

PLEASE NOTE CHANGE OF TIME

PLANNING COMMITTEE AGENDA



Wednesday 19th March 2014

at 10.30am

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, Martin-Wells, Morris, Robinson, Shields and Sirs

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 19th February 2014

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

- | | | |
|---|-------------|--|
| 1 | H/2013/0602 | 9 Hardwick Court, Hartlepool (<i>page 1</i>) |
| 2 | H/2013/0628 | The Mowbray, Mowbray Road, Hartlepool (<i>page 9</i>) |
| 3 | H/2013/0627 | Low Throston House, Hart Lane, Hartlepool (<i>page 15</i>) |
| 4 | H/2013/0328 | Land to the South of A179 and West of Middle Warren (known as Upper Warren), Hartlepool (<i>page 25</i>) |
| 5 | H/2013/0435 | Seaton Leisure, The JD Sports Domes, Tees Road, Hartlepool (<i>page 51</i>) |
| 6 | H/2013/0590 | West Lodge, The Parade, Hartlepool (<i>page 65</i>) |
| 7 | H/2013/0630 | West Lodge, The Parade, Hartlepool (<i>page 73</i>) |

4.2 Neighbourhood Planning (Consultation Guidance) – *Assistant Director (Neighbourhoods)*



PLEASE NOTE CHANGE OF TIME

4.3 Appeal at land South of the Raby Arms – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Update on Current Complaints – *Assistant Director (Regeneration)*

5.2 Appeal at 59/61 Honiton Way – *Assistant Director (Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8. ITEMS REQUIRING DECISION

7.1 Withdrawal of Enforcement Notice: Low Throston House, Hart Lane, Hartlepool (*paras 5 and 6*) – *Assistant Director (Regeneration)*

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

10. 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 16th April 2014



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

19th February 2014

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, Keith Fisher,
Mary Fleet, Sheila Griffin, Marjorie James, Geoff Lilley,
Brenda Loynes, Ray Martin-Wells, George Morris,
Jean Robinson, Linda Shields and Kaylee Sims

In accordance with Council Procedure Rule 4.2 Councillor Keith Dawkins was in attendance as substitute for Councillor Alison Lilley

Also Present Councillors Stephen Akers-Belcher and Allan Barclay

Officers: Damien Wilson, Assistant Director (Regeneration)
Chris Pipe, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Highways, Traffic and Transport Manager
Sarah Scarr, Landscape Planning and Conservation Team
Leader
Adele Wilson, Community Regeneration and Development
Coordinator
Adrian Hurst, Principal Environmental Health Officer
Richard Trow, Planning Officer
Carole Thelwell, Facilities Management Officer
Tony Macnab, Solicitor
Jo Stubbs, Democratic Services Officer

98. Apologies for Absence

Apologies were submitted by Councillor Alison Lilley

99. Declarations of interest by members

Councillor Keith Fisher declared a personal interest in item 4.1 Hospital Site, Wynyard

Councillor Ray Martin-Wells declared a personal interest in item 4.1 Hospital Site, Wynyard and item 4.2 Neighbourhood Planning (Park Neighbourhood

Plan Area and Forum Designation). He also declared a prejudicial interest in item 4.1 9 Hardwick Court and indicated he would leave the meeting during consideration of this item

Councillor Brenda Loynes declared a personal interest in item 4.1 Hospital Site, Wynyard and item 4.2 Neighbourhood Planning (Park Neighbourhood Plan Area and Forum Designation).

Councillor George Morris declared a personal interest in item 4.2 Neighbourhood Planning (Park Neighbourhood Plan Area and Forum Designation).

100. Confirmation of the minutes of the meeting held on 22nd January 2014

The minutes were approved.

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

Number:	H/2013/0479
Applicant:	North Tees And Hartlepool NHS Foundation Trust North Wing, Hardwick Director of Estates Stockton on Tees
Agent:	Barton Willmore Mr James Hall Rotterdam House 116 Quayside Newcastle upon Tyne
Date received:	07/10/2013
Development:	Outline application with some matters reserved for new hospital development with associated landscaping, access and ancillary uses including car parking and energy centre (renewal)
Location:	HOSPITAL SITE WYNYARD PARK

The Planning Team Leader (DC) advised Members that an identical application to this had previously been approved by the Planning Committee however subsequent problems securing funding had caused the permission to lapse necessitating a new application. Concerns regarding traffic and transportation problems had been addressed and improvements to the road system near the site had been proposed and found acceptable by Hartlepool and Stockton Borough Councils. The usual practice was for a 3 year approval but in this case the Trust had requested a 5 year approval given the protracted nature of financial procurement which was outside of the Trust's control.

James Hall, the agent for this application was present and addressed the Committee, giving information on the proposed layout of the site and asking that members support the recommendations.

Members discussed the application at length. Concerns were raised regarding traffic and transportation around the site at peak times and questions were asked as to whether it was appropriate for a planning application to be made when the funding was not available. Officers advised that this was not a material planning consideration and neither was the failure to implement the original permission. A motion to defer the application until such time as the funding was available was refused. Members acknowledged that this was a highly emotive application to a lot of people and sympathised with the frustration felt by campaigners but a majority felt that to turn down this application would be to close the door on a future hospital in Hartlepool's boundaries. The quality of care was felt to be of greater importance than geographical location albeit that it should be near Hartlepool. A member referred to a petition for the retention of the University Hospital of Hartlepool which had been signed by 34 thousand people and the unanimous vote of no confidence in the Trust taken by Council previously. They also questioned whether Wynyard was inside Hartlepool's boundaries.

In terms of the request for a 2 year extension to the standard planning approval this was refused by members unanimously as they felt there needed to be action taken on this application sooner rather than later

Decision:

APPROVE subject to the completion of a legal agreement under S106 of the Planning Act relating to linking the opening of the new hospital to other elements of the integrated health care programme, the provision of public transport services, the provision of off site highway improvements, a cycleway contribution, the provision of a contribution towards the proposed Billingham Interchange Redevelopment, the provision of a Car Parking Management Plan, a contribution towards Car Parking Management, a commitment towards a targeted labour and training agreement for employment opportunities and the appointment of a Travel Plan Coordinator to oversee the implementation the Travel Plan and Car Parking Management Plan, the conditions outlined in the report on this agenda as amended by additional conditions (34, 35, 36). The final wording and content of the legal agreement (including the levels of contributions) and conditions to be delegated to the Planning Services Manager.

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning

with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.

2. Approval of the details of the layout, scale and appearance of the building(s), and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To ensure the site is developed in a satisfactory manner.
3. The development shall be carried out in accordance with the mitigation measures set out in the Environmental Statement and supporting documents submitted with the application unless provided for in any other condition attached to this permission or unless otherwise agreed in writing by the Local Planning Authority. The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.
4. The layout and scale of the final development shall be carried out in substantial accordance with the details submitted in the Environmental Statement and supporting documents of the hereby approved application, unless otherwise agreed in writing by the Local Planning Authority. The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.
5. The proposed building shall not exceed 6 storeys in height and the floorspace shall not exceed 100,000m² (Gross Internal Floor Area). The development is the subject of an Environmental Impact Assessment and any material alterations to the scheme may have an impact which has not been assessed by that process.
6. The landscaping scheme required by condition 2 shall: 1) be designed so as to prevent vehicular parking on areas not identified for car parking. The scheme shall be implemented prior to the hospital becoming operational and retained thereafter for the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. 2) include a scheme for the protection of trees to be retained within the site. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. 3) include a scheme for the replacement of trees lost by the development. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. 4) include a scheme for strengthening the site boundary plantations. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. 5) shall be designed to enhance the biodiversity of the site. Thereafter the scheme shall be implemented in accordance with the approved details unless otherwise agreed in writing by the Local

- Planning Authority. In the interests of visual amenity and highway safety.
7. A detailed ecological/environmental management plan shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. This should include details of mitigation measures and a detailed "balance sheet" of the residual adverse effects set against the compensatory/enhancement measures, including the long term sustainability of those measures. Thereafter the agreed measures shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To ensure that appropriate biodiversity enhancements are achieved.
 8. No development shall take place until a scheme for the parking of vehicles within the site has been submitted for the consideration and approval of the Local Planning Authority. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety.
 9. The hospital hereby approved shall not be brought into use until the proposed bus services, as detailed in the legal agreement accompanying this decision are operational, unless otherwise agreed in writing by the Local Planning Authority. In the interests of accessibility.
 10. The hospital hereby approved shall not be brought into use until a scheme for cycleway provision/improvements to the site has been implemented in accordance with details which have been first submitted to and approved in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. In the interests of highway safety and promoting sustainable forms of transport.
 11. A scheme for cycle storage including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the hospital hereby approved is first occupied. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To ensure the site is developed in a satisfactory manner.
 12. The Travel Plan prepared by WSP (Issue 1 dated 27/09/2013) shall be implemented at the time of development and thereafter adhered to at all times the development exists unless some variation is otherwise agreed to by the Local Planning Authority. In the interest of reducing the traffic impact of the development on the Strategic Road Network.
 13. The Car Park Management Plan received from WSP on 4/12/2013 (dated November 2013) shall be implemented at the time of development and thereafter adhered to at all times the development exists unless some variation is otherwise agreed to by the Local Planning Authority. In the interest of reducing the traffic impact of the development on the Strategic Road Network.
 14. The hospital hereby approved shall not be brought into use until the road linking the A689/The Wynd roundabout and A689/Glenam Road

roundabout (through Wynyard 3) has been implemented to adoptable standards and is operational, unless otherwise agreed in writing by the Local Planning Authority. In the interests of safety and the free flow of traffic.

15. The development shall not be brought into use until an alternative diversion access route to the Hospital hereby approved is identified, tested and publicised in the event the A19 is closed to through traffic, unless otherwise agreed in writing by the Local Planning Authority. In the interests of safety and the free flow of traffic.
16. A scheme for the inclusion of a bus stop(s) including a programme of works shall be submitted to and agreed in writing by the Local Planning Authority before development commences, thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. In the interests of accessibility.
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) dated 27/9/2013 and the following mitigation measures detailed within the FRA: 1. Limiting the surface water run-off generated up to and including the 100 year critical storm (inc. CC) so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site. 2. Surface water discharge will be attenuated to the 'greenfield' rate of 3.5 l/s/ha with storage volumes as calculated in section 3.2.4.3.
Finished floor levels should be set a minimum of 150mm above existing ground level as outlined in section 8.1.6. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.
18. Development shall not begin until a surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the approved details unless some variation is otherwise agreed in writing by the Local Planning Authority. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development and future occupants.
19. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor, unless otherwise agreed in writing by the Local Planning Authority. To prevent pollution of the water environment.
20. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and approved in

writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority the development should be designed to ensure energy consumption is minimised and meets the Building Research Establishment's Environmental Assessment Method (BREEAM) "excellent" ratings as a minimum. The hereby approved development should also have embedded a minimum of 10% energy supply from renewable resources. Thereafter the scheme shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To encourage sustainable development.

21. A scheme for the location of the proposed helicopter pad including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the development commences. Thereafter the helicopter pad shall be provided in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority. In the interests of minimising any possible impact of noise on neighbouring properties.
22. Details of any fixed plant and associated noise mitigation measures shall be submitted to and approved in writing by the Local Planning Authority before development commences. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. In the interests of minimising any possible impact of noise on neighbouring properties.
23. A scheme for external lighting of the development including a programme of works shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To minimise light pollution and any impacts on ecology.
24. The development hereby approved shall incorporate 'secured by design' principles. Details of proposed security measures, including the provision of CCTV and a programme of work shall be submitted and agreed in writing with the Local Planning Authority before the building hereby approved is first occupied. The scheme shall be implemented in accordance with the approved details. In the interests of crime prevention.
25. A scheme for the provision of public art/landmark features, including a programme of works, shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. In the interests of visual amenity.
26. A scheme for refuse storage including a programme of works shall be submitted to and approved in writing by the Local Planning Authority before the hospital hereby approved is first occupied. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. In the interests of visual amenity.

27. 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 a scheme to be agreed in writing by the Local Planning Authority, and where remediation is necessary a remediation scheme must be prepared in accordance with a scheme to be submitted to and agreed in writing by the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority. To ensure the site is developed in a satisfactory manner.
28. Prior to the removal of any trees that have been identified in the Penn Associates report dated September 2013 as Category 1* (very high) and Category 1 (high) for bat potential shall be subject to a bat activity survey shall be undertaken by a suitably qualified Ecologist. Prior to the felling of any such tree or any other tree with bat roosting potential a method statement for the felling works shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved scheme. In order to ensure protected species (Bats) are not harmed during the course of the development.
29. Prior to any removal of vegetation, including trees and grassland/arable set-aside, between March to August (Inclusive) the vegetation shall be surveyed, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist to ascertain the presence, or not, of breeding birds. Should no breeding birds be present a report shall be submitted to the Local Planning Authority to confirm this prior to the commencement of works. Should breeding birds/birds nests be found a scheme to protect the breeding birds shall be submitted to and approved in writing by the Local Planning Authority and thereafter adhered to. In order to ensure that breeding birds are not affected by the development.
30. The mitigation measures specified in the air quality assessment and noise chapters of the Environmental Statement shall be implemented during the construction and operational phase of the development unless some variation is otherwise agreed in writing by the Local Planning Authority. In the interest of the amenity of the area.
31. Prior to the commencement of any works which may affect bats and or their habitat, a detailed mitigation and monitoring strategy should be submitted to, and approved in writing by the local planning authority. All works should then proceed in accordance with the approved strategy with any amendments agreed in writing. In order to ensure protected species (Bats) are not harmed during the course of the development.
32. No development shall take place until a scheme for the provision and management of a 5 metre wide buffer zone alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning

Authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping; and could form a vital part of green infrastructure provision. The schemes shall include: 1. Plans showing the extent and layout of the buffer zone²

Details of any proposed planting scheme (for example, native species)³ Details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan⁴ Details of any proposed footpaths, fencing, lighting etc. Land alongside watercourses is particularly valuable for wildlife and it is essential this is protected. This condition is supported by the National Planning Policy Framework (NPPF), paragraph 109 which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the river basin management plan.

33. Prior to the commencement of any part of the development hereby approved a scheme for the disposal of foul sewerage arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and the approved details retained for the lifetime of the development unless the Local Planning Authority agrees in writing to some variation of the approved scheme. In order to ensure that the site is provided with suitable drainage arrangements.
34. Prior to commencement of development works on the site, details of improvements to the the A689 and its junctions, as illustrated in principle on Development Planning Limited drawings DPL SK101, DPL SK102, DPL SKL103, DPL SK104 (all dated 30th January 2014) received at the Local Planning Authority on 31st January 2014, or other alternative scheme as agreed by the Local Planning Authority shall be submitted to and approved in writing by the Local Planning Authority. The proposed works shall be subject to a Stage 2 (detailed design) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority. In the interests of safety and the free flow of traffic.
35. Prior to first use or occupation of any part of the development, the required improvements to the A689 and its junctions or other

alternative scheme as agreed by the Local Planning Authority (as set out in Condition 35) shall be completed to the satisfaction of the Local Planning Authority. The proposed works shall be subject to a Stage 3 (completion or construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority. In the interests of safety and the free flow of traffic.

36. Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 35 and 36) become operational. The Audits shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the Local Planning Authority. In the interests of safety and the free flow of traffic.

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells had previously declared a prejudicial interest in the following application and left the meeting during its consideration.

Number: H/2013/0602

Applicant: Mr Michael Streeting
9 Hardwick Court HARTLEPOOL

Agent: ASP Associates Mr Paul Alexander Vega House
8 Grange Road Hartlepool

Date received: 10/01/2014

Development: Erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front (Amended Plans Received)

Location: 9 HARDWICK COURT HARTLEPOOL

Decision: The application was deferred to allow members to carry out a site visit prior to the consideration and determination of the application.

Councillor Ray Martin-Wells returned to the meeting

Number: H/2014/0009

Applicant: Galliford Try
Sir Bobby Robson Way Great Park

Agent: Blake Hopkinson Architecture LLP Mr D Blake

Suite 22A Union Quay NORTH SHIELDS

Date received: 10/01/2014

Development: Variation of condition 3 of planning application H/2013/0145 comprising: Full application for the erection of 25 dwellings with associated landscaping, infrastructure and access; Outline application for up to 113 dwellings and associated access with all other matters reserved

Location: Former Henry Smith School Site King Oswy Drive HARTLEPOOL

Decision: **APPROVE** subject to conditions set out below and no substantially different additional objections being received prior to the expiry of the consultation period, with the final decision being delegated to the Planning Services Manager. Should any substantially different objections be received these shall be considered by the Planning Services Manager in consultation with the Chair of Planning Committee:

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years from the date of permission H/2013/0145 (approved 27/08/2013) and the development hereby approved in so far as it relates to outline planning permission for up to 110 dwellings must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of permission H/2013/0145 (approved 27/08/2013); or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans and documents received by the Local Planning Authority on 21 March 2013: (001, Site Location Plan; 10 REV.5, Accessible Bungalow Plan - Type A; 11 REV.4, Accessible Bungalow Plan Type B; 12 REV.4, General Needs Type Bungalow Type A Plan; 13 REV.4, Bungalow Plan Type B; Design and Access Statement, Noise Survey, Phase 1 Habitat Survey, Flood Risk Assessment, Statement of Community Involvement, Ground Gas/Water Monitoring Report, and Desk Study Report) the following plan received on 30 May 13: (001 Rev A, Landscape Strategy) as amended by the following plans received on 20th August 2013: (05 REV.2, Proposed Boundary Details; 14 REV.3, Accessible Bungalow Type A Elevations; 15 REV.2,

Accessible Bungalow Plan - Type B Elevations; 16 REV.2, General Needs Bungalow - Type A Elevations; 17 REV.3, General Needs Bungalow - Type B Elevations) as amended by the following plans received on 8 January 2014 (006, Proposed Boundary Key Layout, 03, Existing Site Section and Proposed Streetscapes; 004 Rev J Proposed Site Layout - Detailed Application) the following plan received on 4 February 2014: (12T796-100 Rev C3 Proposed External Works Layout) the following plans received on 6 February 2014 (12T796-101 Rev C4, Proposed Drainage Layout; 001 Rev A, Landscape Strategy) and the following plan received 10 February 2014 (07 Rev D, Illustrative Masterplan - outline application). For the avoidance of doubt.

3. The external materials used for this development shall be strictly in accordance with the details set out in the approved plans and documents and in accordance with the details submitted to the Local Planning Authority on 28 10 13. 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 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.
5. All planting, seeding or turfing comprised in the approved details of landscaping as shown on approved plan (001, Landscape Strategy, received 06 02 2014) 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. 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.
7. The development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. To prevent the increased risk of flooding from any sources.
8. The development shall be carried out in accordance with the Construction Management Plan submitted to the Local Planning

- Authority 28 10 13. In the interests of the amenities of the occupants of neighbouring properties.
9. The development shall be carried out in accordance with the code for sustainable homes pre-assessment submitted to the Local Planning Authority
28 10 13. In the interests of sustainability.
 10. 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.

11. The number of dwellings hereby approved in so far as relates to the outline element of this permission shall not exceed 110. To ensure the site is developed in a satisfactory manner.
12. For the outline element of this permission details of the layout, scale and appearance of the buildings, and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. In order to ensure that these details are acceptable.
13. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.

14. Details of a wheel-washing facility within the site shall be submitted to and approved in writing by the Local Planning Authority within 28 days of the date of this permission. The facility shall be installed within 7 days of the approval of the submitted details and shall thereafter remain operational and be available for its intended use at all times during the lifetime of the development. In the interests of the amenities of the occupants of neighbouring properties.

Number: H/2013/0617

Applicant: Miss Mary Frain
St. Teresas RC Primary School Callander Road
HARTLEPOOL

Agent: SJR Architectural & Interior Designers Mr David
Johnson SJR Architectural Suite 104 The
Innovation Centre HARTLEPOOL

Date received: 18/12/2013

Development: Change of use of redundant caretakers bungalow to
form additional teaching and learning space for use
in connection with main school buildings

Location: St Teresas RC Primary School Callander Road
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 18/12/2013 (Drawing no. 02, Location Plan; Drawing no. 01, Existing and Proposed Floor Plans). For the avoidance of doubt.
3. Notwithstanding the details submitted with the application any making good of the building required as a result of the demolition works shall use external materials to match those of the existing building(s). In the interests of visual amenity.

Number: H/2014/0007

Applicant: MR STUART CARLING
WESTBOURNE ROAD HARTLEPOOL

Agent: MR STUART CARLING 38 WESTBOURNE ROAD
HARTLEPOOL

Date received: 08/01/2014

Development: Erection of boundary fencing (retrospective application)

Location: 38 WESTBOURNE ROAD HARTLEPOOL

Members raised concerns at the height of the fence and the nearby bushes.

Decision: Planning Permission Approved

102. Neighbourhood Planning (Park Neighbourhood Plan Area and Forum Designation) *(Director of Regeneration and Neighbourhoods)*

The Community Regeneration and Development Coordinator updated members on the proposed Park Neighbourhood Plan. Neighbourhood Planning had been brought in as part of the Government's Localism Act 2011 and was designed to give local people greater ownership of plans and policies affecting their local neighbourhood by allowing them to develop a community-led framework to guide the future development of their area. In Hartlepool, Neighbourhood Plans are being developed in 4 areas – Rural, Headland, Wynyard and Park.

Following the withdrawal of the Local Plan it had been felt appropriate to amend the reporting and decision making process for the designation of Neighbourhood Plan Areas and / or Forums, which members approved at their meeting in December 2013. Details were given within the report of the current status of the proposed Park Neighbourhood Plan and a decision was sought from members in relation to the designation of the proposed area and the designation of the Park Neighbourhood Planning Forum as the appropriate body to develop the plan. The proposed Park Neighbourhood Plan Area and Forum submission was appended to the report along with a written representation from GVA for and on behalf of Taylor Wimpey UK Ltd noting their interest in becoming a key stakeholder in the proposed Park Neighbourhood Plan process. Members were also advised that the Rural West Ward Members had previously raised concerns regarding both the proposed Park Neighbourhood Plan area extending into neighbouring wards and the level of consultation with those living in the proposed Plan area, including Ward Members. As a result, further consultation had taken place with the Ward Members for Victoria, Hart and Burn Valley wards. Of the 5 who had responded, 2 had raised no objections, 1 wanted the boundary to remain in the Rural West Ward, 1 was unsure of the benefits of extending the boundary and 1 was supportive of the concerns of the Rural West Ward

Members.

Members queried how many of the 20,000 residents living within the four wards affected had been consulted. The Chair of the Park Neighbourhood Planning Forum advised that the issue had primarily been raised at several meetings of the Park Residents Association, involving attendances of between 30 and 70 people. He confirmed that there had never been a formal vote on the proposed Park Neighbourhood Plan area, more a general acceptance of interest. Members were divided on whether to approve the application, with some applauding the attempt to bring communities together, while others felt it inappropriate for the proposed Park Neighbourhood Plan Area to encroach onto neighbouring wards. Serious concerns were also raised as to the perceived lack of consultation on the proposed Park Neighbourhood Plan Area and Forum. Following use of the Chair's casting vote the Committee decided not to approve the proposed designation of the Park Neighbourhood Plan Area and Planning Forum due to the perceived lack of consultation among residents in the Neighbourhood Plan Area. The Community Regeneration and Development Coordinator advised members that although the decision could not be appealed, the Park Neighbourhood Planning Forum could submit an application in the future. However, the application would be subject to the same statutory consultation required by the Local Planning Authority (LPA).

Decision

That the designation of the proposed Park Neighbourhood Plan Area be refused

That the designation of the Park Neighbourhood Planning Forum as the appropriate body to develop the Park Neighbourhood Plan be refused

103. Locally Listed Buildings *(Assistant Director (Regeneration))*

At the previous meeting of Planning Committee on 22nd January 2014 members had approved a review of the list of Locally Listed Buildings for Hartlepool. However they had raised concerns at the proposed use of an independent selection panel to select the final entries as had happened during the initial selection in 2011 and had asked to be more proactively involved. Officers had subsequently identified a number of options as follows:

- I. Selection Panel
- II. Sub-Planning Committee Assessing Selections
- III. Planning Committee Act as Selection Panel
- IV. Joint Heritage and Planning Committee Selection Panel

Members expressed their preference for Option 3 with the caveat that experts be consulted if members felt this necessary

Decision

That the review of the list of Locally Listed Buildings for Hartlepool be approved

That the selection of final entries for the draft list be carried out by the Planning Committee aided by experts if required

Councillors Keith Dawkins and Kaylee Sirs left the meeting

104. Local Plan Timetable and Progress *(Assistant Director (Regeneration))*

The Planning Services Manager updated members on the proposed timetable and progress of the Hartlepool Local Plan. This could be done either with or without the Issues and Options stage, something which would add 1 month to the process. Members of the Regeneration Services Committee would be asked to make a decision on this the following day. Detailed information on the timescale and cost for each task and sub task was appended to the report with adoption expected to take approximately 3 years including the judicial review period.

Decision

That the timetable be noted

That the request that Regeneration Services Committee approve Option 1 as the route to prepare the Local Plan be noted

105. Update on Current Complaints *(Assistant Director (Regeneration))*

Twelve ongoing planning issues were highlighted to Members. A Member requested an update on issues relating to Hillston Close, Saddleton Close and a public house in Elwick.

Decision

That the report be noted.

106. Shop Front Design Guidance *(Assistant Director (Regeneration))*

The Planning Services Manager drew Members' attention to the current public consultation on the Draft Shop Front Design Guidance Supplementary Planning Document. A copy was appended to the report. Members were asked to forward any comments on the document to the Landscape Planning and Conservation Document by 31st March 2014.

Decision

That the public consultation currently being undertaken on the draft Shop Front Design Guidance be noted.

107. Consultation on Enterprise and Regulatory Reform Act *(Assistant Director (Regeneration))*

The Landscape Planning and Conservation Manager referred Members to consultation carried out by the Department for Culture, Media and Sport on the Enterprise and Regulatory Reform Act. The Council's response, which had been formulated in consultation with the Heritage Champion, was appended to the report.

Decision

That the response to the consultation on the Enterprise and Regulatory Reform Act be noted.

108. Quarterly Update Report for Planning Services October – December 2013/2014 *(Assistant Director (Regeneration))*

The Planning Services Manager presented an update on performance and progress across the key areas of Planning Services for the third quarter of 2013/2014. This showed 85.7% of major applications had been determined within their target date (national target of 60%), 73.9% of minor applications (national target of 65%) and 83.75% of other applications (national target of 80%). Over £98,000 had been generated in fee income from applications for the quarter with a further £12,000 coming from enquiries to the One Stop Shop for the year to date. Members requested information on the One Stop Shop charges. The Planning Services Manager advised that there was a schedule of charges based on categories provided by Central Government. Basic household applications such as extensions were not chargeable but there was scope to amend this. The Chair asked that information on the One Stop Shop rates be sent out to Members in order that they consider whether some charges required amendment. Members asked when the figures for the gypsy site would be available. The Planning Services Manager indicated that a need should be determined within the next 6 months

Decision

- I. That the report be noted
- II. That the progress made across key areas of the Planning Services Team be noted
- III. That a copy of the One Stop Shop rates be sent to Members

The meeting concluded at 12:15pm

CHAIR

No: 1
Number: H/2013/0602
Applicant: Mr Michael Streeting 9 Hardwick Court HARTLEPOOL TS26 0AZ
Agent: ASP Associates Mr Paul Alexander Vega House 8 Grange Road Hartlepool TS26 8JA
Date valid: 10/01/2014
Development: Erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front (Amended Plans Received)
Location: 9 HARDWICK COURT HARTLEPOOL

PURPOSE OF REPORT

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

DEFERRED

1.2 The application was deferred by Members at Planning Committee on 19th February 2014 in order for Members to carry out a site visit to the property prior to consideration and determination of the application.

BACKGROUND

1.3 Planning consent was granted in May 2009 (H/2009/0130) for the erection of a two-storey lounge/bedroom/en-suite extension to site, and a two-storey garage/utility/bedrooms extension to the other side.

PROPOSAL

1.4 The application seeks consent for the erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front. The proposed roof will incorporate the existing hipped design with an eaves height to match that of the existing house. Additionally, the application proposes two chimney's with inglenooks to the north side of the property.

1.5 The plans have been amended since they were originally submitted to incorporate shutters to the windows on the front elevation of the property matching those currently in situ and the provision of privacy screens to the sides of the balcony to the rear.

1.6 The application has been referred to Planning Committee as four letters of objection have been received.

SITE CONTEXT

1.7 The application site is a substantial double fronted property located on Hardwick Court with substantial gardens to the rear and open plan garden to the front. The property benefits from an existing attached garage to the side (south) which is set forward of the front wall of the property by 1.23m. Hardwick Court is characterised by similarly designed properties, a number of which have been extended.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (10). To date, there have been four letters of objection received.

The concerns raised are:

1. The proposed balcony would incur loss of privacy to the rear of adjacent property, and would constitute an unwanted and unwarranted precedence in the neighbourhood.
2. The scale of the proposed development is inappropriate, particularly with regard to the shape and size of the plot, and the natural contours of the ground.
3. The final house width would be significantly greater than any other in the Court, thus creating an unbalanced appearance, and the omission of shutters to the upper windows would be out of keeping with the rest of the houses in Hardwick Court.
4. The development is out of keeping with Hardwick Court.
5. It is too extensive i.e. extension on three sides.
6. It will be encroaching to other properties.
7. Does not incorporate shutters.
8. Extending the house on both sides is overdeveloping such a small site, many houses in the court are extended on one side but not two.
9. Extending both sides means the house would be excessive in comparison to its neighbours although I applaud their investment and ambition.
10. At the rear a Juliet balcony would allow neighbours to enjoy their privacy rather than an extended balcony.
11. In terms of appearance this proposed development is totally out of character with the remainder of Hardwick Court.
12. Size is disproportionate to the plot of land on which it stands and appears to be an overdevelopment of the site.

Copy Letters C

1.9 The period for publicity is still outstanding but expires prior to the Planning Committee Meeting. Any further representations received will be tabled at the Meeting.

CONSULTATIONS

1.10 The following consultation replies have been received:

Traffic and Transportation – No highway or traffic concerns

Arboricultural Officer – No objections

PLANNING POLICY

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

Local Policy

1.12 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

National Policy

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

PLANNING CONSIDERATIONS

1.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Hartlepool Local Plan 2006 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

1.15 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.

1.16 On balance, it is considered that extensions to the dwelling can be suitably accommodated in the proposed locations without significantly impacting negatively on the outlook and privacy of the occupants of 8 and 10 Hardwick Court and 22 Auckland Way and the remaining 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 extensions are acceptable. It is considered that the proposed amendments to incorporate shutters to the window on the front elevation of the property and screens to the sides of the balcony to the rear further reduce the impact of the proposed works upon neighbouring properties and the streetscene in general. The proposal is therefore considered to be in accordance with policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan 2006. The justification for this reasoning is outlined in further detail in the remainder of this report.

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

1.17 Whilst it is acknowledged that the scale of the proposed works is large and would present a form of development (two storey extensions on both sides of the property) not typically reflective of properties located in the immediate vicinity, on balance, and having regard to the amended plan which incorporates shutters to the front elevation windows 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.

1.18 Whilst large, on balance 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.

1.19 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. 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

1.20 Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 require 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.

1.21 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.

1.22 The physical relationship and orientation of the property is such that it is considered unlikely that the proposed works would create any detrimental overshadowing/dominance issues upon the neighbouring properties.

1.23 On balance, whilst it is acknowledged that the proposed extensions will impact upon the amenities of neighbouring properties, in particularly those of 8 Hardwick Court, it is considered that, the physical relationship and orientation of the property is such that it is considered unlikely that they would create any significant detrimental overshadowing/overlooking or dominance issues upon the living conditions of the occupants of aforementioned neighbouring property. Concern has been received from the occupants of 8 Hardwick Court regarding the provision of a balcony to the rear. With regard to this aspect of the works, given that full height obscure glazing has been provided upon the side elevations of the balcony which will preclude any direct overlooking into the rear garden area of the aforementioned neighbouring property and that the balcony will be sited approximately 10m from the party boundary Officer's do not consider that any significant detrimental impact upon amenity will be created.

1.24 Whilst the two storey side extension to the north of the property will be sited in relatively close proximity to the neighbouring property of 22 Auckland Way given the oblique angles between the two properties and the changes in land levels it is not considered that any significant detrimental impact upon amenity will be created upon the occupant of the aforementioned property.

1.25 In general, it is not considered that the impact upon neighbouring properties will be of a level so to sustain a refusal. It is not considered that the extensions will appear unduly large or overbearing from the outlook of any of the neighbouring properties.

HIGHWAY SAFETY

1.26 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

1.27 Again, whilst it is acknowledged that the proposed development is large it is similar in scale to the previously approved 2009 permission which was not implemented. It is considered unlikely that it would appear unduly large or incongruous upon the streetscene.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.30 There are no Section 17 implications.

REASON FOR DECISION

1.31 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 – Mindful to approve subject to the conditions outlined 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 11/12/2013 (Drg.No: 1788/2 Rev E and the site location plan), on 23/12/2013 (Drg.No: 1788/1 Rev A) and the amended plan received by the Local Planning Authority on 05/02/2014 (Dwg.No's: 1788/3 Rev E and 1788/4 Rev E) unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of all external finishing materials, including the shutters, shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Notwithstanding the provisions of the Town and County Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevations of the extensions facing Auckland Way and 8 Hardwick Court without the prior written consent of the Local Planning Authority.
To prevent overlooking.
5. The obscure glass panels to be fitted to the sides of the balcony as shown on the Proposed First Floor Plan and Proposed Elevations Plan received by the Local Planning Authority on 05/02/2014 (Dwg.No's: 1788/4 Rev E and 1788/3 Rev E) should be installed prior to the balcony area being brought into use and shall be retained in situ for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.

6. The proposed ground floor WC window facing 8 Hardwick Court shall be glazed with obscure glass which shall be installed before the WC is brought into use shall thereafter be retained at all times while the window exists. To prevent overlooking.

BACKGROUND PAPERS

1.32 Background papers used in the compilation of reports relating to planning items are available for inspection in the Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

- 1.33 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY
- Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

AUTHOR

- 1.34 Richard Trow (Author)
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
- Tel: (01429) 523537
E-mail: richard.trow@hartlepool.gov.uk

9 HARDWICK 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: 1:1000
Date : 06/03/14
H/2013/0602

No: 2
Number: H/2013/0628
Applicant: Mr Jon Whitfield Hub Two Innovation Centre Venture Park
HARTLEPOOL TS25 5TG
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 23/12/2013
Development: Change of use of existing Class A4 premises to form 3
No. units, unit 1 from A4 to A1, unit 2 from A4 to A1 and
unit 3 from A4 to A4
Location: THE MOWBRAY MOWBRAY ROAD 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 A valid application was received for alterations to windows and shopfronts, creation of new openings to create three A1 retail units and external works including erection of boundary wall, fence and service gates (H/2013/0440). Members may recall this application was approved by the planning committee 18/12/2013.

2.3 A valid planning application was received for the erection of a free standing post, sign and non-illuminated lettering on front elevation (H/1987/0498). The application was approved by the Local Planning Authority on 05/11/1987.

2.4 A valid planning application was received for the extension of public house into shop and associated alteration to elevations (H/FUL/1996/0178). The application was approved by the Local Planning Authority on 10/06/1996.

2.5 This application is being reported to committee due to the number of objections which have been received.

PROPOSAL

2.6 The submitted proposal seeks planning permission for the change of use of existing Class A4 premises (public house) to form 3 no. units, units 1 and 2 from A4 to A1 (shop) and unit 3 from A4 to A4 (public house).

2.7 The change of use of a public house to use class A1 shop premises is permitted development and does not require planning permission. Planning permission is required for this development as it comprises a mixed use development as it is proposed to retain one of the units as a public house (Use Class A4).

SITE CONTEXT

2.8 The application site was a former vacant public house of no significant architectural merit. The applicant has carried out the majority of the external building works to allow the building to be split into three units as approved under planning application H/2013/0440. At the time of writing this report unit 2 is now occupied by a deli falling into Use Class A1.

2.9 The site is a corner plot, with the building facing onto both Fenton Road and Mowbray Road. The property has a sizable car park.

PUBLICITY

2.10 The application has been advertised by way of 37 neighbour letters and 2 site notices. One letter of support has been received welcoming the change of use of unit 3 to a public house as a community asset and the applicant has provided a 60 name petition in support of the proposal from customers of unit 2 – deli. To date, there have been 8 objections to the proposed development.

2.11 The concerns raised include:

- Anti-social behaviour
- Disturbance to nearby residential properties particularly early morning and late at night
- Parking
- Large vehicles making deliveries will cause disturbance to neighbouring properties.
- Object to unit 3 being a public house
- Noise
- Litter
- Traffic
- Highway safety issues
- Would decrease the value of properties
- Unit 2 will be a hot food take away if it trades from 6am – 11.30pm
- Late night opening
- These shops are not wanted or needed
- Great Crested Newts breed in garden pond adjacent to the site
- Will impact on wildlife
- A Tree Survey has not been undertaken
- There would be trade effluent in the form of beer waste
- CCTV should be installed
- The boundary wall has not been completed
- Pollution

The period for publicity has expired.

CONSULTATIONS

2.12 The following consultation replies have been received:

HBC Traffic and Transport: No objections subject to conditions relating to access/servicing and parking restrictions

HBC Engineering Consultancy Telford: No objections

HBC Public Protection: No objections subject to conditions

HBC Ecology: A letter of objection submitted to the local planning authority states that Great Crested Newts (GCN) are present in a garden pond next to the application site and raises concerns that these might be affected by the proposed development. Concerns are also raised that birds and bats may be affected by an increase in disturbance attributable to the proposed development.

The Mowbray Hotel is surrounded by areas of hard standing, which would be unsuitable as habitat for GCN therefore, even if present in adjacent gardens, GCN would be unlikely to be adversely affected by this proposal.

The level of disturbance that would be predicted from this proposal is unlikely to have an adverse effect on bats and birds as the species frequenting this estate are accustomed to human activities.

Cleveland Police: No objections

PLANNING POLICY

2.13 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

2.14 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
COM9 – Main Town Centre Uses
COM12 – Food and Drink
COM13 – Commercial Uses in Residential Areas
TRA16 – Car Parking Standards

National Policy

2.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies

for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic 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 19 – Supporting sustainable economic growth

Paragraph 24 – Sequential test

Paragraph 26 – Retail Impact Assessment

Paragraph 27 – Sequential Refusal

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular, the principle of the development, the impacts on the visual amenity of the area, impacts on residential amenity, highway safety, ecology and trees and other matters. A sequential test and auto track plans detailing delivery vehicle manoeuvres are to be submitted shortly and as such a comprehensive report will be provided in the form of an update report.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.17 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.19 There are no Section 17 implications.

REASON FOR DECISION

2.20 Given the need to assess the sequential test and auto track drawings it is considered prudent in this instance for a comprehensive report to follow.

RECOMMENDATION – UPDATE report to follow.

BACKGROUND PAPERS

2.21 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

2.22 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

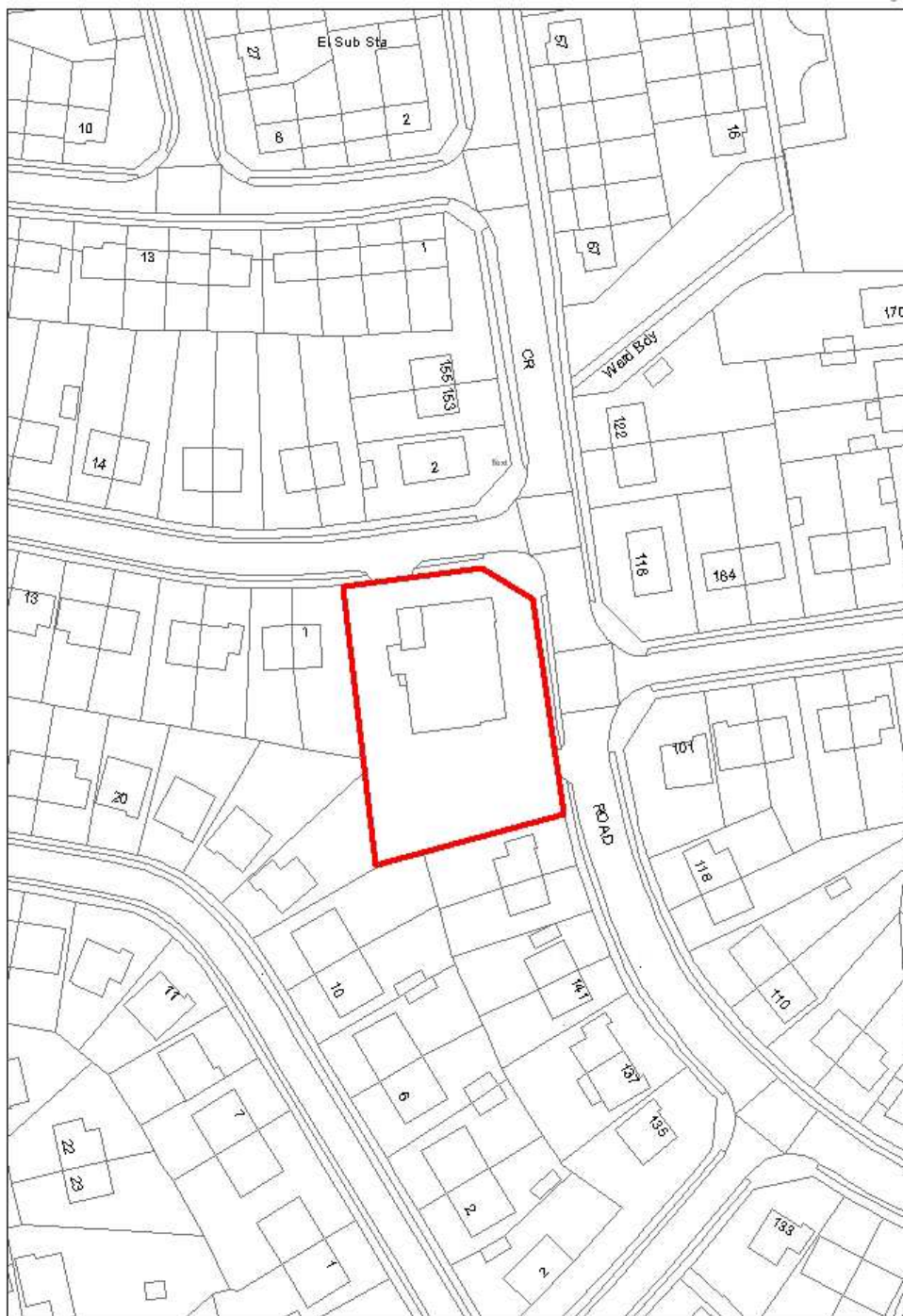
Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

AUTHOR

2.23 Sinead Turnbull
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284319
E-mail: sinead.turnbull@hartlepool.gov.uk

THE MOWBRAY PH



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 : 06/03/14
H/2013/0628

No: 3
Number: H/2013/0627
Applicant: Mr Andrew Haygarth Low Throston House Netherby Gate
Lane HARTLEPOOL TS26 0LF
Agent: Alpha Consulting Andrew Stephenson Nelson Lodge
Nelson Farm Lane HARTLEPOOL TS27 3AE
Date valid: 05/02/2014
Development: Temporary siting of chalet
Location: Low Throston House Hart Lane HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The application site has a complex and lengthy planning history as set out below:

3.3 The mobile home (chalet) subject of this application was erected on site without the benefit of planning permission, an enforcement notice was subsequently issued for the removal of the mobile home (chalet). The enforcement notice is currently the subject of an appeal (**APP/HO724/C/2209310**).

H/2012/0547 – Erection of a detached bungalow (resubmitted application).
Members may recall that this proposal was granted approval by the planning committee 09/01/2013. This proposal related to the resubmission of the earlier application H/2012/0439 which was withdrawn to revise the drainage arrangements for the proposed dwelling.

H/2012/0439 – Erection of a detached bungalow.
This application was withdrawn as the applicant proposed to revise the drainage arrangements for the dwelling.

H/2008/0057 – Erection of quadruple car garage with granny annexe over.
This permission, granted March 2008, relates to the replacement of the existing garage to the south-west of the main house. The permission granted approval for the erection of a two-storey building comprising a garage at ground floor and a self-contained annexe to Low Throston House at first floor.

HFUL/2002/0649 – Erection of a stable block.
Permission was granted in December 2002 for a stable block adjacent to the entrance to Low Throston House, opposite the land to which this application relates.

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

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

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

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

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

The application was withdrawn in September 1998.

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

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

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

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

SITE CONTEXT

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

PROPOSAL

3.5 The application seeks retrospective planning permission for the temporary siting of a mobile home (chalet) within the paddock to the south of the main house and annexe for a temporary period of three years. Brochure details of the mobile home (chalet) have been submitted as part of this application. The chalet measures 14m x 4.2m, has three bedrooms, a bathroom, a kitchen and a sitting/dining area.

PUBLICITY

3.6 The application has been advertised by way of 32 neighbour letters. Two letters stating no objections to the development have been received. Four letters of objection have been received making the following comments:

1. The building looks like a holiday home, it is a blot on the landscape.
2. Trees around the building would enhance it and hide it from view.
3. Not suitable for temporary siting and is a visual eyesore.
4. Concerns could add similar structures giving the appearance of a holiday-home park.
5. Not in keeping with other residential housing in surrounding area.
6. Visually detrimental for residents and from Hart Lane.

3.7 At the time of writing this report the consultation period had not expired any additional comments received prior to the committee meeting shall be tabled for members at committee. The neighbour consultation period does not expire until 12/03/2013.

CONSULTATIONS

3.8 The following consultation replies have been received:

HBC Engineering Consultancy – No objection

HBC Public Protection – No objection

HBC Traffic and Transportation – No objection

English Heritage – No objection

Tees Archaeology – The site lies adjacent to the Scheduled Monument of the Deserted Medieval Village of Low Throston.

The previous application for a new bungalow was subject to an archaeological condition to allow monitoring during the development. This condition was breached when the existing foundations on which the temporary building sits were constructed. It is not known what level of damage the foundations caused to archaeological deposits. Likewise the new boundary walls will have caused some level of damage to archaeological deposits.

In terms of archaeological impact, the current foundations, have already destroyed any archaeological deposits that may have been present. In this respect there are no further comments to make.

The impact that the temporary building has on the setting of the adjacent Scheduled Monument should be considered, English Heritage would be the appropriate body to lead on this aspect.

Northumbrian Water – No comments to make.

Hartlepool Water – The existing water main is nearing capacity, investigation work would have to be carried out to determine if the existing infrastructure is capable of supplying any additional demand. Informative required.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Prevention by Planning and Design

National Policy

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

Paragraph 2 – Determination in Accordance with the Development Plan

Paragraph 11 – Determination in Accordance with the Development Plan

Paragraph 12 – Development Plan is the Starting Point for Decision Making

Paragraph 132 – Protection of Heritage Assets

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.12 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 principle of development, the impact on residential amenity, the impact on visual amenity, highway safety, archaeology and drainage.

Principle of Development

3.13 The application seeks temporary consent for the siting of a mobile home (chalet) for a period of three years. It is considered that the mobile home (chalet) would not be suitable as a permanent residence due to its design and short life construction materials. The applicant has previously secured planning permission on the site for the construction of a bungalow; this development has been commenced as the bungalow has been constructed to floor level. The mobile home (chalet) has been sited on top of the bungalows base.

3.14 It is considered that the temporary siting of the mobile home (chalet) for a period of three years would be acceptable in principle. At the end of this 3 year period, the mobile home (chalet) shall have to be removed from the site as it is considered to be acceptable on a temporary basis only. This shall be a condition of any planning permission for the mobile home (chalet).

3.15 On balance it is considered that the proposal would be in accordance with policies GEP1, GEP2 and GEP3 of the Hartlepool Local Plan.

Residential Amenity

3.16 The nearest residential property to the application site is Low Throston, at 45m to the north. The annexe associated with Low Throston House is located closer to the application site, some 22m to the north. Beyond that the closest residential properties outside of the applicant's land is 3 Netherby Gate which is 60m to the north-east and properties on Fellston Close and Burnston Close which are located 50m to the south. Although the consent is for a temporary structure it is considered that it would not be detrimental to the privacy or amenity of neighbouring properties, nor would it create any significant overshadowing or overbearing to neighbouring properties over the temporary period in which it shall be sited.

3.17 On balance it is considered that the proposal would be in accordance with policies GEP1, GEP2 and GEP3 of the Hartlepool Local Plan.

Visual Amenity

3.18 The site is prominently located off Hart Lane, however it is considered that the impact of the mobile home (chalet) is somewhat reduced by its siting. The mobile home (chalet) is sited amongst an established group of buildings and structures and is set back from the main highway Hart Lane by approximately 26m, these factors contribute to reducing the impact of the mobile home (chalet) on the visual amenity of the site and the surrounding area. However it is considered that the mobile home (chalet) is not suitable on a permanent basis due to its design and short life construction materials.

3.19 On balance it is considered that the proposal would be acceptable for a temporary period only. The proposal would be in accordance with policy GEP1 of the Hartlepool Local Plan.

Highway Safety

3.20 The application site is accessed from Netherby Gate, which in turn is accessed from Hart Lane. The road is an un-adopted, private road which currently serves four dwellings. Low Throston House annexe is within the curtilage of the main house and is accessed from the same private drive as Low Throston House itself. The Council's Traffic and Transport Section have been consulted and have raised no objections to the development in terms of access or parking.

3.21 On balance, the proposal is considered acceptable in highway safety terms in accordance with policies GEP1 and GEP2 of the Hartlepool Local Plan.

Archaeology

3.22 The site lies adjacent to the Scheduled Monument of the Deserted Medieval Village of Low Throston. The application site was de-scheduled from the SAM during the 1980s and therefore lies outside of the SAM boundary.

3.23 The previous application for a new bungalow was subject to an archaeological condition to allow monitoring during the development. This condition was breached when the existing foundations on which the temporary building sits were constructed. It is not known what level of damage the foundations caused to archaeological deposits. Likewise the new boundary walls will have caused some level of damage to archaeological deposits.

3.24 In terms of archaeological impact, the current foundations, have already destroyed any archaeological deposits that may have been present. In this respect there are no further comments to make.

3.25 In terms of the setting of the adjacent Scheduled Ancient Monument it is considered, and the view is endorsed by English Heritage, that the setting of the monument is not a major contributor to the site's significance as it has already been partially compromised by modern developments that surround it.

3.26 Neither Tees Archaeology nor English Heritage have objected to the application, on this basis it is considered that the application could not be refused on grounds of impacts to archaeology.

3.27 On balance the developments considered to be acceptable in archaeological terms in accordance with paragraph 132 of the NPPF.

Drainage

3.28 Both storm and foul drainage from the dwelling are to be directed to the existing sewerage system, as per the proposed drainage arrangements for the recently approved bungalow. Neither Northumbrian Water nor the Council's engineering Section have objected to the development. The drainage arrangements for the mobile home (chalet) are therefore considered to be acceptable.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.29 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.30 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.

3.31 There are no Section 17 implications.

REASON FOR DECISION

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

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

RECOMMENDATION – APPROVE subject to conditions

1. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 02/01/2014 (Drawing no. 1b Rev B, Site Plan; Drawing no. 8 Rev A, Drainage layout; Brochure details) plan received 05/02/2014 (Site location plan). For the avoidance of doubt.
2. The mobile home (chalet) shall be removed from the site within a period of three years from the date of this decision notice. The building is not considered suitable for permanent retention on the site.

BACKGROUND PAPERS

3.34 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

3.35 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

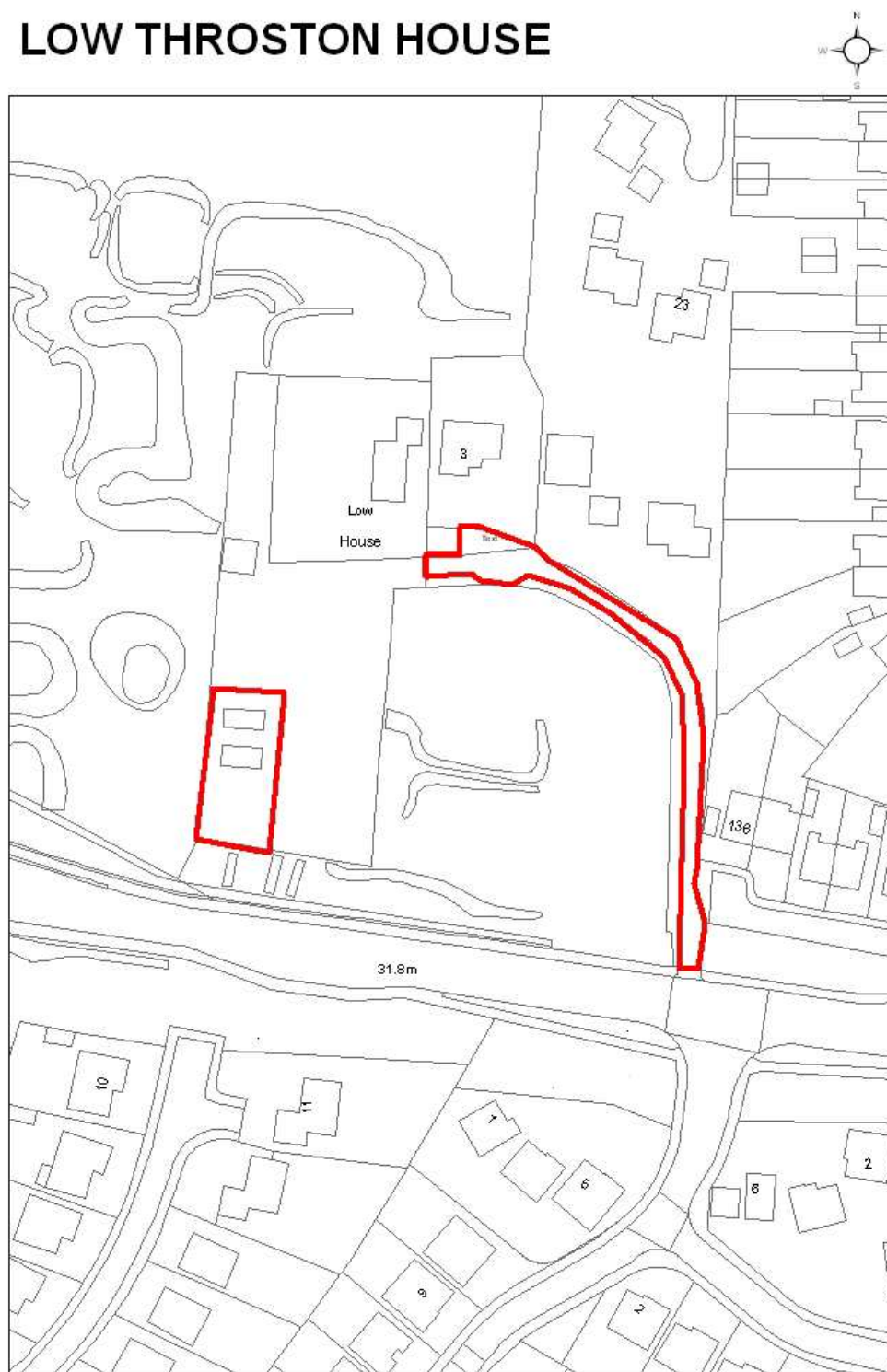
Tel: (01429) 523400
E-mail: damien.wilson@hartlepool.gov.uk

AUTHOR

3.36 Sinead Turnbull
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284319
E-mail: sinead.turnbull@hartlepool.gov.uk

LOW THROSTON HOUSE



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

COPYRIGHT RESERVED LICENCE 1000233902013

Scale: 1:1000
Date : 06/03/13
H/2013/0627

No: 4
Number: H/2013/0328
Applicant: LEEBELL DEVELOPMENTS LTD
Agent: BARTON WILLMORE MR CHRIS MARTIN 3RD FLOOR
 14 KING STREET LEEDS LS1 2HL
Date valid: 05/08/2013
Development: Outline planning application for the erection of up to 500 new dwellings (all matters reserved apart from access)
Location: LAND TO THE SOUTH OF A179 AND WEST OF MIDDLE WARREN (KNOWN AS UPPER WARREN) HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL

4.2 The application seeks outlining planning consent with all matters reserved except for access for the erection of up to 500 dwellings. The supporting Planning Statement submitted with the application states that the proposed dwellings will be a mix of 2,3,4 and 5 bedroom dwellings and will be no more than 2 ½ - 3 storeys in height.

4.3 Vehicle access will be taken from Merlin Way with a secondary emergency access via Viola Close. Pedestrian access will be possible via these same access points.

SITE CONTEXT

4.4 The site comprises a total of 21.2 hectares and is currently in agricultural use. The net developable area is 14.9 hectares with the remaining land being landscaped. The site is located to the north west of Hartlepool approximately 1km to the east of the village of Hart and immediately to the south of the A179. Hartlepool Town Centre is found approximately 3.5km to the south east of the site.

4.5 The local area is characterised by mainly residential properties. The adjacent Middle Warren development contains a Local Centre which is within easy walking distance and provides a variety of services and facilities.

PUBLICITY

4.6 The application has been advertised by way of neighbour letters, site notices (4) and press notice. 2 letters of no objection, 13 letters of support, 8 letters of comment and 41 letters of objection have been received.

The comments of support include:

1. More nice houses for Hartlepool
2. as a building strongly support more housing in local area
3. development would finish off the estate providing parkland for family recreations which is lacking at the moment
4. would like to get on property ladder as a first time buyer, impressed with layout and landscape
5. more jobs for Hartlepool
6. good for the economy
7. would be happy to buy one of proposed houses

The other comments raised include:

1. are the houses really necessary?
2. houses needed and more council tax for council
3. does not objection to actual proposal just the issue of access and egress from site
4. concerns re: amount of traffic
5. should consider other access points

The objections raised include:

1. gross overdevelopment of the site
2. ill conceived
3. poorly designed
4. creates hazardous road conditions for road users and pedestrians
5. exacerbates the loss of wildlife habitats, destroys biodiversity
6. breach of local plan
7. encourages unsustainable car based commuting
8. encroaches on land identifies as a Green Wedge to prevent urban sprawl
9. fails to meet the National Planning Policy Framework
10. documentation is incomplete and potentially subject to legal challenge
11. contrary to the Natural Environment and Rural Communities Act (2006)
12. letters of support are from same people
13. application adds to oversupply of housing
14. does not create a high quality built environment
15. provides no accessible community, cultural or local services to reflect communities need
16. is detrimental to the existing visual amenity and wildlife habitat
17. does not conserve or enhance natural environment
18. increases pollution
19. not a brownfield site
20. takes no account of improving health, social or cultural wellbeing
21. inappropriate location and out of keeping with existing housing development
22. highways access point are dangerous
23. will cause further damage to Hartlepool's centre by drawing the population further out leaving an abandoned derelict centre in increasing decline

- 24.existing infrastructure is totally inadequate
- 25.lack of meaningful consultation
- 26.area not well served by public transport
- 27.omission of off street parking (only driveways with max 2 cars)
- 28.increased traffic flows
- 29.lack of cycleway and pedestrian provision
- 30.unsuitable access via Viola Close for emergency vehicles
- 31.shortage of educational provision
- 32.concerns about fence installed by developer
- 33.Viola Close is a close not a street or road
- 34.against former local plan proposed allocation
- 35.not integrated with the community
- 36.anti-social behaviour concerns
- 37.site is agricultural land
- 38.concerns re: noise levels
- 39.privacy and daylight/sunlight in adjacent residential area compromised
- 40.no provision of playing areas for children
- 41.capacity of Mulberry Rise not sufficient to cope with development
- 42.employment gain should not be considered
- 43.drainage concerns
- 44.devaluation of properties
- 45.road not wide enough
- 46.congestion concerns
- 47.concerns regarding developer
- 48.volume of traffic concerns relating to nearby roundabout
- 49.shortfall in visitor parking
- 50.no need for houses
- 51.flood risk
- 52.broadband and communication already 'maxed' out
- 53.concerns and objections have been disregarded
- 54.increased site traffic
- 55.building closer to Hart village
- 56.land high will affect sunlight to existing houses
- 57.should be reduced in size
- 58.estate not complete, does not want to live on an estate which is continual business site
- 59.existing problems with cars being bumped/clipped
- 60.undermine strategic gap between town and Hart
- 61.highway improvement work required
- 62.if development proceeds properties should face open spaces encircling development for supervision
- 63.width of open spaces should be no less than shown on draft masterplan drawings, in parallel existing landscaping should be protected
- 64.properties should be no higher than 2 storey
- 65.loss of view/outlook
- 66.additional emissions from construction vehicles
- 67.vehicle access does not meet design specification
- 68.not informed of development when house was built
- 69.distressing to see so many houses being built on edge of countryside
- 70.concerns if more apartments are built

- 71.road still not tarmaced
- 72.no where for kids
- 73.concerns re: potential accident
- 74.problems on existing estate, unfinished roads, dust, muck, noise, poor grass cutting, weeds, litter and high council tax
- 75.overbearing
- 76.out of scale
- 77.unsafe for children

Copy Letters A

4.7 The period for publicity has expired.

CONSULTATIONS

4.8 The following consultation replies have been received:

Highways Agency – Directs conditions to be attached to any planning permission which may be granted;

Condition 1: Prior to commencement of development works on the site, details of improvements to the A19/A179, as illustrated in Principle on Milestone Planning drawing 025/TA05/Rev A, dated January 2014 shall be submitted to and approved in writing by the local planning authority in consultation with Durham County Council and the Highways Agency. The proposed works shall be subject to a Stage 2 (detailed design) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority.

Condition 2: Prior to the first use or occupation of any part of the development, the required improvements to the A19/A179 (as set out in Condition 1) shall be completed to the satisfaction of the local planning authority. This would need to be procured via a Section 278 of the Highways Act 1980 and would require a Stag 3 (completion of construction) Road Safety Audit. The Audit shall be carried out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority.

Condition 3: Stage 4 (monitoring) Road Safety Audits shall be carried out using 12 months and 36 months of accident data from the time the improvements works (as set out in Conditions 1 and 2) become operations. The Audits shall be varied out in accordance with DMRB HD19/03 and shall be submitted to and approved in writing by the local planning authority.

Traffic and Transportation - There should be no detrimental highway safety issues, although there will be congestion issues as outlined below. There remains a small number of locations where junction capacity issues are exacerbated by the development. However, the development proposes highway mitigations as far as is realistically possible, and that there are no obvious further improvements which could be made. The developer has also offered the additional off-site contribution referred to in lieu of this.

I have examined the Transport Assessment and Travel Plan submitted by the developer and have the following comments to make:-

The TA has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2026. 85th percentile trip rates have been used as opposed to average trip rates, which will provide a more robust assessment. The models show that several of the junctions will have capacity issues in the year 2026, and this will be exacerbated by the development.

Detailed discussions have been held with the developer and this has resulted in a comprehensive package of highway mitigation measures being proposed. These comprise:-

- Easington Road/Hart Road/West View Road – re-modelling of roundabout and signalisation, with pedestrian crossing facilities.
- A179/Merlin Way/Westwood Way (Plan No. TA 01B.pdf) – A package of measures to provide 2 lane approaches to the roundabout on the northbound, eastbound and southbound legs, and a 3 lane approach on the westbound leg.
- Merlin Way/Meadowsweet Road – Widening the access to provide left and right turn exits.
- Provision of a Toucan Crossing on Merlin Way.
- Provision of a pedestrian refuge on A179 to connect new estate with footpath / cycleway to Hart.
- Provision of a bus lay-by on Merlin Way.
- A179/Front Street (Plan No. TA 06A.pdf) – Increase length of 2 lanes on east bound approach to roundabout by adjustment of road markings. Widening of northbound and westbound legs to provide 2 lane approaches.
- A19/A179/B1280- Signalisation of the junction (This is in Durham CC area).
- A179/Marina Way/Greenland Road/A1048 (Plan No. TA 07.pdf) - Increasing the length of the 2 Lane approach on Powlett Road to the Greenland Road roundabout.
- Hart Lane/Dunston Road (Plan No. TA 08.pdf) – Provision of 2 lanes on the westbound approach to the roundabout.

The above measures will need to be provided through a section 278 agreement.

Although these measures are more than welcome there remains a small number of locations where junction capacity issues are exacerbated by the development, unfortunately there are no obvious further improvements which could be made. These junctions are:-

- A179 / Holdforth Road
- Easington Road/ Raby Road – HBC scheme will mitigate congestion on the westbound approach, but not the others.
- Hart Lane / Serpentine Road
- Hart Lane / Duke Street

It should be stated that these junctions will operate over capacity in 2026 without the proposed development, all be it to a lesser extent.

The developer is willing to make a contribution of £60,000 for additional off site highway mitigation measures, in lieu of this.

Northumbrian Water - In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within our 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 and following our recent meeting at your offices, we have the following comments to make:

As we discussed at the meeting, we currently have insufficient capacity at Brus Sewage Pumping Station (SPS) to accept the anticipated foul flows from this and other development within the catchment. Over the past year we have been working to identify viable foul drainage options which would allow development to proceed and believe that we have identified a solution.

As part of our collaborative work with your flood risk management team on the Hartlepool Surface Water Management Plan we have identified that a nearby watercourse to the rear of Bruntoft Avenue enters the combined sewer network upstream of the pumping station. The surface water flows within this watercourse appear to be far in excess of the foul flows which would be generated from the sites at Middle Warren and the former Britmag site. We have identified a solution to disconnect the watercourse from the combined sewer and reconnect it to one of our surface water outfalls which discharges to the sea.

In addition to creating capacity to accommodate flows from new development, the removal of the watercourse would have wider benefits, including reducing downstream flood risk within the sewerage network. As such undertaking this work is a highly attractive option and we are working on the design of this as our preferred solution. Although this work programme is highly likely to go ahead within the implementation period of any approval of this application, we are unable to advise an anticipated timeframe for completion of these works at the time of writing as our design is not as yet complete and we need to discuss our detailed proposals with your flood risk management and estates teams.

In light of the above information, NWL request that the conditions below be attached to any approval to ensure that development does not commence until such a time that the local sewerage network can accept the anticipated flows from the proposed development.

CONDITION 1: Development shall not commence until a detailed scheme for the disposal of surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local

Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

CONDITION 2: The development shall not be occupied on site until works to free up capacity in the local sewerage network has been completed unless otherwise agreed in writing with Northumbrian Water.

REASON: A sewage pumping station which would serve the development is currently operating at full capacity and cannot accept the anticipated foul flows.

Due to the complex nature of the drainage situation in relation to this application, Northumbrian Water's New Development Manager Les Hall would be happy to attend planning committee to clarify any matters arising in relation to this response or the local drainage situation.

Durham County Council Highways Development Manager - Thank you for the consultation on the proposed residential development at Upper Warren Hartlepool. The development impacts on Durham County Council's highway network at the A179/A19 Sheraton junction. Traffic generation and demand is such that an improvement to this junction is required to mitigate queuing and delay at a design year of 2026. The applicant proposes a traffic signal junction at the north bound exit slip from the A19 (western junction) and a traffic island 'teardrop' junction at the south bound A19 on/off slip (eastern Junction). The traffic demand and interaction of both junctions is complicated and has required a detailed modelling exercise and considerable dialogue with the applicants transport consultant. The Highways Agency are satisfied that the traffic signal strategy proposed can allay any concerns they hold regarding operation of the junction and interaction of the A19 north bound mainline flows. Interpretation of the modelling output demonstrates that residual impacts of queuing traffic will result in queuing on the A19 north bound off slip at peak in the design year 2026 at the end of each signal cycle. The traffic signal junction has been modelled with very short cycle times allowing only a short green period for vehicles turning right (east bound) at the head of the north bound off slip. The short cycle time addresses concerns about queues on the north bound slip. Increasing the short green or increasing cycle timing would induce further queuing on the west bound A179 approach to the signals. This in turn would block back to the A179/A19 south bound on slip. The HA have accepted the scenario of short cycle times and a short green phase but I consider the LPA at Hartlepool should be made aware of this issue, as drivers may hold an expectation that signals will clear all queuing traffic in a single cycle. Similarly, the traffic signals interaction with the teardrop junction is such that queuing and delay will occur between junctions and at the eastern junction on the A179 west bound approach in the design year 2026 scenario. Again I consider this should be brought to the LPA attention. The extent of queuing has been modelled by the consultant but it is agreed a modelling tool does not effectively predict operation at this junction. Notwithstanding this point I am satisfied that a signal strategy can be developed to reduce impacts of west bound signal queues on the 'teardrop ' junction. Following an iterative modelling process to determine the impacts on Durham County Council's local highway network, I am now

satisfied that a strategy can be developed to address queuing and delays at both western and eastern junctions.

The scheme addresses the operation of the junction but a full detailed design of the junction including lining, signing and street lighting will need to be submitted and approved by the Local Highway Authority. Any proposal for the DCC network will need to be subject to an agreement between ourselves, the applicant, Hartlepool Borough Council and the Highways Agency. I would therefore ask that a condition is placed on an approval to that effect. The proposal will require an agreement to deliver the works in accordance with section 278 of the Highways Act 1980. I would request that a condition is placed on an approval which seeks to secure improvements to the junction in advance of commencement of development as detailed in the Milestone transport assessment drawing TA 025/05/Rev A.

Environment Agency - We have no objections to the proposal as submitted, and consider the proposed development will be acceptable providing the following CONDITION is imposed on any grant of planning permission:

Condition: Flood Risk Assessment

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by iD civils and the following mitigation measures detailed within the FRA:

1. Limiting the surface water run-off generated by the site to a maximum of 21 l/s storm so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

Natural England – No objections

Countryside Access Officer – The initial access study, drawn up by the developer, shows the indicative existing access network and suggests enhancement of access to and from this network of paths etc.

To truly improve the access network of the area it would be useful for the developer to liaise with me and discuss in more detail the proposals that they are considering.

The existing network is a bit more detailed than outlined and sympathetic/strategic access points to the existing will need to be planned with this in mind.

Hart Parish Council - The Parish Council are opposed to this development on the scale proposed. It was clearly indicated at the January 2013 hearing of the

Hartlepool Local Plan that the capacity was 150 dwellings. This was set out in the report and from this we quote:

Para 3.2 The Upper Warren site does not have any identifying constraints on the site which would preclude delivery at the proposed scale. The site is constrained to the north and the east due to the existing housing area at Middle Warren. The site is constrained at the south due to the Hart Reservoir area and the Middle Warren strategic green wedge. The area where the scale of the site could be potentially be increased is to the west, however the western boundary was fixed in order to:

- Protect the strategic gap between Hart village and the main urban area;
- Take into account the natural topography as the land rises, and;
- Protect and maintain the building line to ensure that any new development has regard to the working quarry (Hart Quarry) to the west of the site.

The capacity of the site is approximately 150 at an approximate density of 20 dwellings per hectare (dph)

Para 3.3 The scale of the village housing proposed was planned to compliment the existing village form and function..... The Hart site is completely constrained by existing buildings and the A179 Hart bypass, as a result there is no opportunity to increase the scale of the site. The capacity is approximately 15 dwellings (within the village) at an approximate density of 10dph. Within both village sites there are no identified constraints which would preclude delivery at the proposed scale.

Para 3.4 The densities of all the three sites replicates and improves upon the density of existing adjoining residential areas and reflects the desire of the council to provide new housing tat meets the future housing demand and need as illustrated in CD18 (Tees Valley 2012 Strategic Housing Market Assessment Final Report May 2012).

The concept of adding 500 dwellings within sight of Hart is intolerable. The traffic management of the area is incapable of handling an additional minimum of 1000 cars, (and trade vehicles, which feature in all new developments). Only one entrance to the site of the estate is proposed. This is opposite to the Sainsbury store and would lead onto the A179 at the Tall Ships roundabout. To the east this is a dual carriageway leading towards Hartlepool, while to the west it is single carriageway. This road at peak, and even beyond, is extremely busy with the emphasis on HGV traffic and at times agricultural movements. Even at the 150 plots development it would be problematical to accommodate any more traffic that already exists from the **still to be completed estate Middle Warren** to the east of Upper Warren.

At the presentation the question was raised, in the event of the one entry being blocked how would emergency services gain access? The response was to use the A179 pedestrian exit, opposite the woodland and nature reserve, which would have collapsible bollards.

Parking at the Strawberry Apartments is at a premium and drivers use the proposed entrance to Upper Warren.

The reports on **levels of noise** (document 11508303) from Wardell Armstrong indicates that the noise from the A179 would present difficulties in protecting those dwellings nearest to the A170 without some form of acoustic mitigation. It goes on to suggest that if the gardens be located on the screened sides of dwellings it is unlikely that any additional noise mitigation would be required. That leaves the front of the dwellings exposed.

SUDS, which is the silver bullet of developers to combat flooding in the '100 year downpour' situation, becomes questionable following the recent problems in Redcar where the SUDS proved to be a failure and a recently built housing area was awash. The **drainage plan** here has surveyed and found swale (wet and marsh areas) adjacent to the existing estate to the east raises doubts that in the real world it would be successful should this natural system be replaced. The run off on the existing farm land and absorbency of the worked land would be lost when converting the area to an estate.

Safety in crossing the A179 from the proposed pedestrian exit is questioned as it is on a bend of a 60 mph single carriageway with a poor line of sight. Apart from providing a route to the wooded and countryside walks this would also be the route to the nearest primary school. (This is the emergency entrance referred to above).

Education would require an extension to the nearby primary schools at Clavering or Hart, both of which are presently at capacity.

Habitat. The continual encroachment into greenfield sites has a detrimental effect on wildlife. The report from E3 Ecology Ltd demonstrates this. The sight of deer traversing the fields to the west of Hartlepool over what has become the several Warren/Clavering sites has been lost in the past fifteen years following the expansion of housing in the area. The report shows evidence of badgers, hares and other species whose living areas would be further encroached upon.

This application is a potential disaster and should be refused.

Ramblers Association – If the Council is minded to grant outline permission we ask that the need for links to the public rights of way network be listed in the reserved matters so as to provide suitable opportunities for healthy recreation by the occupants of the dwellings.

Northern Powergrid – No objections to this application providing that our rights are not affected and that they will continue to enjoy rights of access to the apparatus for any maintenance, replacement or renewal works necessary.

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

National Grid – National Grid has identified that it has no record of apparatus in the immediate vicinity.

Arboricultural Officer – A general indication of landscaping for the site has been submitted and appears generally acceptable. However, there is insufficient detail to enable a full assessment of the proposal; therefore full landscaping details will be required as part of a reserved matters submission or by planning condition.

Public Protection – No objections to this application subject to conditions requiring the implementation of the mitigation measures specified within the air quality assessment and the noise assessment submitted with the application for both the construction and operational phases of the development.

Tees Archaeology – The applicant has submitted reports on the results of an archaeological field evaluation in the form of a geophysical survey and archaeological trial trenching. These documents meet the information requirements of the National Planning Policy Framework.

The results of the field evaluation indicate that the archaeological potential of the development area is low. Archaeological features were limited to a rubble filled ditch that appears to represent an anti-invasion defence from World War II.

The applicant has taken reasonable steps to demonstrate the archaeological potential of the site, which is low. I am satisfied that no further archaeological work is required and have no further comments to make on the application.

Northern Gas Networks – Northern Gas Networks has no objections to these proposals, however there may be apparatus in the area that may be at risk during construction works and should the planning application be approved, then we require the promoter of these works to contact us directly to discuss our requirements in details. Should diversionary works be required these will be fully chargeable.

Hartlepool Water – Hartlepool Water has sufficient capacity in the local network to supply the proposed development, we therefore do not anticipate any diversion work. We have no objections to this development.

Ecologist – No objections.

Engineering Consultancy – Conditions outlined by NWL are acceptable. The management of foul/surface water drainage depends on current capacity with the NWL system, and I believe the conditions are worded in such a way that a solution must be considered prior to occupation.

PLANNING POLICY

4.9 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

4.10 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
 GEP3 – Crime Prevention by Planning and Design
 GEP9 – Developer Contributions
 GN5 – Tree Planting
 Hsg9 – New Residential Layout
 Rec2 – Provision for Play in New Housing Areas
 Rec3 – Neighbourhood Parks
 Rec8 – Areas of Quiet Recreation
 Rur1 – Urban Fence
 Rur14 – The Tees Forest
 Tra16 – Car Parking Standards
 Tra20 – Travel Plans
 WL7 – Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland

National Policy

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

Paragraph 13 - The National Planning policy Framework constitutes guidance
 Paragraph 14 - Presumption in favour of sustainable development
 Paragraph 32 – Transport Statements or Transport Assessments
 Paragraph 34 – Sustainable Modes of Transport
 Paragraph 47 – Supply of housing
 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 58 Quality of Development
 Paragraph 60 - Promotion or reinforcement of local distinctiveness
 Paragraph 61 - The connections between people and places
 Paragraph 64 - Improving the character and quality of an area
 Paragraph 66 - Community involvement

Paragraph 72 – Sufficient choice of school places

Paragraph 96 - Minimise energy consumption

Paragraph 187 – Approve applications for sustainable development

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

4.12 Having regard to the requirement of Section 38(6) of the Planning and Compulsory Purchase Act 2005 the relevant Development Plan policies, relevant guidance and all other material planning considerations, including representations received, it is considered that the main planning issues in this instance relate to the principle of the development, visual impact and design, residential amenity, the effect of the proposals on highway safety, ecology, drainage and flooding, noise and disturbance, archaeology, education, and developer contributions.

Principle of Development

4.13 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."

4.14 It is considered prudent in the context of this report to outline that during the examination in public for the former emerging Local Plan (late 2013) the site in part was included as a housing allocation by the Council for approximately 150 dwellings, however the Planning Inspector in the proposed modifications to the local plan identified the site as capable to be allocated for approximately 500 dwellings.

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

4.16 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 protect and enhancement our natural, built and historic environment.

4.17 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.

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

- be genuinely plan-led.
- be a creative exercise.

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

4.19 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. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise. 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.

4.20 In terms of housing the NPPF advises Local Planning Authorities should deliver a wide choice of high quality homes. 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.

4.21 In terms of affordable housing the NPPF states that local planning authorities should “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.”

4.22 The vast majority of development area (other than the parcel of land to the west of the local centre and north of Strawberry Apartments) lies outside of the Rur1 policy allocation, meaning that the development is essentially outside of development limits and not in accordance with policies GEP1 and Rur1. However the policies are not fully consistent with the NPPF as they are seeking to restrict potential additional housing provision outside the urban fence. As the Council cannot

currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence. As a result it is considered that policies Rur1 and Rur7 hold no weight in determining this planning application and policy GEP1 holds full weight with the exception of the policy's reference to development needing to be located within development limits.

4.23 At paragraph 12 the National Planning Policy Framework (NPPF) states that proposed development that accords with an up-to-date Local Plan should be approved, and development that conflicts should be refused unless other material considerations indicate otherwise. There is a presumption in favour of sustainable development and at paragraph 14 the NPPF it explains that for decision taking this means that where the development plan is absent, silent or relevant policies are out of date, planning permission should be granted for development unless 1) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or 2) specific policies in the NPPF indicate that development should be restricted.

4.24 Paragraph 47 of the NPPF sets out a number of steps that local planning authorities should take to boost significantly the supply of housing. These include a requirement to:-

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moving forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;”

4.25 It continues at paragraph 49 that:-

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

4.26 These paragraphs are highly significant in the context of this planning application because as outlined above Hartlepool Borough Council cannot demonstrate a 5 year supply of deliverable housing sites. This means that the existing Development Plan housing policies are not up –to –date and a refusal of this application solely on the grounds that it is contrary to Development Plan housing policy by being outside of the development boundary for Hartlepool (Rur1) would unlikely to be sustained at appeal, and could result in an award of costs against the Council for not following the National Planning Policy Framework guidance on this key principle. The effect of the NPPF has been to change the balance of the material considerations in favour of boosting housing supply and the relative weight which can be attached to the saved Local Plan policies.

4.27 In conclusion, Officers consider that the principle of development of up to 500 dwellings on the site is acceptable subject to all other material planning conditions being satisfied, as the site is considered to be a sustainable site.

VISUAL IMPACT AND DESIGN

4.28 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.

4.29 The Hartlepool Local Plan 2006 advises 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.

4.30 The site is not covered by any statutory landscape designation however an area of woodland lies to the north of the site. The site is currently used as agricultural land. The DEFRA Agricultural Land Classification Provision (England) Map indicates that the site is Grade 3 agricultural land. Naturally, the proposed development will have an impact on the character of the landscape, and will change it, introducing an urban character. The provision of dedicated and managed landscaping surrounding the site will assist in mitigating against the loss of the agricultural land. The landscaping within the development site and surrounding it can be conditioned. 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.

4.31 As outlined above, the application is an outline application with all matters reserved except for access and it would be in these submissions, in the event of outline planning permission being given; detailed design issues would be assessed. Nonetheless the applicant has submitted indicative layouts to demonstrate how the proposed housing might be laid out on site.

4.32 In terms of landscape impact it is considered that development of the scale proposed upon the site and its relationships to the existing Middle Warren Development would mean that development of this site would not adversely impact upon the wider landscape. It is considered that the site can physically accommodate the level of development proposed.

RESIDENTIAL AMENITY

4.33 Policy GEP1 and Hsg9 of the Hartlepool Local Plan 2006 seeks to safeguard residential amenity. It would be at the reserved matters stage following any grant of outline planning permission, when details of the layout, scale and appearance of the development are available, that the impact of the proposed development upon the residential amenities of existing properties in the vicinity can be fully considered and to ensure that no undue harm would arise.

THE EFFECT OF THE PROPOSALS ON HIGHWAY SAFETY AND ACCESSIBILITY

4.34 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.

4.35 The Council's Traffic and Transportation Section has advised that there should be no detrimental highway safety issues, although there will be congestion issues. The Section advises that there remains a small number of locations where junction capacity issues are exacerbated by the proposed development. However, the development proposes highway mitigations as far as is realistically possible, and that there are no obvious further improvements which could be made. In addition, the developer has also offered the additional off-site contribution referred to in lieu of this.

4.36 Detailed discussions have been held with the developer and this has resulted in a comprehensive package of highway mitigation measures being proposed. These comprise:-

- Easington Road/Hart Road/West View Road – re-modelling of roundabout and signalisation, with pedestrian crossing facilities.
- A179/Merlin Way/Westwood Way (Plan No. TA 01B.pdf) – A package of measures to provide 2 lane approaches to the roundabout on the northbound, eastbound and southbound legs, and a 3 lane approach on the westbound leg.
- Merlin Way/Meadowsweet Road – Widening the access to provide left and right turn exits.
- Provision of a Toucan Crossing on Merlin Way
- Provision of a pedestrian refuge on A179 to connect new estate with footpath / cycleway to Hart.
- Provision of a bus lay-by on Merlin Way
- A179/Front Street (Plan No. TA 06A.pdf) – Increase length of 2 lanes on east bound approach to roundabout by adjustment of road markings. Widening of northbound and westbound legs to provide 2 lane approaches.
- A19/A179/B1280- Signalisation of the junction (This is in Durham CC area)
- A179/Marina Way/Greenland Road/A1048 (Plan No. TA 07.pdf) - Increasing the length of the 2 Lane approach on Powlett Road to the Greenland Road roundabout.

- Hart Lane/Dunston Road (Plan No. TA 08.pdf) – Provision of 2 lanes on the westbound approach to the roundabout.

4.37 With regard to the proposed signalisation of the A19/A179 as outlined above Durham County Council have been formally consulted as the works proposed are on their land, who notwithstanding the transport modelling which has already taken place are satisfied that a signal strategy can be developed to reduce impacts at both western and eastern junctions. Furthermore, Durham County Council have advised that a full detailed design of the junction including lining, signing and street lighting will need to be submitted and approved by the Local Highway Authority and any proposal for the DCC network will need to be subject to an agreement between all parties.

4.38 With regard to the proposed development the Highways Agency have raised no objections to the proposed works subject to a number of conditions.

4.39 Officers consider that on balance, subject to the mitigation measures outlined above and an appropriate signalisation scheme at the A19/A179 junctions there will be no significant detrimental highway safety issues to sustain a refusal.

ECOLOGY

4.40 The Council's Ecologist has raised no objections to the proposed development. The National Planning Policy Framework emphasises the need for planning to provide net gains in biodiversity and specifically to encourage opportunities for incorporating biodiversity in and around developments. In the case of this proposal there will be a dedicated landscaping area around the development site where enhancements could be achieved.

DRAINAGE AND FLOODING

4.41 The developments of the site will require a new drainage system designed to suit the final approved layout. In terms of foul drainage foul water flows from the development will be in the region of 18-20 litres/second. In order to connect to the foul system at such point where there is sufficient capacity, it is likely that an offsite foul sewer will be required running out of the south eastern corner of the site. In terms of surface water drainage the surface water network of the adjacent development is not suitable to connect the whole of the site into due to capacity constraints. Depending on phasing requirements small phases of the development may be suitable to discharge into local surface water sewers.

4.42 Further to the above, in terms of capacity issues several meetings have taken place between Hartlepool Borough Council Officers, Northumbrian Water and the Developers. Northumbrian Water (NWL) have confirmed that at present there is insufficient capacity at Brus Sewage Pumping Station (SPS) to accept the anticipated foul flows from this and other development within the catchment. NWL have stated that over the past year they have been working to identify viable foul drainage options which would allow development to proceed and they believe that they have identified a solution.

4.43 NWL have stated that as part of their collaborative work with HBC's flood risk management team on the Hartlepool Surface Water Management Plan they have identified that a nearby watercourse to the rear of Bruntoft Avenue enters the combined sewer network upstream of the pumping station. The surface water flows within this watercourse appear to be far in excess of the foul flows which would be generated from the sites at Middle Warren and the former Britmag site. NWL have identified a solution to disconnect the watercourse from the combined sewer and reconnect it to one of our surface water outfalls which discharges to the sea.

4.44 In addition to creating capacity to accommodate flows from new development, the removal of the watercourse would have wider benefits, including reducing downstream flood risk within the sewerage network. As such undertaking this work is a highly attractive option and NWL are working on the design of this as their preferred solution. Although this work programme is highly likely to go ahead within the implementation period of any approval of this application, NWL are unable to advise an anticipated timeframe for completion of these works.

4.45 In light of the above information, NWL request that conditions be attached to any approval to ensure that development does not commence until such a time that the local sewerage network can accept the anticipated flows from the proposed development.

4.46 Further to the above, the Environment Agency (subject to a condition restricting surface water run off) and the Council's Engineering Consultancy Section have raised no objections to the proposed works.

NOISE AND DISTURBANCE

4.47 The proposed dwellings on the application site could be affected by the presence of the A179 immediately to the north of the application site. This issue has been addressed by the submission of a noise impact assessment. The noise assessment concludes that the implementation of the recommended glazing should ensure that internal noise levels are met in living rooms and bedroom areas across the site. In some instances acoustic ventilation would be required within habitable rooms located nearest to the A179. Further, the assessment states that the facades of the properties further into the site will be protected by the buildings themselves and/or screened by other buildings. Precise requirements for each individual plot shall be determined at reserved matters stage.

4.48 The air quality assessment submitted with the application assessed air quality impacts in both the construction and operational phases of the development. The assessment demonstrates that the air quality impacts of the development are deemed to be negligible once mitigation measures such as wheel washing and sheeting of vehicles are taken into account. The assessment also considered the impacts from the operations at Hart Quarry. The report established that the vast majority of dust emissions from the quarry operations will be large particles which do not propagate more than 100m. As the proposed residential development at its closest location is well beyond this distance, then it is unlikely that dust emissions from the quarry will affect the development.

4.49 With regard to the submitted Noise and Air Quality Assessments the Council's Head of Public Protection has considered the documents and has raised no objections to the application subject to conditions requiring the implementation of the mitigation measures specified within the air quality assessment and the noise assessment submitted with the application for both the construction and operational phases of the development.

ARCHAEOLOGY

4.50 Tees Archaeology have confirmed that the applicant has submitted reports on the results of an archaeological field evaluation in the form of a geophysical survey and archaeological trial trenching. These documents meet the information requirements of the National Planning Policy Framework.

4.51 The results of the field evaluation indicate that the archaeological potential of the development area is low. Archaeological features were limited to a rubble filled ditch that appears to represent an anti-invasion defence from World War II.

4.52 The applicant has taken reasonable steps to demonstrate the archaeological potential of the site, which is low. Tees Archaeology are satisfied that no further archaeological work is required.

EDUCATION

4.53 Ensuring that the correct infrastructure is in place to support the development of new housing over the coming years is a critical issue which is facing Hartlepool. Hartlepool Borough Council is under a statutory duty to ensure sufficient school places for children and young people resident in the Borough. Changes in education provision will be necessary over time to modernise outdated school buildings and provide for projected changes in population.

4.54 Policy GEP9 of the 2006 Hartlepool Local Plan is a saved Policy which is used to secure developer contributions on new developments. In this instance the contribution would be secured as "other community facilities deemed necessary by the Local Authority as a result of the development."

4.55 Given the recent increases in birth rates and the subsequent reductions in surplus places, it is generally presumed that developments will be required to contribute towards additional capacity. Currently the Council is also aware of the pressure potential new developments will place on the primary schools in the North West of the town, many of which are either at capacity or very close to capacity. Secondary education provision has sufficient capacity to accommodate the development. As such a contribution is sought from the development of Upper Warren for 500 new homes; the contributions will be used to increase capacity and ensure that the local primary schools are capable of providing places for the primary school children from the development. The calculations behind this requirement are shown below:

4.56 A local formula has been developed, reflecting the number of pupils expected to reside in the dwellings during and beyond completion of the development. This is summarised as:

15 community primary school pupils per 100 houses built
 3.6 Roman Catholic primary pupils per 100 houses built
 18.6 primary pupils in total per 100 houses built

10 secondary pupils per 100 houses built
 3 Roman Catholic secondary pupils per 100 houses built
 13 secondary pupils in total per 100 houses built

Number of houses to be built/100 x 18.6 primary pupils
 Number of houses to be built/100 x 13 secondary pupils

4.57 Therefore it can be expected that the Upper Warren Development will need to provide places for 93 primary school aged children.

4.58 In order to ascertain the overall cost of providing these places, the cost per place must be calculated. The Department for Education annually updates the cost of guidance relating to the provision of educational facilities. The cost factor per primary school place is currently £9,165. This is arrived at through the following calculation:

4.59 The Department for Education guidance identifies a total construction cost of £3,699,415 for a 2FE (form entry) primary school outside of London. The guidance identifies that this figure reflects the capital cost of creating new build floorspace (new schools or new build extensions to existing schools) and includes building costs, site costs, professional fees, fixtures, fittings and equipment, ICT infrastructure and ICT hardware. The guidance identifies that in addition to this, there will be a need for funding for technical adviser fees (including project management), which will be up to £150,000 per new build project.

4.60 Adding the £150,000 to the £3,699,415 results in a total cost of £3,849,415 to deliver a 2FE primary school. Dividing this figure by 420 pupil places (the number of pupils within a 2FE school (i.e. 2 x 30 pupils per form x 7 year group cohorts)) gives a total cost per primary pupil place of £9,165.

4.61 The commuted sum required for the Upper Warren development for Primary education provision can then be calculated as 93 (places) x £9,165 (cost per place) = £852,345. The developer has committed to paying this cost.

4.62 All financial contributions will be index linked (using the Retail Prices Index – all items) to the date of the determination of the planning application by the council. Where there is clear evidence that the costs of relevant works/services have increased or decreased (having regard to the most up to date cost data published by the council), then any financial contributions sought through planning obligations may be adjusted accordingly.

PLANNING OBLIGATIONS

4.63 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.

4.64 The developer has committed to deliver planned green infrastructure/open space/recreation areas inside the development area of the site. Furthermore, the developer has committed to deliver a planned green infrastructure/planting/landscaping scheme around the site. Maintenance costs associated with the above landscaping works will be included within a S106 legal agreement.

4.65 The developer has also agreed the following as part of a legal agreement and/or condition:

1. £250.00 per dwellinghouse towards play provision
2. £250.00 per dwellinghouse towards built sports facilities

AFFORDABLE HOUSING

4.66 The developer has committed to providing 15% affordable housing on site with a tenure split of 50/50 affordable rent / intermediate.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.67 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.68 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.

4.69 There are no Section 17 implications.

REASON FOR DECISION

4.70 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 - The application is minded to approve subject to the completion of a legal agreement requiring the contributions as outlined in the report with the final wording and extent of conditions delegated to the Planning Services Manager and likely to include the following:

1. Reserved matters details
2. Time limit for submission of reserved matters
3. Time limit commencement of development
4. Access details approved
5. Noise reduction measures to be incorporated into dwellings
6. Remove PD extension
7. Remove PD garages
8. Removed PD enclosures
9. Construction management plan
10. Scheme of sustainability measures to be incorporated into dwellings
11. Maximum number of dwellings
12. Flood Risk Details
13. Conditions outlined by NWL
14. Conditions outlined by the HA
15. Condition outlined by the EA
16. Grampion conditions with regard to the highway improvement works
17. Plan showing location of affordable housing units as part of reserved matters
18. A landscape management plan

BACKGROUND PAPERS

4.71 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

CONTACT OFFICER

4.72 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

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

AUTHOR

4.73 Richard Trow
Senior Planner
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523537

E-mail: richard.trow@hartlepool.gov.uk



No: 5
Number: H/2013/0435
Applicant: Mr Brian Morton Tees Road HARTLEPOOL TS25 1DE
Agent: Collective Design Mr Simon McIlwraith 21 Kepple Street
Dunston GATESHEAD NE11 9AR
Date valid: 23/01/2014
Development: Erection of new sports dome for use as artificial ice rink
and for events including sporting events, exhibitions,
cultural events, social events and ceremonies, additional
car parking area, relocation of gas tanks and landscaping
Location: Seaton Leisure The JD Sports Domes Tees Road
HARTLEPOOL

PURPOSE OF REPORT

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

THE APPLICATION AND SITE

5.2 The application site is located on the south side of Seaton Carew. It currently consists of a sports and leisure development accommodating a football dome, a golf dome, a caretaker's bungalow currently in use as an office, and a building accommodating a gym, bar/restaurant and function rooms. The site accommodates extensive car parking with landscaped areas to the north, east and west. A Public Right of Way crosses the site from east to south west but is unaffected by the proposed development. To the north are recently erected residential properties some of which face onto the site. Further to the north/north east of the site is a sports ground. Further to the north west of the site are residential properties which predominantly back on to the site. The southern boundary of the site is formed by a large grassed bund some 6m high. On the other side of the bund is an industrial estate occupied by a number of commercial businesses. The Tees Road passes the east of the site on the other side of which is an area of rough grassland/dunes which form the western part of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site which is a European site protected under the Habitats Regulations.

5.3 The application proposes the erection of a further sports dome, an "ice dome" to the rear (south) of the existing football dome and Gym/bar/restaurant building. The new dome will be inflatable and accommodate a recreational synthetic ice rink (25m X15m) and auditorium seating for up to 1200 persons. It will also accommodate toilets and changing facilities, skate store and workshop, a café/light refreshment area, administration and staff facilities. It's use will be flexible it will be used as a recreational ice rink but be easily convertible for use for events including sporting events, exhibitions, cultural events, social events and ceremonies. An additional car

parking area accommodating 116 car parking spaces and 2 coach park bays will be provided to the east side of the football dome giving a total of 268 parking spaces on site. Gas tanks will be relocated to a compound on the south side of the site.

PLANNING HISTORY

5.4 The site has a long and complicated planning history and has been the subject of a number of planning applications. The most relevant are listed below.

5.5 H/2011/0489 Mixed use development for the erection of 244 dwellings and the redevelopment of the Mayfair Centre to incorporate D2, A1, A3 and A4 uses including erection of two air domes, alterations to shop and Mayfair Centre building including new balcony, alterations to car park, formation of various mounds, formation of golf course, childrens play areas, new lighting, alterations to vehicular entrance and landscaping including amenity open space.

5.6 The above application for mixed use development which included the existing sports domes was approved in August 2012.

5.7 H/FUL/0172/88 Retention of works to landscaped mound already carried out and H/0306/84 Landscaped mounding and planting. The aforementioned planning permissions relate to the landscaped bund which is located at the southern end of the site where the ice dome and gas tanks will be sited. Permission was originally granted in August 1984 for landscaped mounding and planting (H/306/84). The intention was to provide a screen between the industries at the Hunter House Industrial Estate and the equestrian and sporting activities that then took place on the site. It appears from correspondence on file that the size and shape of the mound exceeded what had been approved. A further application was therefore submitted to regularise the situation and on 28th April 1988 a further permission was granted for the retention of works to the landscaped mound (H/FUL/0172/88). The core of the mound was created by waste tipping with the landform finished with topsoil and landscaping. A waste disposal licence for the landfill of waste from the Construction Industry (CLE 146) was granted by the then Cleveland County Council in October 1986.

PUBLICITY

5.8 The application has been advertised by site notice, neighbour notification and in the press. The time period for representations expires before the meeting. At the time of writing five letters of objection and four letters of no objection have been received.

5.9 Those objecting raise the following issues:

- Traffic congestion.
- Noise late at night. Domes have no sound insulation. Already experiencing noise from domes.
- Blot on landscape.
- Disruption & disturbance.
- The domes don't enhance Seaton Carew only profit the proprietor.

- Were previously assured events/concerts would not happen.
- Told noise barrier and trees would be put in place this hasn't happened.
- Spoil's view.

Copy letters **B**

CONSULTATION RESPONSES

5.10 The following consultation responses have been received.

Economic Development: I fully support the proposals. This will generate private sector investment and job creation. The addition of an ice dome will bring critical mass to the site, driving up the appeal to local residents and visitors to the town. The proposals are also consistent with the development of the Seaton Carew Master Plan and indeed will contribute to the delivery of this strategy.

Engineering Consultancy: For this development a PRA would not be required. The proposal caps the existing ground therefore I would not have any specific comments regarding land contamination. For the drainage element I note the RWO 'Flood Risk and Drainage Statement'. In theory, I accept that flood risk and overland flows can be managed as considered in the report. I would request a standard drainage condition for the proposal. A detail drainage design will be required outlining how the applicant will manage storm drainage. The report also mentions foul drainage and a connection into the main sewer. I do not have any comment on this providing NWL accept flows into their system.

Landscape Planning & Conservation: From an ecological perspective the issues to consider from this proposal are the erection of the ice dome itself and the creation of additional areas of car parking.

The proposed development site would be located approximately 200m from Seaton Dunes and Common SSSI, which forms part of the Teesmouth & Cleveland Coast SPA/ Ramsar site (SPA). The closest Local Sites are Brenda Road Brownfield LWS, Power Station Field LWS and West Harbour & Carr House Sands LWS, each of which is approximately 1km away from the site. Land adjacent to the proposed development site is used for feeding by a number of birds that form part of the assemblage of 21,312 wintering waterfowl for which the SPA is designated. Under a previous permission for this site, (H/2011/0489) land within the curtilage of the Mayfair Centre was to be managed to ensure that it was suitable for these birds to continue feeding there.

This particular proposal would involve the creation of an ice dome to the rear of existing buildings and sports domes. It would therefore be screened by those structures from the SSSI/SPA, and also from the land on the Mayfair Centre that is used by SPA birds, such that it would be unlikely to have an adverse effect on the SPA or SPA birds. Also as part of this proposal a further area of car parking would be created adjacent to one of the areas of the Mayfair Centre used by SPA birds but would be screened from it to some extent by a bund. Neither the ice dome nor the car park would interfere with the land that was agreed to be managed for SPA birds

under the previous permission. Therefore neither is considered likely to have an adverse effect on the SPA.

The Council has been advised by Natural England that the proposal is unlikely to have a significant effect on any European site. Therefore the proposal can be screened out as requiring further assessment under the Habitats Regulations. The proposal is also considered unlikely to have an adverse effect on any Local Sites, there are no protected or priority species associated with the proposal site and the areas to be developed are currently amenity grassland or hard standing. Therefore the proposal is considered unlikely to have any adverse ecological effects.

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 the proposed development of this site.

Public Protection: I would have no objections to this application subject to a condition restricting the maximum internal noise levels to those identified in table 1 of noise assessment submitted with the application. I would also recommend an hours restriction on the use of the dome as there are no suggested operating hours attached to the application.

Traffic & Transportation: The scheme provides sufficient car parking for 1200 visitors and staff. So long as a condition is imposed which requires all other activities on the site are suspended during the event. The layout of the car park meets HBC Design guide and specification.

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 2 for both access and water supply requirements. Further comments may be made through the building regulation consultation process as required.

Cleveland Emergency Planning Officer: The only points of note we wish to make about the application are that there are two major hazard pipelines in the area the Conoco Phillips Ekofisk and national gas pipelines. It is also in the public information zone for Huntsman Tioxide which they should already be aware of. Although it is outside the Detailed Emergency Planning Zone of the power station it is within the 5km extendibility planning zone which we are currently planning for which is advising shelter and the taking of stable iodine tablets in the event of a beyond reasonable foreseeable release. Other than those points of note we have no objections to the proposals.

Environment Agency: The Environment Agency have objected to the development on the grounds that the Flood Risk Assessment (FRA) submitted with the application is deficient. In that it did not contain information relating to the existing run off rate from the site and the run off rate arising from the proposed development and what storage capacity is required to achieve an equal or lower run off rate. (This matter has been raised with the applicant and a revised FRA has been received and sent to Environment Agency for comment).

The Environment Agency have also requested conditions relating to contamination.

Natural England: No objections.

Northumbrian Water: In making our response to the local planning authority Northumbrian Water will 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.

For information only We can inform you that there is a rising main which crosses the site of the proposed development. The plans submitted with this planning application indicate that the position of the new structure would involve building over this rising main. The rising main is currently private with no formal legal easement to protect it. This is due to the fact that it is going through NWL's Section 104 Sewers for Adoption process.

NWL cannot object to the proposed development at the planning consultation stage due to the information provided above. However, we will be contacting the developer in order to ensure the necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Cleveland Police: No comments received.

RSPB: No comments received.

Sport England: Support the application.

Tees Archaeology: There are no known heritage assets in the area indicated. I therefore have no objection to the proposals and have no further comments to make.

Hartlepool Water: No objections.

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

HSE Nuclear Inspectorate: No comments received.

PLANNING POLICY

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

Local Policy

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 GEP7: Frontages of main approaches

GEP9: Developer Contributions

GN3: Protection of key green spaces

Rec14: Major Leisure Development Tra15: Restrictions on access to major

roads Tra20: Travel Plans

National Policy

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

Paragraph 14 - The presumption in favour of sustainable development.

Paragraph 19 – Supporting economic growth

Paragraph 32 – Travel Plans

Paragraph 118 – Biodiversity and decision making

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.13 The main planning considerations are policy, design/landscape and visual impact, highways, relationship with adjacent industrial/commercial areas including hazardous installations, contaminated land, ecology, residential amenity, drainage/flooding.

Policy

5.14 In policy terms the National Planning Policy Framework is supportive of developments that lead to economic growth however in terms of the policies of the Hartlepool Local Plan 2006 the proposal is not entirely straightforward.

5.15 Parts of the site falls within the scope of Policy GN3 (Protection of Key Green Spaces) namely the grassed bund and the grassed area adjacent to the football dome which is proposed for parking. Policy GN3 identifies these parts of the site as a buffer area, to the neighbouring Tofts Farm East and Hunter House Industrial Estate where development will be strictly controlled and planning permission will only be given to development which relates to the use of the land as parkland, recreational, or landscaped open space subject to there being no significant adverse impact on the visual and amenity value of the area, the character of the locality, facilities for sports or other formal or informal recreation or the continuity of the Green Network, and its links to the countryside or areas of wildlife interest. However the site is an established sports and leisure development accommodating large scale dome structures, buildings and parking areas and in this context the development adding to the existing facilities is considered appropriate in this location. Suitable landscaping is proposed to be conditioned.

5.16 Policy Rec14 advises that major leisure developments should be located within the town centre if there are no suitable sites then the policy sets out a sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. In respect to this policy, the site is located in Seaton Carew and is an established sports and leisure venue and it is considered that the development, which will support the economic growth of Seaton Carew and its offer as a visitor attraction, is appropriate in this location.

Design/landscape and visual impact

5.17 The proposed dome, car parking and gas tanks will be located within or close to the existing sports and leisure complex it is considered that in terms of their design and landscape and visual impact the proposals are acceptable.

5.18 The domes are constructed of a durable membrane which will be inflated to form the domes. It is understood that the warranty on this product extends to fifteen years. Though the membrane may well last longer than the warranty period it will be likely to deteriorate over time. In light of this, and as is the general practice with “temporary” buildings of this type, it would not be appropriate to allow a permanent permission for the Dome. Instead, as with the other domes in the previous application on the site (H/2011/0489), it is proposed to grant an initial fifteen year permission. The applicant will then be invited to renew these permissions at the appropriate time, allowing the condition of the Domes to be assessed in order to ensure that they are in an acceptable condition which does not detract from the visual amenity of the area.

Highways

5.19 The additional proposed dome has potential to attract large numbers of people to events at the site (1200) whilst there is existing parking on the site additional parking is proposed to provide additional capacity.

5.20 The Traffic & Transportation Section have reviewed the proposals and have no objections in highway terms subject to the maximum number of visitors attending events being 1200 and a condition requiring that the other facilities on site are closed when an event is staged in the ice dome. This will ensure that all the car parking on site is available to those large numbers attending an event. Subject to these conditions in highway terms the proposal is considered acceptable.

Relationship with adjacent industrial/commercial areas including hazardous installations

5.21 The application site is located in an area of the town where residential areas give way to industrial and commercial areas. Immediately to the south is an industrial estate occupied by various factory units and a caravan storage place. A large landscaped mound forms the southern boundary of the site providing an effective barrier to the activities on the neighbouring industrial estate. Whilst the development will be partly accommodated on the northern face of the mound, the remainder will be retained supported by Gabions.

5.22 An active landfill, Seaton Meadows, is located some way to the south. A former landfill (Halls), which has now ceased is also located immediately to the south east of the site. Further to the south are various hazardous installations and parts of the site lie within the consultation zones of three of these hazardous installations. To the south east is Hartlepool Nuclear Power Station again the site lies within the consultation zone of the power station. In light of the location of the development the required consultations have been undertaken with the Health & Safety Executive including its Office for Nuclear Regulation, the Cleveland Emergency Planning Unit, the Environment Agency and Hartlepool Borough Council's Head of Public Protection.

5.23 In terms of the Office for Nuclear Regulation their response is awaited however the Cleveland Emergency Planning Unit and the HSE have advised that, they have no objections to the proposals.

5.24 In terms of the landfills. The Halls landfill has ceased to operate, Seaton Meadows landfill is however operational and will be for some time. The closest part of the landfill is some 330m from the closest part of the leisure site. This landfill site holds a PPC part A1 environmental permit which is issued and regulated by the Environment Agency. This permit controls pollution to the air, ground and water. The conditions of the permit transpose the requirements of the European landfill directive, the IPPC directive and the requirements under the environmental permitting regulations. The measures, procedures and guidance set out within these directives are set out to prevent or reduce as far as possible negative effects on the environment, in particular the pollution of surface water, groundwater, soil and air, and on the global environment including the greenhouse effect, as well as any resulting risk to human health, from landfilling of waste, during the whole life-cycle of the landfill. The Environment Agency and Hartlepool Borough Council's Head of

Public Protection have raised no objections to the proposal in relation to the proximity of active or ceased landfills.

5.25 An oil pipeline passes the site on the opposite side of Tees Road, the operator has been consulted and their response is awaited. It is not anticipated that this will raise any issues.

5.26 In terms of the relationship between the site and the other businesses located on the neighbouring industrial estate. It is not considered that the development will unduly affect the operation of these businesses.

5.27 The final response of the Office of Nuclear Regulation is awaited however subject to their final response it is considered that the relationship with adjacent industrial areas including hazardous installations is acceptable.

Contaminated land

5.28 Part of the application site, the bund, is a former landfill. In support of the application the applicant has submitted a phase 1 land quality assessment (desk study) to examine potential contamination issues on the site. This has identified potential risks which will need to be addressed. This has been examined by HBC Engineering Consultancy and the Environment Agency. No objections have been raised by these consultees, conditions have been requested however to ensure that any issues arising from contamination on the site are addressed. Subject to an appropriate condition it is considered that any issues arising from the contamination of the site can be addressed.

Ecology

5.29 The application site is not subject to any ecological designations however to the east on the other side of Tees Road is an area of rough grassland/dunes which form the western part of the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site which is a European site protected under the Habitats Regulations. Birds from the site have been observed foraging on grassland within the wider site.

5.30 The application has been considered by Natural England and Hartlepool Borough Council's Ecologist and no objections have been raised. In terms of any impact on the designated sites given the location of the dome, parking areas and gas tanks it is not considered that the development will have a significant impact on the Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site. It is acknowledged that an area of grassland will be lost to car parking however the development will retain substantial grassed areas.

5.31 In Ecological terms the proposal is considered acceptable.

Residential amenity

5.32 A number of residential properties are located to the north and north west of the site. These include established properties and properties either under construction or recently completed as part of the original approval for the sports domes development. (H/2011/0489). Objectors have raised concerns regarding late night noise and disturbance.

5.33 The closest properties in the new estate to the north, will be located some 70m from the car parking area, with a proposed landscaped bund intervening, some 210m from the ice dome and still further from the proposed re-sited gas tanks.

5.34 Given these distances it is not considered that the development will unduly affect any neighbouring residential property in terms of loss of light, outlook, privacy or issues of dominance.

5.35 In terms of the use the applicant has confirmed that the opening hours of the ice dome will be Monday to Friday 09:00 to 23:00. The Head of Public Protection has advised that he has no objections to the proposal subject to noise from the venue not exceeding agreed limits, an hours restriction to control late night use and subject to a restriction on the types of events that can take place (for example excluding events involving live music/bands). Subject to these conditions in terms of the impact on residential amenity the proposal is considered acceptable.

Drainage/flooding

5.36 The application has been accompanied by a Flood Risk Assessment (FRA). This was revised following an objection from the Environment Agency. It concludes that the site is located in Flood Zone 1 and therefore has the lowest risk of flooding. That all other sources of flooding have been considered in accordance with the NPPF Technical Guidance and deemed a low or negligible risk. It confirms that surface water will discharge utilising the existing connection off-site with appropriate attenuation, with detailed designs and calculations prepared in due course. Foul water will discharge to the public sewer utilising existing connections.

5.37 The information has been reviewed by HBC Engineering Consultancy who have raised no objections and advised that in theory, flood risk and overland flows can be managed as considered in the FRA. A standard drainage condition for the proposal has been requested including a detailed drainage design outlining how the applicant will manage storm drainage.

5.38 At the time of writing the report there is an outstanding objection from the Environment Agency on the grounds that the original FRA was inadequate. A revised FRA to address these concerns has been submitted and the further comments of the Environment Agency are awaited.

5.39 Northumbrian Water have advised that a rising main crosses the site of the ice dome. The main will need to be diverted, relocated or protected. It is proposed to condition this matter.

CONCLUSION

5.40 The proposal is considered acceptable, subject to the favourable comments of the Office for Nuclear Regulation and the Environment Agency.

RECOMMENDATION: APPROVE subject to a satisfactory response being received from the Environment Agency to the revised FRA and from the Office For Nuclear Regulation and subject to conditions. The conditions are currently under discussion and will be the subject of an update report but will include the following.

- 1) Time Limit for implementation (3 years)
- 2) Plans and details.
- 3) Dome removed after 15 years unless permission granted for an extension to that period.
- 4) Hours of operation of dome (09:00 to 23:00).
- 5) Noise levels arising from use of the dome.
- 6) Condition on types of events taking place in the dome.
- 7) Closures of other facilities on site an hour before events are taking place in the dome.
- 8) Restriction numbers of visiting members of the public to 1200 or less.
- 9) Details of external lighting.
- 10) Landscaping scheme submission including details of car park mounds.
- 11) Landscaping scheme implementation.
- 12) Investigation and remediation of contamination.
- 13) Submission of verification report that contamination remediation completed
- 14) Treatment of unexpected contamination.
- 15) No works on construction of car park between November to February inclusive.
- 16) Provision of additional car parking area prior to commencement of use of dome.
- 17) Retention of car parking area.
- 18) Drainage details.
- 19) Petrol interceptor.
- 20) Enclosure of gas tanks
- 21) Diversion/relocation/protection of rising main.

BACKGROUND PAPERS

5.41 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

CONTACT OFFICER

5.42 Damien Wilson
Assistant Director (Regeneration)
Level 3

Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

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

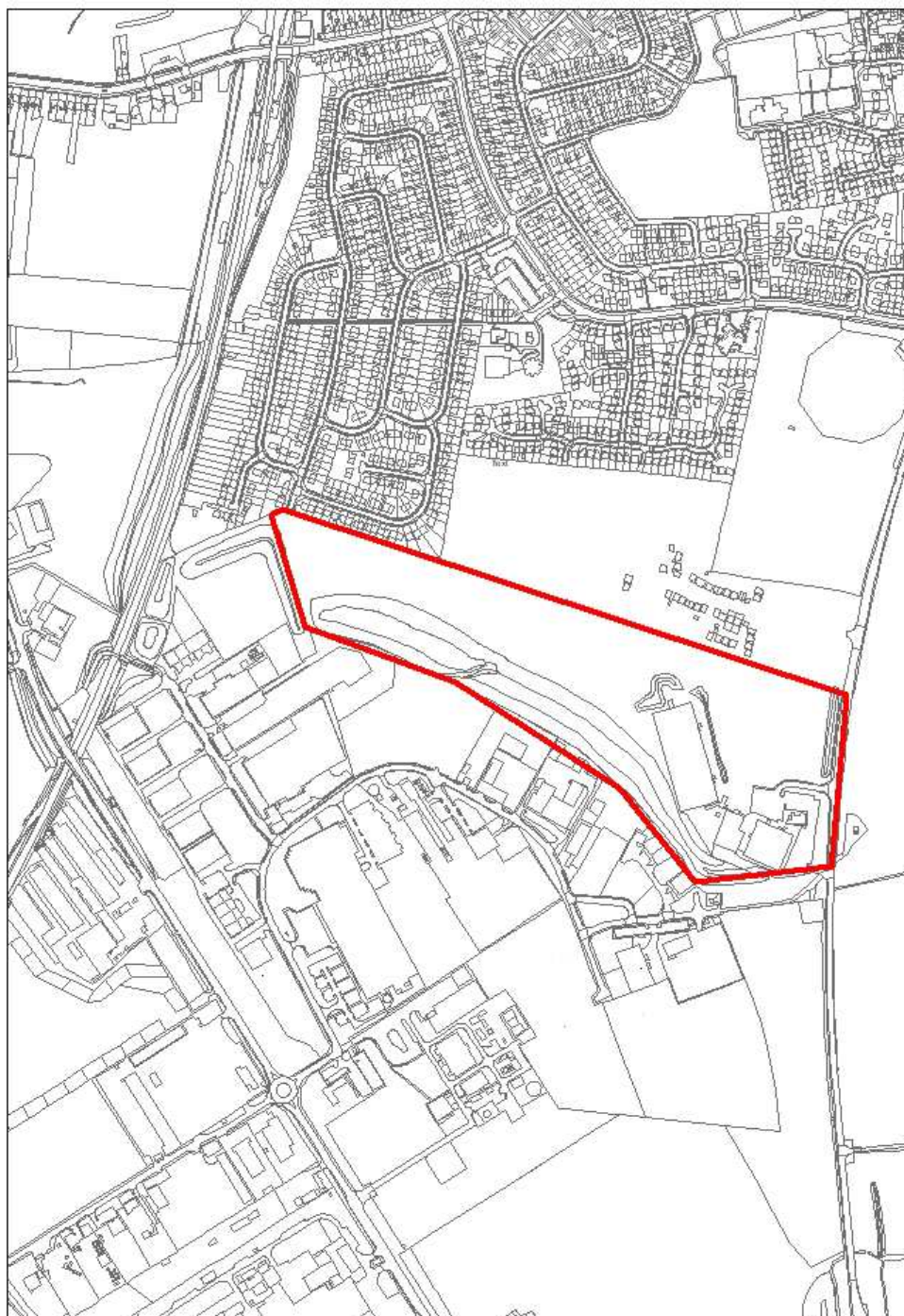
AUTHOR

5.43 Jim Ferguson
Planning Team Leader (DC)
Civic Centre
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel (01429 523274

Email: Jim.Ferguson@hartlepool.gov.uk

SPORTS DOMES, TEES ROAD



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

COPYRIGHT RESERVATION 1000233902013
Scale: 1:7000
Date : 06/03/13
H/2013/0435

No: 6
Number: H/2013/0590
Applicant: Housing Hartlepool Stranton HARTLEPOOL TS24 7QT
Agent: Mr Garry Scott Housing Hartlepool Greenbank Stranton HARTLEPOOL TS24 7QT
Date valid: 10/12/2013
Development: Removal of existing windows and replace with upvc double glazed units (AMENDED PLANS RECEIVED)
Location: West Lodge The Parade HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 The front bay window of the property was replaced in UPVC following the grant of listed building consent by Planning Committee in July 2012 (H/2012/0253).

PROPOSAL

6.3 The planning application seeks consent to replace all of the windows in the property with UPVC double glazed windows apart from the front bay where the windows have already been replaced.

6.4 The application has been referred to Planning Committee as it impacts on both a listed building and conservation area and due to the site's history.

SITE CONTEXT

6.5 The site which the application relates is West Lodge, a Grade II listed building, which forms one of a pair of lodge houses, in residential use. The lodges were constructed as part of Tunstall Court. As part of the development of the site two lodges were built either side of the drive accessed via The Parade.

6.6 The property is also situated within the Park Conservation Area. Tunstall Court and the buildings associated with this site make a significant contribution to the character of the Park Conservation Area as an example of a house, grounds and lodge buildings that are characteristic of the early development of this area.

PUBLICITY

6.7 The application has been advertised by way of site notice, press advert and neighbour letters (3). To date, one response from a neighbouring property has been received indicating that they have no objections.

The period for publicity has expired.

CONSULTATIONS

6.8 The following consultation replies have been received:

Hartlepool Civic Society – Strongly object to the use of plastic windows on this listed building. Part of its historic character are the materials used and plastic has no place in listed buildings of this era.

PLANNING POLICY

6.9 In relation to the specific policies referred to in the section below please see the policy note at the end of the agenda.

National Policy

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

6.11 Of significance is paragraph 9 which states that ‘Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design’.

6.12 Paragraph 17 of the NPPF sets out the core planning principles, one of which is to, ‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.’

6.13 In considering good design paragraph 58 of the NPPF suggests that this should, respond to local character and history, and reflect the identity of local surroundings and materials.

6.14 In relation to conservation policies within the NPPF, it states that, 'local authorities should take account of ...the desirability of sustaining and enhancing the significance of heritage assets [and]...the desirability of new development making a positive contribution to local character and distinctiveness.'

6.15 Furthermore the NPPF states that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' It goes on to note that, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Local Policy

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

GEP1 – General Environmental Principles.

HE1 – Protection and enhancement of conservation areas.

HE8 – Works to listed buildings

Hsg10 – Residential extensions.

PLANNING CONSIDERATIONS

6.17 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies and the relevant material considerations including the effect of the proposal on the character and setting of the listed building and conservation area.

6.18 The significance in the property is twofold, in the first instance for the most part the listed building retains much of its original form creating the grand entrance to a large, single dwelling. Although some elements have been altered, such as the windows, and extensions added to the rear, these do little to diminish the original character of the building.

6.19 Secondly this lodge and East Lodge opposite contribute to the character of the Park Conservation Area in that the arrangement of a single large house with associated buildings is characteristic of the development of the West Park area.

6.20 In 2009 Planning Committee agreed guidelines in relation to replacement windows. With regard to replacement windows in listed buildings, the policy states,

'Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.'

6.21 The windows installed in the house at the moment are not original. Early photographs of the buildings indicate that the windows in the bay to the front of the property were in a margin light design. It appears that the arrangement was a small top light with a casement window below. It is fair to assume that the windows elsewhere in the property would have followed a similar pattern.

6.22 The proposed windows are UPVC casement windows to all of the openings in the house. There is a small top light to the windows and a larger bottom light both of which open on a top hung hinge. Glazing bars subdivide the windows.

6.23 UPVC as a material is different to timber. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

6.24 The proposed detailing of the UPVC casement is different to that of a traditional timber window. The sections of the frame and case are bulky. In addition they do not have the finer detailing that would be anticipated on a timber window. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber window and thus to the appearance of both the listed buildings and the conservation area.

6.25 The details provided indicate that the proposed windows are a casement design. They do not reflect the evidence of the earlier windows in the front bay. The windows therefore are considered contrary to the policy in the NPPF which states that 'great weight should be given to the asset's conservation' as the proposal would harm the significance of the listed building.

6.26 In relation to the windows in the extension on the property whilst this section of the building may not greatly contribute to the character of the listed building, as the NPPF suggests solutions should take account of the 'desirability of sustaining and enhancing the significance of heritage assets.' To this end this is an opportunity to enhance the listed building, therefore rather than reinforce the poor details this is an opportunity to replace the windows with something more in-keeping with the character of the listed building.

6.27 The proposal is considered contrary to the guidelines agreed by Planning Committee as the solution is not 'of a type appropriate to the age and character of the building (in terms of design, detailing and materials)'.

6.28 On that basis it is considered that the proposed replacement windows would be detrimental to the character of this Grade II listed building.

6.29 Having regard to the relevant Local Plan (2006) policies, the relevant national guidance set out in the National Planning Policy Framework (2012) and the relevant

planning considerations set out above, it is considered the proposal is contrary to policy and it is therefore recommended that the application for listed building consent be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.31 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE

It is considered that the proposed windows by virtue of their design and appearance will neither preserve or enhance the character, appearance and setting of the Grade II Listed Building and the wider park Conservation Area, and are therefore contrary to policies GEP1, HE1 and HE8 of the adopted Hartlepool Local Plan (2006).

BACKGROUND PAPERS

6.33 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

6.34 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

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

AUTHOR

6.35 Author: Sarah Scarr
Landscape Planning and Conservation Team Leader
Department of Regeneration and Neighbourhoods
Level 1, Civic Centre
Hartlepool
TS24 8AY

Tel; 01429 523275
Sarah.scarr@hartlepool.gov.uk

WEST LODGE



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 RESERVATION NO. 100023390/2013

Scale: 1:1000
Date : 06/03/13
H/2013/0590

No: 7
Number: H/2013/0630
Applicant: Housing Hartlepool Stranton HARTLEPOOL TS24 7QT
Agent: Mr Garry Scott Housing Hartlepool Greenbank Stranton HARTLEPOOL TS24 7QT
Date valid: 10/12/2013
Development: Listed building consent for removal of existing windows and replace with upvc double glazed units (AMENDED PLANS RECEIVED)
Location: West Lodge The Parade HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

7.2 The front bay window of the property was replaced in UPVC following the grant of listed building consent by Planning Committee in July 2012 (H/2012/0253).

PROPOSAL

7.3 The application seeks listed building consent to replace all of the windows in the property with UPVC double glazed windows apart from the front bay where the windows have already been replaced.

7.4 The application has been referred to Planning Committee as it impacts on both a listed building and conservation area, and due to the sites history.

SITE CONTEXT

7.5 The site which the application relates is West Lodge, a Grade II listed building, which forms one of a pair of lodge houses, in residential use. The lodges were constructed as part of Tunstall Court. As part of the development of the site two lodges were built either side of the drive accessed via The Parade.

7.6 The property is also situated within the Park Conservation Area. Tunstall Court and the buildings associated with this site make a significant contribution to the character of the Park Conservation Area as an example of a house, grounds and lodge buildings that are characteristic of the early development of this area.

PUBLICITY

7.7 The application has been advertised by way of site notice, press advert and neighbour letters (3). To date, one response from a neighbouring property has been received indicating that they have no objections.

7.8 The period for publicity has expired.

CONSULTATIONS

7.9 No consultation responses have been provided on this application however the Hartlepool Civic Society has objected to the associated planning application. They strongly object to the use of plastic windows on this listed building. Part of its historic character are the materials used and plastic has no place in listed buildings of this era.

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.

National Policy

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

7.12 Of significance is paragraph 9 which states that ‘Pursuing sustainable development involves seeking positive improvement in the quality of the built...and historic environment...including replacing poor design with better design’.

7.13 Paragraph 17 of the NPPF sets out the core planning principles, one of which is to, ‘conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations.’

7.14 In considering good design paragraph 58 of the NPPF suggests that this should, respond to local character and history, and reflect the identity of local surroundings and materials.

7.15 In relation to conservation policies within the NPPF, it states that, 'local authorities should take account of ...the desirability of sustaining and enhancing the significance of heritage assets [and]...the desirability of new development making a positive contribution to local character and distinctiveness.'

7.16 Furthermore the NPPF states that, 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.' It goes on to note that, 'Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.'

Local Policy

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

GEP1 – General Environmental Principles.

HE1 – Protection and enhancement of conservation areas.

HE8 – Works to listed buildings

Hsg10 – Residential extensions.

PLANNING CONSIDERATIONS

7.18 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Hartlepool Local Plan (2006) policies and the relevant material considerations including the effect of the proposal on the character and setting of the listed building and conservation area.

7.19 The significance in the property is twofold, in the first instance for the most part the listed building retains much of its original form creating the grand entrance to a large, single dwelling. Although some elements have been altered, such as the windows, and extensions added to the rear, these do little to diminish the original character of the building.

7.20 Secondly this lodge and East Lodge opposite contribute to the character of the Park Conservation Area in that the arrangement of a single large house with associated buildings is characteristic of the development of the West Park area.

7.21 In 2009 Planning Committee agreed guidelines in relation to replacement windows. With regard to replacement windows in listed buildings, the policy states,

'Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.'

7.22 The windows installed in the house at the moment are not original. Early photographs of the buildings indicate that the windows in the bay to the front of the property were in a margin light design. It appears that the arrangement was a small top light with a casement window below. It is fair to assume that the windows elsewhere in the property would have followed a similar pattern.

7.23 The proposed windows are UPVC casement windows to all of the openings in the house. There is a small top light to the windows and a larger bottom light both of which open on a top hung hinge. Glazing bars subdivide the windows.

7.24 UPVC as a material is different to timber. UPVC as a material has a smoother more regular surface finish and colour, and the ageing process differs significantly between UPVC and painted timber. The former retains its regularity of form, colour and reflectivity with little change over time. Newly painted timber is likely to go through a wider range of change and appearance over time. A UPVC window will differ significantly in appearance both at the outset and critically as it ages from one constructed in wood.

7.25 The proposed detailing of the UPVC casement is different to that of a traditional timber window. The sections of the frame and case are bulky. In addition they do not have the finer detailing that would be anticipated on a timber window. A timber window has tenoned corner joints and the panes of glass are held by putty. The glazing beads and mitred corner joints found in UPVC windows are unlike the putty beads and tenoned corner joints of a timber window. It is these small but significant details that contribute to the special character of a timber window and thus to the appearance of both the listed buildings and the conservation area.

7.26 The details provided indicate that the proposed windows are a casement design. They do not reflect the evidence of the earlier windows in the front bay. The windows therefore are considered contrary to the policy in the NPPF which states that 'great weight should be given to the asset's conservation' as the proposal would harm the significance of the listed building.

7.27 In relation to the windows in the extension on the property whilst this section of the building may not greatly contribute to the character of the listed building, as the NPPF suggests solutions should take account of the 'desirability of sustaining and enhancing the significance of heritage assets.' To this end this is an opportunity to enhance the listed building, therefore rather than reinforce the poor details this is an opportunity to replace the windows with something more in-keeping with the character of the listed building.

7.28 The proposal is considered contrary to the guidelines agreed by Planning Committee as the solution is not 'of a type appropriate to the age and character of the building (in terms of design, detailing and materials)'.

7.29 On that basis it is considered that the proposed replacement windows would be detrimental to the character of this Grade II listed building.

7.30 Having regard to the relevant Local Plan (2006) policies, the relevant national guidance set out in the National Planning Policy Framework (2012) and the relevant

planning considerations set out above, it is considered the proposal is contrary to policy and it is therefore recommended that the application for listed building consent be refused.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.32 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION -

It is considered that the proposed windows by virtue of their design and appearance will neither preserve or enhance the character, appearance and setting of the Grade II Listed Building and the wider park Conservation Area, and are therefore contrary to policies GEP1, HE1 and HE8 of the adopted Hartlepool Local Plan (2006).

BACKGROUND PAPERS

7.34 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

CONTACT OFFICER

7.35 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

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

AUTHOR

7.36 Sarah Scarr
Landscape Planning and Conservation Team Leader
Department of Regeneration and Neighbourhoods
Level 1, Civic Centre, Victoria Road
Hartlepool
TS24 8AY

Tel: 01429 523275

Sarah.scarr@hartlepool.gov.uk

WEST LODGE



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 RESERVATION NO. 100023390/2013
Scale: 1:1000
Date : 06/03/13
H/2013/0590

UPDATE REPORT

No: 2
Number: H/2013/0628
Applicant: Mr Jon Whitfield Hub Two Innovation Centre Venture Park
HARTLEPOOL TS25 5TG
Agent: Mr Malcolm Arnold 2 Siskin Close Bishop Cuthbert
HARTLEPOOL TS26 0SR
Date valid: 23/12/2013
Development: Change of use of existing Class A4 premises to form 3
No. units, unit 1 from A4 to A1, unit 2 from A4 to A1 and
unit 3 from A4 to A4
Location: THE MOWBRAY MOWBRAY ROAD HARTLEPOOL

PURPOSE OF REPORT

2.1 The application appears as item 2 on the main agenda, the sequential test and auto track drawings which were awaited have now been received and assessed and the planning considerations are detailed in full in the remainder of the report.

PLANNING CONSIDERATIONS

2.2 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 impacts on the visual amenity of the area, impacts on residential amenity, highway safety, ecology and trees and other matters.

Principle of Development

2.3 The Town and Country Planning (Use Classes) Order 1987 (as amended) allowed for the former public house to be changed from a public house (Use Class A4) to a retail shop (Use Class A1), a professional services office (Use Class A2) or a café (Use Class A3) without the need for planning permission. However as this is a mixed use development in that all units are not proposed to be converted to A1 retail planning permission is required for all units.

2.4 The first floor flat does not require consent as it is an existing use; there will be no change to this flat as a result of the development.

2.5 In accordance with Local Plan policy COM12, if food and drink uses (A3, A4 and A5) are proposed the applicant must demonstrate that the development (i) will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, disturbance, smell or litter, (ii) does not lead to traffic congestion or otherwise adversely affect highway safety and (iii) will not adversely affect the character, appearance and function of the surrounding area. In addition Local Plan policy COM13 relates to commercial uses in residential areas. The policy states that applicants must demonstrate that the development (i) will not have a significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, smell, dust or excessive traffic generation, (ii) design, scale and impact is compatible with the character and amenity of the site and

UPDATE REPORT

the surrounding area and (iii) appropriate servicing and parking provision can be made.

2.6 The impact of the proposal on the amenities of the area and highway safety is discussed in detail below. It is considered that the amenities of neighbouring residential properties can be adequately controlled through the use of appropriate planning conditions.

2.7 The building was previously in use as a public house. This application proposes to operate a public house within unit 3 of the building. Given the buildings previous long standing use as a public house it is considered that a refusal to retain a public house in a smaller unit within the building would be difficult to substantiate. In addition the reuse of the former public house is to be welcomed in terms of its contribution to the local economy. The proposed public house would be of a significantly reduced scale from the previous public house which occupied the entire building. It is considered that through the use of planning conditions relating to outside drinking and opening hours, the amenity of neighbouring residents can be protected.

2.8 National planning policy contained within paragraph 24 of the National Planning Policy Framework (NPPF) states that Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

2.9 The application site is located outside of any local centres therefore the applicant has had to demonstrate through a sequential test that the development could not be located within either of the local centres located within the locality of the application site. An assessment has been carried out of the availability of premises within local centres at Owton Manor Lane and Catcote Road. The sequential test has established that there are no available premises for lease in either of these local centres. It is considered that the application site is a suitable and accessible out of centre site in accordance with policy contained within paragraph 24 of the NPPF. Due to the scale of the development the proposal would not require a Retail Impact Assessment.

2.10 The principle of the proposed development is considered to be acceptable in accordance with policies GEP1, GEP2, GEP3, COM12 and COM13 of the Hartlepool Local Plan and paragraphs 14 and 19 of the NPPF.

Impacts on the visual amenity of the area

2.11 The proposed development relates to change of use only. External works to the building were approved under planning application H/2013/0440. It is therefore considered that this application shall have no significant impact on the visual amenity of the application site or the surrounding area.

UPDATE REPORT

2.12 The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan.

Impacts on residential amenity

2.13 In order to protect the amenity of neighbouring residential properties it is considered appropriate to attach planning conditions to the permission in relation to bins, outside drinking, deliveries and opening hours.

2.14 It is proposed to open Unit 1 (convenience store) from 6am to 11.30pm, Unit 2 (deli) from 8am-6pm and unit 3 (public house) from 12noon to 11.30pm. Public Protection has been consulted and does not object to the proposed opening hours. It has however been recommended that conditions be attached to the planning permission restricting outdoor drinking and delivery hours to minimise potential disruption to neighbouring properties.

2.15 The applicant has confirmed that 2 x 120 Litre litter bins have been installed on site. One adjacent to the entrance door to Unit 1 and the other outside the door of Unit 2.

Ecology and Trees

2.16 Impacts on wildlife and Great Crested Newts have been referred to in public comments. The Council's ecologist has assessed the scheme and raised no objections to the proposed development, concluding that the proposal would not have any significant impacts on protected species,

2.17 An objection states that a Tree Survey should have been undertaken by the developers. Branches have previously been trimmed along the applicant's boundary. No protected trees have been lopped nor is the site within a conservation area. The Council's tree officer has confirmed that a Tree Survey would not have been required as part of this application.

Highways

2.18 The Council's Traffic and Transportation Section have been consulted and raise no objection to the development subject to the provision of 6 cycle parking spaces and parking restrictions. These can be conditioned as part of any planning permission for the development and a grampian highways condition requiring the provision of parking restrictions on Fenton Road and Mowbray Road with the costs payable by the developer. In addition details of the servicing and access arrangements for deliveries were requested, these details have been submitted and show access by vehicles over 3.5 tonnes making deliveries to the site by entering and exiting from Mowbray Road. Vehicles up to 3.5 tonnes only shall be permitted to make deliveries via the Fenton Road access, in the interests of highway safety. The submitted auto track drawings showing access arrangements for deliveries have been assessed by the Council's traffic and transport section, these details are considered acceptable by the Council's traffic and transport section.

UPDATE REPORT

2.19 The proposed development is considered to be in accordance with policies GEP1, GEP, GEP3 and TRA16 of the Hartlepool Local Plan.

Other Matters

2.20 An objection states that there shall be trade effluent from the public house due to beer wastage. Waste water from public houses is not classified as trade effluent.

2.21 Concerns have been raised regarding the necessity of the shops; the applicant's sequential assessment has established that there are no other available units within nearby local centres which could accommodate the development.

2.22 Loss to the value of properties has been raised as a concern; this is not a material planning consideration.

2.23 It has been stated that the boundary wall has not been completed. The applicant has confirmed in writing 03/03/2014 that the railings have been ordered to complete the boundary wall. However this is not a material consideration in the determination of this planning application.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.24 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.25 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.

2.26 There are no Section 17 implications.

REASON FOR DECISION

2.27 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 23/12/2013 (Site location plan; Sheet A, Floor plan) and plans received by the local planning authority 10/03/2014 (Drawing no. EPMOWBRAY.1/TR/03).
For the avoidance of doubt.
3. Unit 1 shall only be open to the public between the hours of 06:00 and 23:00 on any day, Unit 2 shall only be open to the public between the hours of 08:00

UPDATE REPORT

and 18:00 on any day, Unit 3 shall only be open to the public between the hours of 12:00 and 23.30 on any day.

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

4. Drinks sold from Unit 3 shall be consumed within the building only.

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

5. Deliveries to the premises shall only take place between the hours of 08:00 and 19:00 on any day. The delivery of newspapers and magazines can be made outside of these hours subject to the delivery vehicle being of a weight no greater than 3.5 tonnes and no audible reversing alarms shall be used.

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

6. Notwithstanding the information shown on the submitted plans details of 6 cycle parking spaces to be provided outside the premises shall be submitted to and approved in writing by the local planning authority within 28 days of this permission. Thereafter the agreed cycle bays shall be installed within 28 days of the approval of the submitted details and retained for the lifetime of the development.

In the interests of amenity.

7. Notwithstanding the submitted details a scheme to provide parking restrictions on Mowbray Road and Fenton Road to protect sight lines at each access point shall be submitted to and agreed in writing by the Local Planning Authority within 28 days of the date of this permission. Thereafter the works shall be implemented, at the developers expense, in accordance with the agreed details within 56 days of the date of this permission.

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

8. Litter bins shall be installed and managed on site in accordance with the details submitted to the Local Planning Authority 03/03/2014.
9. Notwithstanding the submitted details a scheme for the installation of CCTV cameras including design, location, and coverage shall be submitted and agreed in writing by the Local Planning Authority within one month of the date of this permission and thereafter shall be implemented and retained for the lifetime of the units.

In the interests of crime prevention.

10. Deliveries via the Fenton Road access shall be made in vehicles no larger than 3.5 tonnes, all other vehicles delivering to the site shall enter and exit the site via Mowbray road.

In the interests of highway safety.

11. Before the use hereby approved is commenced details of the proposed car parking provision including layout, number of spaces, surface materials and drainage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the approved scheme shall be implemented as part of the development in accordance with those details. Thereafter the car parking spaces shall be used and maintained in such a manner as to ensure their availability at all times for the parking of private vehicles for the lifetime of the development.

In the interests of highway safety.

BACKGROUND PAPERS

UPDATE REPORT

2.28 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

2.29 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

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

AUTHOR

2.30 Sinead Turnbull
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284319
E-mail: sinead.turnbull@hartlepool.gov.uk

UPDATE REPORT

THE MOWBRAY PH



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 : 06/03/14
H/2013/0628

UPDATE REPORT

No: 5
Number: H/2013/0435
Applicant: Mr Brian Morton Tees Road HARTLEPOOL TS25 1DE
Agent: Collective Design Mr Simon McIlwraith 21 Kepple Street
Dunston GATESHEAD NE11 9AR
Date valid: 23/01/2014
Development: Erection of new sports dome for use as artificial ice rink
and for events including sporting events, exhibitions,
cultural events, social events and ceremonies, additional
car parking area, relocation of gas tanks and landscaping
Location: Seaton Leisure The JD Sports Domes Tees Road
HARTLEPOOL

BACKGROUND

5.1 This application appears at item 5 on the agenda. It was advised that the conditions relating to the application would be subject to an update report.

PUBLICITY

5.2 One additional representation has been received advising no objections.

CONSULTATIONS

5.3 The following consultation replies have been received:

Environment Agency : No objections subject to conditions relating to contamination.

Office For Nuclear Regulation : No comments received.

PLANNING CONSIDERATIONS

5.4 The Environment Agency have withdrawn their objection.

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

RECOMMENDATION – APPROVE subject to the following 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 following plans (Duol Leaflets (Duol DMS Membrane, Air Generators x2, Electric Generators), 11070 10 Rev A Retaining features identified (except in relation to the

UPDATE REPORT

Dome details which are incorrectly shown on drawing 11070 10 Rev A), and details which had been received by the Local Planning Authority at the time the application was made valid on 23rd January 2014, and the drawings (PRO-1089/0 Plan of air dome, PRO-1089/1 Plan of air dome, PRO-1089/2 Side View Front View, PRO-1089/3 Cross section of the foundation with anchorage, BM/SC/240/08 Proposed Site Plan) received at the Local Planning Authority on 10th February 2014, as amended in respect to the red line identifying the application site and the blue line identifying other land in the applicant's ownership and control by the drawing BM/SC/240/01 received at the Local Planning Authority on 11th March 2014, unless otherwise agreed in writing by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.

3. The Dome building hereby approved shall be removed from the site and the land restored to its former condition on or before 1st April 2029 in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.

The building is not considered suitable for permanent retention on the site.

4. The Dome hereby approved shall only be open to the public between the hours of 09:00 hrs and 23:00 hrs Monday to Sunday (inclusive).

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

5. The internal noise levels in the Dome hereby approved shall at no time exceed the levels as set out in table 1 of the Noise Impact Assessment (Report Number 3929.1 version A) prepared by apex acoustics dated 7th November 2013 and received at the Local Planning Authority on 15th December 2013.

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

6. The dome hereby approved shall not be used for events involving live music or bands.

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

7. Save for the car parking areas all other facilities on site (Football Dome, Golf Dome, and the building containing the Gym/Bar/Bistro/Restaurant) shall be closed one hour before any event is held at the Dome hereby approved. For the avoidance of doubt this shall not apply when the Dome hereby approved is used for recreational skating by the general public.

In order to ensure that adequate parking is available in the interests of highway safety.

8. The maximum number of visiting members of the public attending any event at the Dome hereby approved shall not exceed 1200 persons.

In order to ensure that adequate parking is available in the interests of highway safety.

9. Details of lighting proposals in the car parking area hereby approved shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation. The lighting proposals shall thereafter be implemented at the time of development and retained for the lifetime of the development unless some variation is subsequently approved in writing by the Local Planning Authority.

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

10. Notwithstanding the details submitted a detailed scheme of landscaping, including bunds 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 the construction details of the mounds, sizes, types and species, indicate the proposed layout and surfacing of all open space

UPDATE REPORT

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.

11. 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.

12. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

- " all previous uses
- " potential contaminants associated with those uses
- " a conceptual model of the site indicating sources, pathways and receptors
- " potentially unacceptable risks arising from contamination at the site.

2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented as approved.

The environmental setting of the site is considered sensitive as it is underlain by the Sherwood Sandstone Principal Aquifer. We have reviewed the following report: Phase 1 Land Quality Assessment Desk Study, The Mayfair, Tees Road, Seaton Carew, by Patrick Parsons, September 2011. This report identifies potential sources of contamination at the site including a former landfill site. We therefore considered that the site potentially poses a risk to controlled waters and further investigation should be undertaken, any intrusive investigation undertaken should adequately investigate any potential risks to controlled waters, this should include leachate and/or groundwater sampling where appropriate. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also

UPDATE REPORT

states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

13. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved.

To ensure the risks to controlled waters are adequately addressed. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

14. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted a remediation strategy to the Local Planning Authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the Local Planning Authority. The remediation strategy shall be implemented as approved.

To ensure the risks to controlled waters are adequately addressed. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

15. External construction works for the car parking area (including the associated bunds) will not be undertaken during the November to February period inclusive (winter period).

In the interest of ecology

16. Prior to the Dome hereby approved being brought into use the area(s) indicated for pathways, car and coach parking shown on drawing BM/SC/240/08 received at the Local Planning Authority on 10th February 2014 shall be provided and laid out in accordance with that approved plan and thereafter be kept available for such use at all times during the lifetime of the development. The pathways and parking areas shall be surfaced and marked out, in accordance with a specification first submitted to and approved in writing by the Local Planning Authority.

In order to ensure that adequate car parking and access is provided in the interest of highway safety.

17. The development hereby permitted shall not be commenced until such time as

UPDATE REPORT

a scheme for surface water management has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.

To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

18. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

19. Details of all walls, fences and other means of boundary enclosure around the LPG tanks shall be submitted to and approved by the Local Planning Authority and provided before they become operational. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

20. Prior to the commencement of any works relating to the provision of the Dome hereby approved a scheme for the diversion/relocation/protection of the rising main crossing the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the details so approved.

In order to ensure the main is adequately dealt with.

21. This permission relates only to the provision of the Dome, car parking area, relocation of the gas tanks and associated landscaping detailed in the application and enclosed by the red lines on drawing BM/SC/240/01 received at the Local Planning Authority on 11th March 2014.

For the avoidance of doubt.

BACKGROUND PAPERS

5.6 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:

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

CONTACT OFFICER

Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

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

UPDATE REPORT

AUTHOR

Jim Ferguson
Planning Team Leader (DC)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523274
E-mail: jim.ferguson@hartlepool.gov.uk

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

GEP3 (Crime Prevention by Planning and Design) - States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP7 (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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

Com9 (Main Town Centre Uses) - States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14

and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Com12 (Food and Drink) - States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com13 (Commercial Uses in Residential Areas) - States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

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

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

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

Rec14 (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

GN3 (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

HE8 (Works to Listed Buildings (Including Partial Demolition))

States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

2. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

11. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

17: 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. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and

- 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.

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

58. Local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Planning Policies and decisions should aim to ensure that developments...respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation.

118. When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

- 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;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;

- 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; and

- the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

In determining planning applications, local planning authorities should take account of:

- 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

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

When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and

II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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

PLANNING COMMITTEE

19th March 2014



Report of: Assistant Director (Neighbourhoods)

Subject: NEIGHBOURHOOD PLANNING (CONSULTATION GUIDANCE)

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek a decision from Planning Committee on the following:
- The consultation standards that should be achieved by any qualifying body (Parish Council or Neighbourhood Forum) prior to submitting a Neighbourhood Plan boundary and / or Forum designation application.
 - The consultation standards that should be achieved by the Local Planning Authority (LPA) during the statutory consultation period on Neighbourhood Plan boundaries and / or Forum designation applications.

2. BACKGROUND

- 2.1 Neighbourhood Planning is central to the Coalition Government's Localism Act 2011. It is intended to give local people greater ownership of plans and policies that affect their local area, and to provide communities with the opportunity to develop a community-led framework for guiding the future development, regeneration and conservation of an area.
- 2.2 Once adopted a Neighbourhood Plan will become part of the formal planning process and must be in general conformity with national planning policy (National Planning Policy Framework) and the Local Authority's Development Plan (currently the Hartlepool Local Plan 2006).
- 2.3 Nationally there are currently 685 Neighbourhood Planning areas, over half of which have been formally designated. To date, a small number Neighbourhood Plans have completed the process and been formally adopted after a simple majority vote at referendum, to become part of local planning legislation.

2.4 In accordance with the Localism Act 2011 and Neighbourhood Planning Regulations published on 6 April 2012, the Local Planning Authority (LPA) have a statutory obligation to fulfil a number of duties throughout the development of a Neighbourhood Plan which include:

- Providing technical assistance, support and guidance to the Parish Council or Neighbourhood Forum. This can include sharing evidence and information on planning issues, providing advice on national and local planning policies, assisting with consultation and facilitating communication with external partners;
- Formally publicising the proposed Neighbourhood Plan boundary and statement of suitability submitted by the Parish Council or Neighbourhood Forum. During this time, representations from interested parties can be made to the LPA in relation the boundary and / or the Group undertaking the Plan development; all of which must be considered when formally designating the boundary at the end of the statutory consultation period;
- To validate the Neighbourhood Plan before arranging an independent examination (to be undertaken by a suitably qualified individual) and neighbourhood referendum; and
- Should a simple majority vote be gained at referendum, the LPA have a statutory obligation to adopt the Neighbourhood Plan. Any implications for the Council's Budget and Policy Framework will be subject to a report and any necessary approvals from Council.

3. NEIGHBOURHOOD PLANS IN HARTLEPOOL

3.1 To date, three Neighbourhood Plan boundaries have been designated in Hartlepool. Neighbourhood Plans for the following areas are currently under development:

- Hartlepool Rural Plan;
- The Headland Neighbourhood Plan; and
- Wynyard Neighbourhood Plan.

3.2 On 19 February 2014, Planning Committee considered the Park Neighbourhood Plan boundary and Forum designation submission. The application was refused on the grounds that insufficient consultation had been undertaken with the wider community.

3.3 As a result of the decision outlined in Section 3.2, Planning Committee requested that a report outlining potential options for consultation in relation to Neighbourhood Plan boundary and / or Forum applications be developed for their consideration in March 2014.

4. CONSULTATION UNDERTAKEN

4.1 Local Planning Authority (LPA)

4.1.1 As outlined in Section 2.4, and in accordance with the Localism Act 2011 and the Neighbourhood Planning (General) Regulations 2012 Part 2 Regulation 6, as soon as possible following receipt of an application for designation of a neighbourhood area, the LPA must publicise the following on its website and in such other manner as they consider is likely to bring the area application to the attention of people who live, work or carry on business in the area to which the area application relates:

- Copy of the area application;
- Provide details of how to make representations; and
- The date by which those representations must be received, being not less than 6 weeks from the date on which the area application is first publicised.

4.1.2 The proposed Park Neighbourhood Plan Area and Forum designation application was submitted on 30 August 2013 and publicised on the Council's website for a period of 12 weeks between 2 September 2013 and 30 November 2013 in accordance with the Neighbourhood Planning (General) Regulations 2012. Two written representations were received during the consultation period, one from GVA for and on behalf of Taylor Wimpey UK Ltd and one in relation to the ongoing concerns of the Rural West Ward Members.

4.1.3 In terms of the LPA's responsibility and actions in publicising Neighbourhood Plan Area submissions from the Hartlepool Rural Plan, Headland Neighbourhood Plan and Wynyard Neighbourhood Plan, these were available on the Council's website, each for a period of 8 weeks in line with the Council's Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI). The LPA notified the respective neighbouring Neighbourhood Plan areas of all submissions, including the proposed Park Neighbourhood Plan Area and Forum.

4.2 Qualifying Body (Parish Council or Neighbourhood Forum)

4.2.1 Prior to the formation of the Park Neighbourhood Planning Forum, consultation with members of the Park Residents Association was undertaken during meetings in late 2012 until August 2013 when the Forum was established. Consultation beyond August 2013 has been through both the Park Neighbourhood Planning Forum and Park Residents Association. The Forum is a representative Group and has at least 21 members with approximately 70 to 80 members of Park Residents Association.

4.2.2 In terms of consultation undertaken by other Neighbourhood Plan groups, the following provides a summary of activity prior to and following formal area designation:

- The Hartlepool Rural Plan Working Group (a sub-group of the five Parish Councils) initially submitted their boundary designation application in October 2012 after undertaking a widespread consultation exercise (funded through resources secured by Design Council CABE and Front Runner grant) comprising 10 community events and a household survey across the proposed boundary. The consultation period of 8 weeks ran between November and December 2012; no written representations were received.
- The Headland Neighbourhood Plan Working Group (a sub-group of the Parish Council) submitted its boundary designation application in late December 2013. The Group was established in 2012 and has been in constant dialogue with the wider community via newsletters, publicity and their Facebook page. The consultation period of 8 weeks ran between January 2013 and February 2013; no written representations were received. During the consultation period a 3 day collaborative planning workshop was undertaken by The Prince's Foundation which aimed to engage the community in the Neighbourhood Planning process.
- The Wynyard Neighbourhood Plan Working Group (a sub-group of Wynyard Residents Association in conjunction with Grindon Parish Council) submitted its boundary designation application in late August 2013. The Group was established the summer of 2013 and has also been in constant dialogue with the local community through their monthly newsletter, community events and publicity on Wynyard Residents Association's website and Facebook page. The consultation period of 8 weeks ran between August 2013 and September 2013; no written representations were received.

5. POTENTIAL OPTIONS FOR FUTURE CONSULTATION

5.1 At the request of the Chair and further to feedback gained at Planning Committee on 19 February 2014, initial views were sought from the Rural West Ward Councillors on a reasonable level of consultation to be undertaken in relation to proposed Neighbourhood Plan boundaries and / or Forums. Their feedback encompassed the following:

- Initial consultation with Ward Councillors should be undertaken by both the qualifying body and LPA prior to the submission of the Neighbourhood Plan boundary and / or Forum application. This will be separate to the statutory consultation period through which any objections or written representations can be submitted, and will be solely seeking initial feedback on the proposed Neighbourhood Plan boundary and / or Forum.
- The LPA should endeavour to use social media (for example Facebook and Twitter) to publicise the Neighbourhood Plan boundary and / or Forum application during the statutory consultation period.

- A leaflet and / or newsletter outlining the intentions of the qualifying body to develop a Neighbourhood Plan to be distributed to all households and businesses within the proposed Neighbourhood Plan boundary. This should also outline how the wider community can get involved and comment on the imminent application.

5.2 There are a number of additional consultation methods that Planning Committee may wish to consider in establishing reasonable standards for prospective Neighbourhood Plan qualifying bodies and / or the LPA prior to the consideration of a Neighbourhood Plan boundary and / or Forum designation application. Based on guidance outlined by Planning Policy for the development of Development Plan Documents (DPDs), these methods may include the following:

- Advertising in key community venues within the proposed Neighbourhood Plan boundary;
- Write to all key community and voluntary groups within the proposed Neighbourhood Plan boundary;
- Advertise in the local press, including the Hartlepool Mail, Hartbeat and Radio Hartlepool;
- Raise at Hartlepool Borough Council's Neighbourhood Forums;
- Create a dedicated website and utilise social media; and / or
- Deliver community events and / or drop in sessions to encourage all residents to attend and find out about the Neighbourhood Plan.

5.3 The consultation standards put in place and consequent responsibility for the delivery of those standards (for example the qualifying body and / or LPA) will have to be considered and agreed by Planning Committee, taking account of the financial and staff considerations outlined in Sections 8 and 10 respectively of this report.

6. RISK IMPLICATIONS

6.1 Any consultation required throughout the Neighbourhood Planning process will be delivered in adherence with the Voluntary and Community Sector (VCS) Strategy and Statement of Community Involvement (SCI) for a statutory period of eight weeks. This accommodates the Neighbourhood Planning Regulations (General) adopted in April 2012 which stipulates a minimum six week consultation period.

7. FINANCIAL CONSIDERATIONS

7.1 Neighbourhood Plans will be subject to an independent examination and referendum; both of which the Local Authority have a duty to arrange and fund. A funding programme to support Local Authorities in meeting legislative duties in relation to Neighbourhood Planning was announced by DCLG in late 2012; this allows Local Authorities to draw down on unringfenced grant funding at three distinct phases in the Neighbourhood

Plan's development, including Neighbourhood Plan boundary and / or forum designation stage. It is anticipated that this funding stream will support the statutory duties of the Local Authority; however any additional costs that may be incurred would have to be secured from elsewhere.

7.2 Qualifying bodies wishing to develop Neighbourhood Plans can apply to the the Supporting Communities and Neighbourhoods in Planning Programme delivered by Locality in partnership with Planning Aid England, comprising the following elements:

- *Direct Support:* advice and support delivered by Planning Aid England, with an average value equivalent to £9,500. The package is tailored to meet the needs of supported neighbourhoods and is assessed via an online application process.
- *Grant Payments:* up to £7,000 per Neighbourhood Plan area, to contribute to costs incurred by the group preparing a Neighbourhood Plan or Order. This is also assessed via an online application process.

The support outlined above can be applied for at any stage, and can be for the purposes of developing consultation and engagement frameworks, general administration costs, commissioning consultancy support or strengthening the qualifying body partnership (please note this list is not exhaustive).

7.3 Additional resources to achieve consultation standards put in place that cannot be sourced from funding programmes outlined in Sections 7.1 and 7.2 will have to be sourced from elsewhere.

8. LEGAL CONSIDERATIONS

8.1 Regulations are now in force and which relate to the generality of the procedures that apply in relation to neighbourhood planning and specifically to the holding of a referendum on proposals, following an independent examination, the subsequent report from that examination and plan proposal decisions. As outlined in Section 2.4, the Local Authority will have a duty to adopt the Neighbourhood Plan should a simple majority vote be gained at a referendum. The National Planning Policy framework indicates that 'Neighbourhood plans must be in general conformity with the strategic policies of the Local Plan'. Further, once adopted, a neighbourhood plan's policies will 'take precedence over existing non-strategic policies in the Local Plan for that neighbourhood, where they are in conflict'. Any implications for the Council's Budget and Policy Framework will be subject to a report and any necessary approvals from Council.

9. STAFF CONSIDERATIONS

9.1 As outlined in Section 2.4, the Local Authority has a statutory obligation to provide technical assistance, support and guidance to the Park

Neighbourhood Planning Forum, formally publicise and designate the boundary, validate the Plan before organising an independent examination and referendum.

- 9.2 Intensive support to Neighbourhood Planning Groups is currently being led by the Community Regeneration and Development Team with support from the Planning Services Team; any revisions to the consultation standards that will result in a resource implication for the LPA will have to be absorbed within these service areas.

10. ASSET MANAGEMENT CONSIDERATIONS

- 10.1 There are no asset management considerations in relation to Neighbourhood Planning.

11. EQUALITY AND DIVERSITY CONSIDERATIONS

- 11.1 Equality and diversity will be considered through the associated consultation frameworks, and an Equality Impact Assessment (EIA) will be completed prior to the statutory consultation period on the first draft all Neighbourhood Plans.
- 11.2 The qualifying body will be encouraged to develop a range of engagement mechanisms to ensure that the Neighbourhood Plan process is inclusive to all residents and communities within the Neighbourhood Plan Area as well as other groups that have a common interest in the area. The adoption of minimum consultation standards in relation to potential Neighbourhood Plan boundaries and / or Forums will ensure that reasonable measures have been taken to ensure that this stage of the process is as inclusive as possible.

12. CHILD / FAMILY POVERTY CONSIDERATIONS

- 12.1 There are no child / family poverty implications in this instance.

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

- 13.1 There are no Section 17 considerations.

14. RECOMMENDATIONS

- 14.1 As outlined in Section 5.1, Planning Committee is requested to agree the following in relation to Neighbourhood Plan boundary and / or Forum designation consultation standards:

- (i) Consultation with Ward Councillors should be undertaken by both the qualifying body and LPA prior to the submission of the Neighbourhood Plan boundary and / or Forum application.
- (ii) The LPA to utilise use social media (for example Facebook and Twitter) to publicise the Neighbourhood Plan boundary and / or Forum application during the statutory consultation period.
- (iii) A leaflet and / or newsletter produced by the qualifying body outlining their intentions to develop a Neighbourhood Plan, to be distributed to all households and businesses within the proposed Neighbourhood Plan boundary prior to the submission of the Neighbourhood Plan boundary and / or Forum application, and advising them of the imminent consultation process.

14.2 Planning Committee are also requested to consider the additional consultation methods outlined in Section 5.2, deciding whether any additional methods are required, and if so, who the responsible body (LPA or qualifying body) will be for undertaking such consultation.

15. REASONS FOR RECOMMENDATIONS

- 15.1 Hartlepool Borough Council is implementing Neighbourhood Planning Policy in line with the Localism Act 2011.
- 15.2 Planning Committee requested that a report outlining potential options for consultation in relation to Neighbourhood Plan boundary and / or Forum applications be developed for their consideration

16. BACKGROUND PAPERS

- 16.1 Cabinet (9 January 2012) – Review of Community Involvement and Engagement (including LSP Review).
- 16.2 Cabinet (3 September 2012) – Neighbourhood Planning (Reporting and Decision Making Procedure).
- 16.3 Cabinet (18 March 2013) – Neighbourhood Planning (Update).
- 16.4 Neighbourhood Services Committee (14 October 2013) – Neighbourhood Planning.
- 16.5 Planning Committee (23 October 2013) – Neighbourhood Plan Boundary & Forum Designation
- 16.6 Planning Committee (18 December 2013) – Neighbourhood Planning (Neighbourhood Area and Forum Designation)

16.7 Planning Committee (19 February 2014) – Park Neighbourhood Plan Forum and Forum Designation.

16.8 <http://www.hartlepool.gov.uk/neighbourhoodplanning>

17. CONTACT OFFICER

Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523300
E.mail: denise.ogden@hartlepool.gov.uk

Adele Wilson
Community Regeneration & Development Coordinator
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523703
E-mail: adele.wilson@hartlepool.gov.uk

PLANNING COMMITTEE

19 March 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND SOUTH OF THE RABY ARMS,
HARTLEPOOL
APPEAL REF: APP/H0724/A/14/2213850
RESIDENTIAL DEVELOPMENT COMPRISING 23
DWELLINGS, ASSOCIATED ROADS, DRAINAGE
AND LANDSCAPING

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 23 dwellings on land south of the Raby Arms. The decision was made by Planning Committee. A copy of the decision notice is attached.
- 1.2 The appeal is to be determined by way of a Hearing and authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That Members authorise contesting.

3. CONTACT OFFICER

- 3.1 Damien Wilson
Assistant Director (Regeneration)
Tel 01429 523400
E-mail damien.wilson@hartlepool.gov.uk

- 3.2 AUTHOR
Richard Trow
Senior Planning Officer
Planning Services
Tel (01429) 523537
E-mail richard.trow@hartlepool.gov.uk

REFUSAL OF PLANNING PERMISSION

Town and Country Planning Act 1990



PART I - PARTICULARS OF APPLICATION

+	Application No	H/2013/0383
	Proposal	Residential development comprising 23 dwellings, associated roads, drainage and landscaping (amended site layout plan received)
	Location	Land adjacent to Raby Arms Front Street Hart
		HARTLEPOOL TS27 3AW
	Applicant	Gentoo Homes



PART II - PARTICULARS OF DECISION

The Hartlepool Borough Council hereby give notice in pursuance of the provisions of the above Act that **PLANNING PERMISSION HAS BEEN REFUSED** for the carrying out of the development referred to in Part I hereof in accordance with the application and plans made valid on 05/08/2013 for the following reason(s):

1. It is considered that the proposal represents an overdevelopment of the site contrary to Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006.
2. It is not considered that the applicant has demonstrated that foul and surface water drainage arising from the site can be accommodated satisfactorily contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006.

Date of issue: 04/12/2013

Signed

Director (Regeneration and Neighbourhoods)

PLANNING COMMITTEE

19 March 2014



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 been carried out and completed in response to an anonymous complaint regarding the siting of a skip being used to collect the property owners business related waste in the front garden of a property on Percy Street. After cooperation from the property owner it was determined that majority of the waste was garden and building waste resulting from improvement works being undertaken at the property, and the skip would be removed very soon.
2. An investigation has been carried out and completed in response to an anonymous complaint regarding the running of widow cleaning business from a residential property on Ark Royal Close. Resulting from cooperation from the property owner it was determined that the parking of one van, with no customers visiting the property did not change the property's overall character as a private dwelling, requiring planning permission. No action necessary.
3. An investigation has been carried out and completed in response to a complaint from Cleveland Fire Brigade regarding arson attacks on a vacant residential property on Wharton Terrace. After cooperation from the property owner building work commenced to a change of use to two flats and alterations to the properties elevations recently approved under a recent planning consent. No action necessary.
4. An investigation has been carried out and completed in response to an anonymous complaint regarding the running of a building business from a residential property on Hindpool Close. After cooperation from the property owner it was determined that the parking of one van, minimal level of building materials and tools, and with no customers visiting the property did

not change the property's overall character as a private dwelling, requiring planning permission. No action necessary.

5. An investigation has commenced in response to a complaint regarding the a non community use of a leisure and educational facility on King Oswy Drive.
6. An investigation has commenced in response to an anonymous complaint regarding the running of a scarp recycling business from a residential property on Chaucer Avenue.
7. An investigation has commenced in response to a complaint regarding the erection of an outbuilding in the rear garden of a property on Elwick Road.
8. An investigation has commenced in response to a complaint regarding the erection of a close boarded fence to the side enclosing a planted up strip of land at a property on Buttercup Close.
9. An investigation has commenced in response to a complaint raised by the Hartlepool Community Safety Team regarding the conversion of a flat into two flats on Burbank Street.
10. An investigation has commenced in response to a complaint regarding an installation of a wood burning stove and flue in the existing rear offshoot of a residential property on Westbourne Road.

2. RECOMMENDATION

- 2.1 Members note this report.

3 CONTACT OFFICERS

- 3.1 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400

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

3.2 AUTHOR

- 3.3 Paul Burgon
Planning Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523277

E-mail: paul.burgon@hartlepool.gov.uk

PLANNING COMMITTEE

19 March 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 59/61 HONITON WAY, HARTLEPOOL –
APPEAL REF: APP/H0724/A/13/2207538 –
ERECTION OF A TWO BEDROOMED DETACHED
BUNGALOW

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above planning appeal.
- 1.2 The application was determined under delegated powers and related to the erection of a detached two bedroom bungalow on a corner site in Honiton Way. The appeal was dismissed. A copy of the appeal decision is **attached**.

2 RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

3 CONTACT OFFICER

- 3.1 Damien Wilson
Assistant Director (Regeneration)
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel 01429 523400

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

- 3.2 AUTHOR
Richard Trow
Senior Planning Officer
Planning Services
Civic Centre
Hartlepool
Tel (01429) 523537
E-mail: richard.trow@hartlepool.gov.uk



Appeal Decision

Site visit made on 11 February 2014

by D R Cullingford BA MPhil MRTPI

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

Decision date: 18 February 2014

Appeal Ref: APP/H0724/A/13/2207538

59 & 61 Honiton Way, Hartlepool, TS25 2PU

- This appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is by Mr Gilbert Wilson against the decision of the Hartlepool Borough Council.
 - The application (ref: H/2013/0271 and dated 28 May 2013) was refused by notice dated 18 July 2013.
 - The development is described as the 'erection of 2 bed detached dwelling'.
-

Decision

1. I dismiss this appeal.

Main issue

2. From what I have read and seen, I consider that this appeal turns on whether the proposed new dwelling would appear cramped and out of character with its surroundings, so spoiling the street scene contrary to 'saved' policy H9 of the Hartlepool Local Plan 2006.

Reasons

3. The appeal plot is carved from 2 adjacent side gardens of semi-detached bungalows on the inside of a street corner of this suburban estate. It is somewhat truncated, the rear boundary aligning only with the rear elevations of the adjacent dwellings rather than with other back garden boundaries in this block of bungalows. Consequently, although the 2-bedroom hipped roof bungalow proposed would be a modest structure, it would project forward of the clear building line adhered to throughout the street, its blank flank walls intruding into the more open and mainly verdant vista across the small front gardens (particularly when viewed from the south). The diagonal alignment of the main façade would accentuate the incongruity of the arrangement. And, the 'incarcerating' character of so much close-boarded fencing would emphasise the limited extent and truncated nature of the plot in comparison with the prevailing pattern of development here. Moreover, the only off street parking spaces for all 3 dwellings (the 2 existing properties and the proposed new bungalow) would be in the front gardens, thereby further diminishing the open and verdant street frontage, still largely evident elsewhere. I consider that such harmful effects would combine to create an evidently cramped form of development out of character with its surroundings that would spoil the street scene, contrary to the requirements of 'saved' policy H9.

Appeal Decisions: APP/H0724/A/13/2207538

4. I have considered all the other matters raised. I agree that the 2m high fencing would prevent overlooking though, in my view, such a structure positioned barely 1m from adjacent kitchen windows would curtail the prospect that might be expected on a suburban estate such as this, notwithstanding the views available through a garden-facing window there. Moreover, the juxtaposition of the confined rear garden and the adjacent amenity areas immediately outside garden rooms could impinge on the mutual peace and privacy of all concerned. I agree that 'permitted development' rights could be withdrawn (as the submitted section 106 Undertaking indicates) and I acknowledge that, in many respects, the size, scale and appearance of the proposed bungalow would reflect the character of the surroundings, unlike the larger previous scheme. However, I find neither that, nor any other matter raised, sufficiently compelling to overcome the evident defects of this scheme that I have identified. I conclude that this appeal should be dismissed.

David Cullingford
INSPECTOR