people in such proximity would be intrusive to neighbouring properties
20. Impacts on general health and wellbeing
21. The Arboricultural report submitted is outdated and does not take into account a large tree located on the boundary of 16 Owton Manor Lane
22. Impact proposal would have on current tree root systems
23. If development does go ahead new home owners don't have garden fires at the bottom of their gardens
24. Nature of access
25. Concerns regarding cleanliness of road

PROPOSAL AND SITE CONTEXT

The application site is an area of land measuring approximately 1980m² located to the rear of 20 Owton Manor Lane, a large recently refurbished detached period dwelling. The application site is bounded on three sides by the rear gardens of the detached properties on Owton Manor Lane (including the donor property) and those of properties on Benmore Road and a block of garages located on Benmore Road to the rear.

The proposal is to retain approximately a third of the existing garden area of 20 Owton Manor Lane, for the donor property. The remaining 1981m² of the site will be separated off with 1800 high close boarded timber fencing to allow the formation of two building plots. Plot 1 will measure approximately 900m². Plot 2 will measure approximately 710m² (both measurements exclude access driveways). Each plot will measure between 16 to 18m in width with a length of between 40 and 50 metres. Both plots will be access by a shared driveway 4.2m wide giving direct access onto Owton Manor Lane.

The two dwellings proposed are of identical plan and elevation treatment but will be mirrored to suit the individual plot layouts. Orientated west/east with detached double garages. The dwellings will be constructed from traditional materials.

Neighbouring properties are a mix of houses and bungalows, some with very large gardens.

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 character and appearance of the area, the impact upon the amenity

of neighbouring properties and the donor property, noise and disturbance, ecology, archaeology, highway safety and drainage.

PRINCIPLE OF THE DEVELOPMENT

The application seeks consent for the erection of two detached dwellings upon the rear garden area of 20 Owton Manor Lane.

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. The policy also outlines that tandem development will not be permitted.

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 proposed development would have a significant detrimental effect on the occupiers of the existing property (No.20) and the neighbouring property of 22 Owton Manor Lane by way of the proposed access road serving the development and the impact this would have on the amenities of the occupants of the aforementioned properties in terms of noise and disturbance.

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

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

Some public objection to the development has been received relating to the dwellings being out of character and unduly large. 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. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

Officers consider that the character and appearance of the immediate area as a whole 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, 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 detrimentally impact upon the character and appearance of the area. The separation distances proposed between dwellings within the site accords with the guidance set out in the Hartlepool Local Plan 2006.

VISUAL EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES

It is considered that the layout of the dwellings upon the site has been designed in such a way so to restrict the impact upon the amenity of the neighbouring properties adjoining the site and overlooking it.

It is considered that the physical relationships between the properties adjoining the site and in the immediate vicinity and the proposed dwellings themselves are acceptable. It is not considered that either of the dwellings will appear overly dominant or oppressive upon the outlook and living conditions of any of the neighbouring properties in the area.

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 housing 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.

THE IMPACT UPON THE AMENITY OF THE NEIGHBOURING PROPERTY OF 22 OWTON MANOR LANE AND THE DONOR PROPERTY

The access to the proposed dwellings will be created by way of a shared drive approximately 60m in length to the side of the donor property and 22 Owton Manor Lane. The drive will measure 4.2m in width. There are primary windows located in the side elevation of both properties. A 2m high acoustic fence and hedging is proposed to each side of the access road to the side of the aforementioned properties.

The main issues to be considered with regard to the scheme are considered to be the impact of the new driveway on both the donor property and 22 Owton Manor Lane in terms of noise and disturbance.

As outlined above the access to the proposed dwellings will be to the side of the donor property and 22 Owton Manor Lane. There are several windows located in the side elevation of both properties serving rooms of a habitable primary nature. Whilst it is acknowledged that an acoustic fence and hedging has been proposed it is considered that the proposal would create noise and disturbance issues upon the occupants of the two aforementioned dwellings. The Council's Head of Public Protection has raised concerns in this regard.

It is considered prudent in the context of this report to refer to an appeal decision for the erection of a dwelling to the rear of the neighbouring property of 16 Owton

Manor Lane. The application was refused by the Local Planning Authority on grounds of noise and disturbance upon the occupants of the donor property and the neighbouring property of No 18 Owton Manor Lane.

In dismissing the aforementioned appeal the Planning Inspector stating the following:

*All of the traffic generated by both No.16 and the proposed bungalow would pass along the driveway close to the front garden, the front bedroom window, the side elevation and the modest remnants of the rear garden at the appeal property. The noise of vehicles so close to what would otherwise be private and secluded areas would be disturbing and the presence of people in such proximity would be intrusive. The driveway would also be close to the boundary with No.18 thereby adding to the coming and going, as well as the manoeuvring and turning of vehicles along a significant length of that rear garden. All that activity would also be just beyond windows to a kitchen and conservatory at No.18, thus transforming the character of that secluded and sylvan space. I do not agree with my colleague (**with regard to a further appeal at 14 Owton Manor Lane which was allowed for a dwellinghouse in the rear garden (APP/H0724/A/08/2062087)**) that a 2m high close boarded fence might effectively ameliorate such harmful effects. In any case, such a structure is not shown beside the front garden or side elevation of No.16 or along the boundary with No.18. And, even if it were otherwise, I consider that the banal repetition of tall bleak fences could, all too easily, radically alter the sylvan and verdant character of the street scene. I consider that proposed would seriously impair the peace and privacy neighbouring residents might reasonable expect to enjoy in a residential area such as this and thus contravene policies GEP1 and Hsg9 of the Local Plan.*

Given the above and having regard to the concerns raised by the Head of Public Protection officers consider that the proposed development would constitute tandem development and the use of the proposed access road serving the development would be detrimental to the amenities of the occupants of both 22 Owton Manor Lane and the donor property in terms of noise and disturbance contrary to policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006.

ECOLOGY

Concerns have been raised regarding a loss of wildlife arising from the proposed development. Officers have held discussions with the Council's Ecologist regarding the development of the site during which no objections were received.

ARCHAEOLOGY

Tees Archaeology has raised no objections to the proposal as there are no known archaeological sites in the area.

HIGHWAY SAFETY

In terms of highway safety, the new access is considered to be acceptable provided that the width of the carriage crossing is increased so that two off street parking

spaces can be provided to the front elevation of the donor property.

The Council's Traffic and Transportation Team have advised that the width of the access road is acceptable and will allow two vehicles to pass each other. Moreover, the Team have advised that the traffic coming from the two properties would have a minimal impact on the highway network.

It is not considered the provision of refuse bins serving the proposed dwellings upon the footpath during collection day would have any detrimental impact upon highway safety or in terms of visual amenity.

Drainage

Foul drainage and surface water will be to the public sewers. Northumbrian Water has raised no objections to the proposal.

The Engineering Consultancy Section has raised no objections to the proposed development but has advised that a planning condition should be attached to any approval requiring the submission of a detailed drainage strategy which takes into consideration a culvert which runs through the development site before development commences.

TREES

The Council's Arboricultural Officer has considered the information submitted with the application and has raised no objections to the proposal subject to conditions with regard to the proposed driveway and how this would be constructed in terms of its impact upon the tree root network, a landscaping scheme and some tree replacement.

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 Officer 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

10) Recommendation

REFUSE

CONDITIONS/REASONS

In the opinion of the Local Planning Authority, the proposed development would constitute tandem development and the use of the proposed access road serving the development would be detrimental to the amenities of the occupants of both 22 Owton Manor Lane and the donor property in terms of noise and disturbance contrary to policies GEP1 and Hsg9 of the 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

25 September 2013



Report of: Assistant Director (Regeneration)

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

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above planning appeal.
- 1.2 The appeal was dismissed. A copy of the appeal decision is **attached**.
- 1.3 Notwithstanding the above, the Inspector did allow an award of costs on the grounds that the Council had behaved unreasonably in stating that the amenity of the donor property would be significantly impacted upon by way of the proposed annexe as a reason for refusal. The costs decision is also **attached**. The appellant has been invited to submit a claim for costs to the Council and this is awaited.

2 RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

3 CONTACT OFFICER

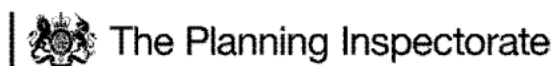
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Costs Decision

Site visit made on 14 August 2013

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

Decision date: 3 September 2013

Costs application in relation to Appeal Ref: APP/H0724/A/13/2197718 Three Gates Farm, Dalton Piercy, Hartlepool TS27 3HW

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
- The application is made by Mr D Rezai for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the conversion and extension of existing outbuildings to form a single storey residential annexe.

Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. Circular 03/2009 advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary expense in the appeal process.
3. In relation to the first reason for refusal, the Appellant contends that the Council was at fault in that it failed to evaluate the proposal in the light of paragraph 55 of the National Planning Policy Framework, which refers to the re-use of buildings. However, as the Council points out, this is concerned with the provision of new homes in the countryside. It might have been helpful for the Council to have addressed the question of re-use once it had been raised. However, as I note in my appeal decision, the policy is not directly applicable to the appeal proposal. As such, it has not been demonstrated that the Council failed to have regard to relevant national policy.
4. The Council defends its second reason for refusal on the grounds that another appeal decision in the Borough found that harm would be caused to amenity. It is a fundamental planning principle that each proposal should be judged on its own merits. Whilst the officer report identifies that the access would pass in close proximity to the existing dwellinghouse, it offers no assessment as to what effect it might have on the occupants, simply referring to the other appeal. Paragraph B18 of the Circular expects that where an appeal involves judgement concerning living conditions, realistic and specific evidence should be provided. In this case, the assertion was vague and unsupported by objective analysis.

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5. Although I consider that the Council was not at fault in its treatment of national policy concerning the re-use of buildings, it failed to provide evidence to support its second reason for refusal. In this regard therefore, I find that unreasonable behaviour resulting in unnecessary expense, as described in Circular 03/2009, has been demonstrated.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, IT IS HEREBY ORDERED that Hartlepool Borough Council shall pay to Mr D Rezai, the costs of the appeal proceedings described in the heading of this decision limited to those costs incurred in addressing the second reason for refusal.
7. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

K.A. Ellison

Inspector



Appeal Decision

Site visit made on 14 August 2013

by Mrs K.A. Ellison BA, MPhil, MRTPI

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

Decision date: 3 September 2013

Appeal Ref: APP/H0724/A/13/2197718
Three Gates Farm, Dalton Piercy, Hartlepool TS27 3HW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Rezai against the decision of Hartlepool Borough Council.
- The application Ref H/2013/0063 dated 2 February 2013 was refused by notice dated 3 April 2013.
- The development proposed is the conversion and extension of existing outbuildings to form a single storey residential annexe.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An application for costs was made by Mr Rezai against Hartlepool Borough Council and is the subject of a separate Decision.

Main Issues

3. The main issues in the appeal are:-
 - (i) whether the proposal accords with local policy for the provision of residential annexes
 - (ii) whether the proposal accords with national policy for the re-use of buildings
 - (iii) the effect of the proposal on local living conditions, especially with regard to noise and disturbance.

Reasons

4. The appeal property comprises a modestly sized farmhouse with a collection of outbuildings. The annexe would be formed from two of the outbuildings which lie a short distance to the north west of the farmhouse.
5. I am informed that the outbuildings are the remains of a larger group of cow sheds although they are elsewhere described as kennels and an equipment store. Certainly, with their limited number of openings and corrugated roofs (one steel sheeting, the other asbestos cement), they are of simple construction and functional in character so that they appear subordinate to the main farmhouse. Likewise, they are also clearly of lesser status than the

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assortment of dwellings in the immediate area which form the group of properties known as Three Gates.

Issue 1 – policy for the provision of residential annexes

6. Local Plan¹ policy Hsg11 states, among other things, that conversion of an outbuilding to a residential annexe may be permitted where it is of a satisfactory scale and design in relation to the existing dwelling. It also requires that the annexe should be designed to serve an ancillary function and its form should not encourage occupation as a separate dwelling.
7. The Appellant explains that the conversion would entail underpinning of the existing single-leaf walls, a small extension to link the buildings and the re-roofing of the resulting unit. The external finish would be white painted render. The accompanying Structural Engineer's Report also indicates a need to raise the external walls of the larger outbuilding to achieve minimum internal ceiling heights and this appears to have been incorporated into the appeal plans. In addition, the various windows and doors shown on the plans would be distinctly residential in form.
8. Together with the unifying effect of the extension and pitched roof, it seems to me that the proposed works would result in a unit of substantial proportions which would be clearly domestic in character, bearing little resemblance to the current outbuildings. Moreover, whilst I appreciate that it would be a single storey structure, it seems to me that the footprint of the annexe would be broadly comparable to that of the main farmhouse, if one discounts the stables attached to that dwelling. I take the point that the footprint is a reflection of the buildings to be converted. Nevertheless, given the dimensions and appearance of the proposed annexe, I consider that it would represent an unacceptably large addition to the existing dwelling. Also, the annexe would no longer appear subordinate to the other residential properties which comprise the Three Gates group. On that basis, I consider that the proposal would fail to satisfy Local Plan policy Hsg11 with regard to its scale and design.
9. The larger of the two converted buildings would provide day-to-day living space as well as a kitchen and garage, with the extension and smaller outbuilding providing two bedrooms. I recognise that the access and external spaces would be shared with the main farmhouse. Nevertheless, the proposed annexe would comfortably provide all the facilities needed for independent occupation and would stand some distance from the existing farmhouse so that, in my opinion, its design does not indicate it would be likely to function in a way which was ancillary to the main dwelling. In this respect therefore, it would also be contrary to Local Plan policy Hsg11.

Issue 2 – policy for the re-use of buildings

10. Current national policy² does not directly address proposals to add an annexe to a dwelling. However, the Appellant draws particular attention to NPPF paragraph 55 which sets out the special circumstances which might support an isolated new home in the countryside. This includes where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting. I accept, therefore, that there is some support in national policy for the re-use of buildings for residential purposes.

¹ Hartlepool Local Plan 2006

² National Planning Policy Framework (NPPF) March 2012

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11. The works required to bring these buildings into residential use would be extensive, involving the underpinning of both buildings, alterations to all elevations and a complete change in roof form and style. Thus, even though the annexe would reflect the existing outbuildings as regards its dimensions and siting, it seems to me that very little of their simple, functional character would survive the conversion process. Overall, there would be few outward traces of the existing buildings in the completed scheme. In addition, I noted during my site visit that the smaller outbuilding appeared to be in use as a store, calling into question whether it could fairly be described as redundant or disused. Finally, as I have noted above, the scale and design of the proposed annexe would not relate well to the farmhouse or the Three Gates group so that the proposal would not enhance its setting.
12. For these reasons therefore, I consider that the proposal would not be in line with national policy for the re-use of buildings.

Issue 3 - noise and disturbance

13. Access to the farmhouse is taken from the main road via a drive some 75m in length. At its head, the drive divides to run either side of the farmhouse. Access to the annexe would be from the route which runs along the front and then western side of the farmhouse.
14. In support of its case, the Council refers to a recent appeal decision where it was found that noise from comings and goings would be harmful. However, it seems the finding in that appeal related to the effect on the quiet enjoyment of a rear garden. That would not be the case at Three Gates Farm, where the access would run along a drive some distance from the front of the farmhouse. It would also pass in front of a sizeable outbuilding, now in use as stables. To my mind, this would be sufficient to ensure that any comings and goings associated with the annexe would not give rise to an undue degree of disturbance to occupants of the farmhouse. As such, I find no conflict with Local Plan policies GE1 and Hsg9, insofar as they seek to protect the amenities of neighbouring properties.

Other Matters

15. In support of the proposal, it is pointed out that much of the conversion work could have been carried out as permitted development within the curtilage of a dwellinghouse. Whilst that may well be the case, this proposal stands to be assessed in the round, as regards both its size and intended use. Criticisms were also made concerning inconsistencies in the way the Council had applied local and national planning policies. Whilst the example at Low Throston shares some characteristics with the appeal proposal, it differs in other respects, particularly as regards its intended relationship to the main house. Since the example at Nine Acres relates to a period well before the current Local Plan came into force, it is of limited relevance to this proposal. I have determined this appeal on its own merits.

Conclusions

16. The proposal would fail to satisfy Local Plan policy Hsg11 in terms of its relationship to the existing dwelling. Also, although the scheme is based on existing outbuildings, I am not persuaded it is in line with the intentions for the reuse of buildings set out in national policy. Whilst I have not found any harm

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in relation to the living conditions of existing occupants, that is not sufficient to outweigh the conflict with the development plan in relation to policy for the provision of residential annexes.

17. I have had regard to all other matters raised, including that the proposal is endorsed by the Parish Council. However, for the reasons given above, I conclude that the appeal should not succeed.

K.A. Ellison

Inspector

PLANNING COMMITTEE

25 September 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. An investigation has commenced in response to a complaint regarding the taking down of a side boundary fence to provide access for storing a touring caravan in the garden to the side of a residential property on Goshawk Road.
2. Officer monitoring noted the use of vacant land as a private car park on Caroline Street has been investigated. Officer actions have resolved the problem.
3. A Councillor has raised a complaint regarding chairs and tables placed by a wine bar owner in designated parking spaces on the Marina.
4. An investigation has commenced regarding the alleged demolition of a boundary wall to create a vehicular access from a vacant industrial site onto Mainsforth Terrace has been investigated. No planning breach was identified. No action necessary.
5. Officer monitoring noted two advertisement banners fixed to highway steel guardrails on Stranton Road has been investigated. The advertisements banners have been taken down as a result of cooperation from the responsible store manager.
6. Officer monitoring noted internal alterations to provide small retail units on the mezzanine floor of a retail unit on The Highlight Retail Park, Marina Way has been investigated. The units are to trade under a planning consent conditioned only general non-food sales are allowed. No action necessary.

7. A Councillor complaint regarding vehicles advertised for sale parked in the car park of local shopping mall on Wiltshire Way. The complaint has been redirected to the Council's Highway Division; appropriate action will be taken under their relevant legislation if necessary.
8. An investigation has been completed in response to complaint regarding the erection of breeze block structure in the rear garden of a property on Conisdiffe Road. Permitted development rights apply in this case. No action necessary.
9. An investigation has commenced in response to a complaint regarding an overgrown rear garden on Ivanhoe Crescent.
10. An investigation has been completed in response to complaint regarding alterations made to an existing boundary adjacent to a footpath at a property on Kestrel Close. Planning permission is required in this case and a retrospective application has been submitted.
10. An investigation has been completed in response to a complaint regarding a beauty salon operating from a vacant retail unit on Murray Street. No evidence was detected to verify the complaint. No action necessary.
11. A Councillor complaint regarding the demolition of a front boundary wall and paved front garden to provide off street parking at a property on Beaconsfield Street. The property is located in the Headland Conservation Area and protected by Article 4 Direction.
12. A neighbour complaint regarding an alleged proposed flats use of a property not in accordance with an approved use for student accommodation of a property on Hutton Avenue has been investigated. The internal alterations to the property are nearing completion and a site visit revealed no evidence of the alleged use being implemented, confirmed by the site manager. However, it will be appropriate to monitor the use of the property once it is underway in this case.
13. An investigation has commenced in response to a complaint regarding the erection of a detached garage to the rear of a property on North Lane, Elwick, has been investigated. Permitted development rights apply in this case. No action necessary.
14. An investigation has commenced in response to a complaint regarding the raising of an existing garage roof possibly breaching the boundary line between neighbours at a property on Hutton Avenue, has been investigated. No planning breach was identified in this instance. No action necessary.
15. An investigation has commenced in response to an anonymous complaint regarding a car repair business being run from a residential property on Gillpark Grove.
16. An investigation has commenced in response to an anonymous complaint regarding a cleaning business operating from a residential property on Thackeray Road.

17. The Council's Public Protection Team noticed internal alterations taken place to sub divide a public house on Lucan Street. Accordingly, a site inspection will be undertaken to establish whether a planning breach has taken place.
18. An investigation has commenced in response to an anonymous complaint regarding the siting and alleged occupation of a caravan on land to the side of a property on Hill View, Greatham.
19. Officer monitoring noticed the proliferation of advertising boards fixed to the wall of a sporting clubhouse on Elizabeth Way, Seaton Carew.
20. An investigation has commenced in response to an anonymous complaint regarding a dog boarding service operating from a residential property on Chandlers Close.
21. An investigation has commenced in response to a neighbour complaint regarding the siting of portable buildings and erection of a wooden structure on a vacant former filling station site on Stockton Road.
22. A Councillor complaint regarding the parking of a burger van for a lengthy time on a driveway of a property on Owton Manor Lane is under investigation.
23. An investigation has commenced in response to neighbour complaint regarding the use of land as a commercial vehicle storage depot on Navigation Point, Middleton Road.
24. An investigation has commenced in response to a neighbour complaint regarding a suspected car repair business operating from a residential property on Dunbar Road.
25. Officer monitoring noticed the proliferation of advertising boards fixed to the boundary fence of a garden centre on Stockton Road.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

25 September 2013



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON ENFORCEMENT ACTION – UNIT 3,
SANDGATE INDUSTRIAL ESTATE, MAINSFORTH
TERRACE, HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 To update members on the enforcement action taken against the change of use from storage to dog breeding business at Unit 3, Sandgate Industrial Estate, Mainsforth Terrace, Hartlepool.
- 1.2 An Enforcement Notice was issued on 6 August 2013 against the unauthorised dog breeding business. The notice took effect on 6 September 2013 and compliance on the same date. An appeal has been registered.
- 1.3 Regardless of the above a section 215 untidy land notice will be issued to ensure the breeze block built kennels, caravan and associated paraphernalia are removed from the site.

2. RECOMMENDATION

- 2.1 Members note this report.

PLANNING COMMITTEE

25th September 2013



Report of: Assistant Director (Regeneration)

Subject: HERITAGE AT RISK IN HARTLEPOOL

1. PURPOSE OF REPORT

- 1.1 This report provides details of the work that has been carried out in 2013 to assess the state of the historic environment in Hartlepool and put together a register of heritage assets 'At Risk' within the Borough.

2. BACKGROUND

- 2.1 English Heritage initially began work considering buildings at risk in 1991 when an assessment was made of property in London and the first Buildings at Risk Register was published. Buildings at risk are historic buildings that have been identified as at risk through neglect and decay. Very often this is not the fault of the owner but can occur for various reasons including uses of buildings no longer being required or even locations becoming unfashionable. This work has developed over the years to cover all heritage assets across England including buildings, Scheduled Ancient Monuments, and Conservation Areas. It is now known as the Heritage at Risk Register.
- 2.2 English Heritage encourages local authorities to monitor heritage in their area and compile local registers of Heritage at Risk. This acts to bring together any existing information on Heritage at Risk in an area including information that is not freely available elsewhere.
- 2.3 In 2012 a register of heritage assets at risk was established in Hartlepool. It enables assets at risk to be monitored on a more formal basis and highlights the sites locally which may assist in securing their future. The Heritage at Risk Register combines the work of English Heritage and the local authority together into one document.
- 2.4 English Heritage assesses the following heritage assets to determine if they are at risk:
- Grade I and II* listed buildings
 - Scheduled Ancient Monuments
 - Ecclesiastical Buildings
 - Conservation Areas

- 2.5 The Local Authority compiles a list of Grade II listed buildings and locally listed buildings that are at risk. The assets at risk were identified by officers through the planning process and site visits made to Conservation Areas. The condition of the heritage assets was then assessed from an external visual inspection of the buildings. The same methodology applied by English Heritage on their Heritage at Risk Register is used to calculate the level of risk.

3 HERITAGE AT RISK 2013

- 3.1 This year English Heritage provided financial support to 19 pilot projects across the country looking at different methods of assessing Grade II listed buildings at risk. Hartlepool was chosen as one of the pilot schemes. Officers developed a project with Tees Archaeology to carry out a comprehensive survey of all Grade II listed buildings in Hartlepool. Volunteers, guided by officers, worked in groups surveying assets to assess those at risk.
- 3.2 The surveys took place from public areas and were in the form of an external visual inspection. Data was collected electronically on site using iPads and on paper survey sheets. 194 Grade II listed buildings were surveyed. The survey was divided into two phases so that once volunteers had experience in surveying properties they could pass these skills on to new volunteers to enable them to continue the work.
- 3.3 The English Heritage survey pro-forma was used to ensure that the data collected on buildings remains consistent. There are 10 Grade II listed buildings at risk in Hartlepool. A number of locally listed buildings have also been surveyed and 4 of these were found to be at risk.
- 3.4 This is the same number of buildings at risk as last year. Although one listed building could be removed from the list a further listed building has been added.

4 CONSULTATION

- 4.1 Owners of heritage assets on the register were notified that their asset has been included. They were sent a copy of the proposed register entry along with a response form for them to reply.
- 4.2 At the time of writing this report only one owner responded to the consultation. A representative for the former Wesley Methodist Church, Victoria Road stated that it was the, 'company's intentions to implement the Planning Consent dated 5th November 2012 Ref: H/2012/0311 [Change of use to hotel and lower ground floor to licensed bar/bistro/restaurant] and the company is in the process of resolving the pre-start conditions...it is totally inappropriate for you to consider including this building on a building at Risk Register' and I object very strongly to the proposal.' In response officers confirmed that

assets considered to be “at risk” could be in a sound condition but have no clear future and therefore considered to be at risk which is the case with this property. In addition no pre-start conditions have been addressed. Furthermore using the English Heritage Guidance a building remains at risk until the point that work has been completed on site and the building is occupied. This is the case with a number of buildings on the list where building work is ongoing but not completed.

5 PUBLICATION OF THE REGISTER

- 5.1 If agreed the register will be published on the Council’s website. All owners will receive a copy of the final entry for their asset.
- 5.2 It is proposed that the register continues to be reviewed annually. Assets will only be removed from the list where there is a clear plan in place for the future. For example the granting of planning permission to bring an asset back into use would not be considered sufficient to remove it from the list as that consent may not be executed. Assets will only be removed once works are completed on site and the asset is secure.

6. EQUALITY AND DIVERSITY CONSIDERATIONS

- 6.1 There are no equality or diversity implications.

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

- 7.1 There are no Section 17 Implications

8. FINANCIAL CONSIDERATIONS

- 8.1 All costs associated with the project have been met through funding provided by English Heritage.

9. RECOMMENDATIONS

- 9.1 That the Planning Committee agrees the draft document Heritage At Risk in Hartlepool 2013.

10. BACKGROUND PAPERS

Heritage At Risk in Hartlepool 2013. Copies of the document are available in the Members Library

11. CONTACT OFFICER

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