

PLEASE NOTE CHANGE OF DATE

PLANNING COMMITTEE AGENDA



Wednesday 18th June 2014

at 10.00am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Cook, Dawkins, James, Lilley, Martin-Wells, Morris, Payne and Springer

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 14th May 2014

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration) (to follow)*

- | | | |
|---|-------------|---|
| 1 | H/2013/0585 | Tunstall Court, The Parade (page 1) |
| 2 | H/2014/0159 | The Saxon, Easington Road (page 29) |
| 3 | H/2014/0086 | Unit B, 98B Park Road (page 41) |
| 4 | H/2013/0414 | Nelson Farm, Nelson Farm Lane (page 49) |

4.2 Appeal at 2A Marine Crescent, Hartlepool – *Assistant Director (Regeneration) (to follow)*

5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Shop Front Design Guidance – *Assistant Director (Regeneration) (to follow)*



PLEASE NOTE CHANGE OF DATE

- 5.2 Appeal at 2 Brus Corner, Hartlepool, TS24 9LA – *Assistant Director (Regeneration) (to follow)*
- 5.3 Update on Current Complaints – *Assistant Director (Regeneration) (to follow)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. 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 8th July 2014



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

14th May 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, Marjorie James, Alison Lilley, Geoff Lilley, Brenda Loynes, Ray Martin-Wells, George Morris and Jean Robinson

In accordance with Council Procedure Rule 4.2 Councillor Robbie Payne was in attendance as substitute for Councillor Sheila Griffin

Officers: Damien Wilson, Assistant Director (Regeneration)
Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Public Protection Manager
Mike Blair, Technical Services Manager
Adrian Hurst, Principal Environmental Health Officer
Tom Britcliffe, Principal Planning Officer
Sinead Turnbull, Senior Planning Officer
Kate McCusker, Commercial Solicitor
Jo Stubbs, Democratic Services Officer

133. Apologies for Absence

Apologies were submitted by Councillors Sheila Griffin and Linda Shields.

134. Declarations of interest by members

Councillor Keith Fisher declared a non-prejudicial interest in planning application H/2013/0450 The University Hospital of Hartlepool, Holdforth Road

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

Number: H/2014/0165

Applicant: MR MRS COOK GALA CLOSE HARTLEPOOL

Agent: MR MRS COOK 24 GALA CLOSE
HARTLEPOOL

Date received: 07/04/2014

Development: Erection of single storey extension to side and rear of the property and the realignment of side boundary fence including change of use of protected green space to residential curtilage

Location: 24 GALA CLOSE HARTLEPOOL

Councillor Ray Martin-Wells declared a personal non-prejudicial interest in this application.

A member queried whether the land earmarked for the extension had been purchased by the applicant. The Planning Team Leader advised that this was not a planning issue.

Decision: **Planning Permission Approved subject to the consideration by the Planning Services Manager of any further representations received before the expiry of the publicity period**

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 external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority. In the interests of visual amenity.
3. The development hereby permitted shall be carried out in accordance with the details received by the Local Planning Authority on 7 April 2014, as amended by the plans rev A received by the Local Planning Authority on 30 April 2014 unless otherwise agreed in writing by the Local Planning Authority. For the avoidance of doubt.
4. Before development commences details of appropriate gas protection measures to be incorporated in the construction of the extensions shall be 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 ensure the extension is adequately protected from the ingress of landfill gases.
5. Notwithstanding the submitted plans and information prior to the commencement of development a scheme for planting along the side external boundary adjacent to the open green space shall be submitted to and approved by the Local Planning Authority. Thereafter the approved scheme shall be implemented in the first planing season

following completion of the development and thereafter be retained for the lifetime of the development. In the interests of visual amenity.

6. Any trees/shrubs required to be planted in association with the development hereby approved, and which are removed, die, are severely damaged, or become seriously diseased, within five years of planting shall be replaced by trees or shrubs of a similar size and species to those originally required to be planted. In the interests of visual amenity.

136. Confirmation of the minutes of the meeting held on 16th April 2014

The minutes were approved

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

Number:	H/2013/0450
Applicant:	North Tees/ H'pool NHS Trust
Agent:	DTZ Katharine Morgan St Pauls House 23 Park Square South LEEDS
Date received:	11/09/2013
Development:	Outline application for residential development comprising 100 units
Location:	The University Hospital of Hartlepool Holdforth Road HARTLEPOOL

Members noted the developer's failure to supply affordable housing as part of the application despite this being a requirement for all planning applications. The Assistant Director commented that affordable housing was not compulsory and could not be insisted upon if to do so would render a development not viable. Planning Officers would conduct a viability assessment on each application and if they felt affordable housing could not be sustained that information would be relayed to Planning Committee. In this case affordable housing had not been included but necessary funding for highways, education and other contributions

A member queried the ownership of the land. The Planning Team Leader indicated that it was owned by North Tees and Hartlepool NHS Foundation Trust

Ada Sowerby spoke against the application commenting that the people of Hartlepool needed a hospital not more expensive houses that people could not afford. She also noted the large number of new housing being built in Hartlepool and the need for a hospital in Hartlepool to take care of them.

A member highlighted that the land in question related to the old hospital site and was in no way linked to the closure of services at Hartlepool Hospital. However another member felt that by agreeing this application the door was being closed on any future expansion of the hospital. Members were concerned at the lack of affordable housing being offered but others noted that to refuse the application would be to refuse any possible new homes bonus from Central Government particularly given there was a good chance that the application would be approved on appeal. The Assistant Director highlighted the possibility of legal challenge to refusal given the current lack of a Local Plan or 5-year land supply. He was confident that the assessment of Planning Officers was robust in this case.

The application was approved through the Chair's casting vote

Decision: **Approved subject to the completion of a section 106 agreement to secure £280,000 in financial contributions towards green infrastructure, play, built sports facilities, highway improvements and educational facilities**

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), the means of access thereto and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To ensure a satisfactory form of development.
3. Prior to the commencement of the development hereby approved, a scheme of security measures incorporating 'secured by design' principles shall be submitted to and approved in writing by the Local Planning Authority. Once agreed the measures shall be implemented prior to the development being completed and occupied. In the interests of security.
4. The development shall be carried out in accordance with the following:
 1. Site Characterisation The development hereby permitted

shall not be commenced until a Phase II Site Investigation is carried out. The Site Investigation 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. Should piled foundations be considered as part of the geotechnical design, then an assessment of the potential risks to controlled waters must be addressed. 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 other than that required to carry out remediation, 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 verification report (referred to in PPS23 as 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, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2, which is subject to the approval in writing of 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 in accordance with 3. 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'. 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 in accordance with policy GEP1 of the adopted Local Plan (2006).

5. If as a result of the investigations required by the condition(s) above (condition 4), 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 enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.
6. The development hereby approved shall not commence until replacement car parking facilities at least equivalent to those formerly used on the application site have been constructed and brought in to use in accordance with a scheme to be first submitted and approved in writing by the Local Planning Authority. To ensure the site is developed in a satisfactory manner.
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Faber Maunsell, ref: HH FRA v2, dated January 2009, submitted with the original planning application (H/2009/0374) and the following mitigation measures detailed within the FRA: 1. No ground raising or loss of flood plain storage within that part of the site shown to be PPS25 Zone 3.2. Floor levels to be a minimum of 150mm above site ground level. To reduce the risk of flooding to the proposed development and future occupants. To prevent flooding elsewhere by ensuring that existing storage of flood water is maintained.
8. Development shall not commence until a detailed scheme for the disposal of surface 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. To ensure the discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirements of PPS25 "Development and Flood Risk" and complies with the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2000.

9. Notwithstanding the submitted details, prior to the commencement of the development hereby approved, final details of the proposed acoustic barrier to the western and southern boundaries of the application site shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the agreed details which thereafter shall be retained for the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interests of the amenities of the occupiers of the proposed dwellings.
10. The outline permission hereby granted shall relate to the provision of not more than 100 dwellings. For the avoidance of doubt.
11. A scheme to incorporate energy efficiency measures and embedded renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority prior to the commencement of development. Thereafter the scheme shall be implemented in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. To encourage sustainable development.
12. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the use of the site commences 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.
13. The development hereby permitted shall be carried out in accordance with the plans and details received in relation to planning application H/2009/0374 received by the Local Planning Authority on 23 07 2009 (Site location plan). For the avoidance of doubt.
14. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of:- Monday to Friday (08:00 to 18:00) Saturday (08:00 to 14:00) No construction works shall be carried out on Bank Holidays and Sundays. In the interests of residential amenity.

The Committee considered representations in relation to this matter.
The applicant's agent was present at the meeting.

Councillor Robbie Payne left the meeting

Number: H/2014/0119

Applicant: Mr Mike Cuthbert Sheara's Takeaway c/o Agent

Agent: Prism Planning Ltd Mr Steve Barker Prism Planning
1st Floor 11 High Row DARLINGTON

Date received: 07/03/2014

Development: Variation of condition 3 of H/2013/0391 to extend opening hours to 4.30am Friday, Saturday, Sunday and Bank Holidays and 2am Monday-Thursday

Location: 1 Victoria Road HARTLEPOOL

Rod Hepplewhite attended and spoke on behalf of the applicant. He highlighted the number of premises in the vicinity which were open until 3 or 4am and the lack of any objection from Public Protection. While there had been an objection from the police he referred to the National Planning Policy Framework which requires Councils to support local businesses and not restrict town centre viability. The applicant would be happy to provide on-site security should members require this.

Members discussed the application. There were concerns on the effect late opening of another premises would have on the residents particularly given the police objections. It was noted that other premises nearby were also open late and that patrons would be unlikely to walk to the designated area but this was felt to be insufficient grounds to approve the application. Members therefore refused the application by a majority verdict

Decision: Variation Refused

REASONS FOR REFUSAL

1. The application site lies in close proximity to residential properties and is outside the area identified as the late night opening zone in the Hartlepool Local Plan 2006. It is considered that the proposed extension of opening hours would have a detrimental impact on the living conditions of the occupiers of residential properties in the area by reason of nuisance caused by noise and general disturbance in the early hours of the morning. The proposal would be contrary to policies GEP1, Com2, Com12 and Rec13 of the adopted Hartlepool Local Plan.

The Committee considered representations in relation to this matter.

138. Updated Planning Policy Framework Justification May 2014 *(Assistant Director (Regeneration))*

In December 2013 Regeneration Services Committee approved the Planning Policy Framework Justification. Contained within it was a statement that the Council could only demonstrate a 3.5-year housing supply rather than the 5-year requirement and all policies relating to the supply of housing were therefore considered out of date and there was a presumption in favour of sustainable development. Since 2013 the council had granted permission for 1347 new dwellings. As a result Hartlepool now had a 4.6 year supply of deliverable housing sites. When a 5 year supply was reached housing policies could be re-instated. A copy of the Planning Policy Framework Justification document was appended to the report.

A member queried how many actual units of the 1347 approved had actually been built. The Principal Planning Officer indicated there had been no units built however some developments had commenced. The Chair asked that a list of housing approvals since December 2013 be sent to all members of the Committee for their information.

A member raised the need for more bungalows and units for older people or disabled families. There was a perceived lack of interest from builders and it might be time for HBC to re-enter the house building market. The Assistant Director (Regeneration) concurred with this comment saying that there were already plans in place to bring 82 existing new build properties currently managed by the Vela Group back under HBC management along with the establishment of a HBC-managed social lettings agency. There had also been a proposal by one builder for a development comprising exclusively of bungalows. The Assistant Director referred to the availability of government grants for new build properties saying that due to the low price of properties this did not have a positive impact in the North East

Decision

- That the report be noted
- That a list of all housing approvals since December 2013 be sent to members of the committee.

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

Details of 15 ongoing issues currently being investigated were outlined for members' attention. Members queried the following:

- The erection of a pigeon loft in Purves Place – a member asked for clarification as to whether for planning purposes a shed was

different to apigeon loft The Planning Team Leader confirmed that permitted development rights allowed for building in the curtilage of the property ancillary to the use of the house provided it was incidental to the enjoyment of the house.

- The hold up in the erection of a retail store on land west of Clark Street and north of Burbank Street – The Planning Team Leader advised that the landowners, Aldi, were currently operating a long lease on their Tees Bay store which was impeding progress on this site. Planning Officers would speak to them regarding the tidying up of the site but could not force them to complete the development
- The parking of a caravan on a driveway in Ashwood Close and its use as self-contained accommodation – the Enforcement Officer to contact the Chair regarding this

Decision

That the report be noted.

140. Quarterly update report for Planning Services January-March 2013/2014 *(Assistant Director (Regeneration))*

The Planning Team Leader presented an update on performance and progress across the key areas of Planning Services for the fourth quarter of 2013/2014. This showed 100% of major applications had been determined within their target date (national target of 60%), 71.42% of minor applications (national target of 65%) and 77.27% of other applications (national target of 80%). Over £53,000 had been generated in fee income from applications for the quarter with a further £14,000 coming from enquiries to the One Stop Shop for the year to date. The Planning Team Leader paid tribute to the work of officers.

41 complaints regarding potential planning breaches had been received and were currently being investigated by the Planning Enforcement Officer. Details were given in a confidential appendix to the report. Further details are given in the closed minutes.

The Principal Planning Officer advised members that the launch of the Local Plan issues and options consultation would take place on Wednesday 28th May at the Historic Quay starting at 12 noon. All members were invited to attend and urged to be as involved as possible in the formulation of the local plan.

Decision

That the report and the progress made across key areas of the Planning

Services Team be noted

141. Local Government (Access to Information) (Variation Order) 2006

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

Minute 142 – (Quarterly Update Report for Planning Services January – March 2013/2014) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

Minute 143 – (Annual Enforcement Update) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 or 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

142. Quarterly update report for Planning Services January-March 2013/2014 *(Assistant Director (Regeneration))*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

41 complaints regarding potential planning breaches had been received and were currently being investigated by the Planning Enforcement Officer. Details were given in a confidential appendix to the report. Further details are given in the exempt minutes.

Decision

That the report and the progress made across key areas of the Planning Services Team be noted

143. Annual Enforcement Update *(Assistant Director (Regeneration))*

This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 or 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment.

A table listing enforcement actions authorised by the planning committee and actions to date was appended to the report. Further details are provided in the exempt minutes. A member paid tribute to the work of the Enforcement Officer.

Decision

That the report be noted

144. Final meeting

The Chair thanked all members of the Planning Committee for their due diligence during the past year. He also paid tribute to the work of the officers in Planning and Development, Democratic Services and Legal. Members thanked the Chair for his hard work over the previous 2 years. A member highlighted accusations made against the Committee in the local press by a political party in respect of the reasons behind the Council's decision to withdraw the Local Plan which he felt were potentially libellous and called on the Chief Solicitor to investigate the matter. The Chair noted that all members had been issued with a copy of the final report of the Planning Peer Review and associated action plan and asked all to read and digest.

The meeting concluded at 11:30am

CHAIR

No: 1
Number: H/2013/0585
Applicant: Mr H Ruttle C/o Agent
Agent: Sedgewick Associates Mr Paul Sedgwick Unit 24
Queensbrook Spa Road BOLTON BL1 4AY
Date valid: 20/01/2014
Development: Demolition of Tunstall Court and erection of 14 no.
dwellings and associated works including the provision of
a new access and landscaping
Location: Tunstall Court The Parade 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 and an update report will outline the material considerations in relation to the proposal and presents a recommendation.

BACKGROUND

1.2 Three applications have been approved in recent years in respect of the site.

H/FUL/2004/1029 - Conversion and extensions to provide 24 apartments, erection of new apartment block to provide 10 units and erection of 5 detached dwellings with associated roads and sewers. This application consent has lapsed.

H/2008/0480 - Change of use, alterations, partial demolition of building, extensions and new buildings to provide 84 apartments, ancillary accommodation and communal facilities to provide a care community for the elderly (C2 use class). This will expire shortly if not implemented.

H/2010/0561 - Part demolition, extension and redevelopment of Tunstall Court to provide 21 dwellings and erection of 12 detached dwellings with associated landscaping and formation of new access.

SITE CONTEXT

1.3 Tunstall Court is large property, set in substantial grounds, constructed from 1894 – 1895. It is located within the West Park area of Hartlepool and within the Park Conservation Area. Sited to the east of Park Avenue, it sits between The Kitchen Garden to the north, St Bega's Glade to the east and The Parade to the south. The site lies in close proximity to Ward Jackson Park.

1.4 The application site comprises the large former house of Tunstall Court, built in red brick with stone dressing and a slate roof with red clay ridge tiles and finials. The property is two-storey in height, with attic space with two wings to the rear – one single-storey and one two-storey rising to three. The main façade of the building

contains the main entrance to the property through a central portico of 5 segmental arches, supported on columns with stone pedestals.

1.5 Tunstall Court is not a listed building but is considered to be locally significant and therefore an undesignated heritage asset within the Park Conservation Area.

1.6 The grounds of the court contain the remnants of an ornamental garden to the front of the house. An area of land, to the south west, formerly within the grounds of the court, has been converted to use as a public car park. The previous access to the property was from The Parade, with two lodge houses situated off The Parade which are both Grade II Listed, and are in separate ownerships. The original Tunstall Court estate also comprised land which is now occupied by residential development at St Bega's Glade and The Kitchen Garden.

1.7 Post-war, the building was acquired by Hartlepool Borough Council and used for educational purposes, later becoming a training centre during the 1980's. The site was since transferred to private ownership and in recent years the house and the grounds have remained vacant. With the levels of maintenance decreasing steadily and notable increases in vandalism and anti-social behaviour, the condition of the court and its grounds has significantly declined. Notwithstanding that, a substantial level of the building's architectural significance remains intact, as does a good level of the historical layout of its grounds.

PROPOSAL

1.8 The application seeks consent for the demolition of Tunstall Court and the erection of 14 dwellings and associated works including the provision of a new access and landscaping.

1.9 The application has been referred to the Committee owing to the number of objections received.

PUBLICITY

1.10 The application has been advertised by way of neighbour letters (40). To date, there have been 5 letters of no objection, 7 letters of support, 6 letters of comment and 9 letters of objections.

1.11 The objections raised include:

1. Concerns regarding access to the new development.
2. Concerns regarding increase in traffic.
3. Disgusted that this is even being considered as an option for one of the town's historical buildings.
4. It is the duty of the council and the owner of the property to maintain and uphold the property's upkeep. To deliberately neglect the property so that demolition is granted is criminal.
5. Concerns that the reports submitted by the applicant do not address the tests of the NPPF.
6. Concerns that the security provision over recent years has been limited.

7. Removal of 97 trees will decimate area.
8. the façade of Tunstall Court has not been condemned, any new development must be economically linked to the rescue of the house.
9. Trees valuable feature in the conservation area.
10. Japanese Knotweed is present on this, this is dangerous, yet confirmation has not been forthcoming of its total eradication.
11. no consistency in perimeter boundaries, these should be consistent with the surrounding street scene.
12. Disgrace to let buildings get into this state then say it is too expensive to save them.
13. Permission was granted in 2010, this application is manufactured, and has no right to be approved.
14. Concern regarding loss of heritage.
15. The current owner should not only have his planning application denied, but should be fined for allowing this to happen to a building of such a beauty and importance to the town.
16. Allowed to go to rack and ruin and be vandalised to the point where it is probably no longer 'economically viable' to restore it
17. one of the very few buildings of historic importance left in the town.
18. insane project designed to remove one of the last buildings of character in the town.

1.12 As outlined above 7 letters of support have been received. The representations raise the following comments:

1. Tunstall Court has been deteriorating for many years and I feel that the cost of rejuvenation would be astronomical and puts this idea completely out of the question.
2. Unless application is approved place will continue on its downwards spiral to the detriment of all those living in the area and indeed to the town as a whole.
3. The current application has been sensitively produced and if approved would be a significant benefit to the surrounding area and would improve the whole environment.
4. A relatively small number of quality homes is far more acceptable than one giant mess or higher density dwellings.
5. The area at the moment is an eyesore.
6. Tunstall Court is now in a serious state of dilapidation and, a major health and safety hazard.
7. Over the last decade the building has been systematically targeted by thieves, vandalised beyond recognition, subject to numerous arson attacks and used as a children's playground.
8. The police have been instructed not to enter it, thereby impacting on their ability to manage crime in the area.
9. The disturbance and worry attributable to this ongoing nuisance has a major impact on the amenity of local residents.
10. Given the previous planning history over the last 10 years and the current building condition it is clearly not possible for the market to deliver a development solution for this site that retains either part of the building or the façade.

- 11.If the application is refused there is no other viable solution that will resolve the future of this building.
- 12.What now remains is of no merit whatsoever and it is a clear fact that the building has now declined beyond economic repair.
- 13.The actions of the Council have only served to result in further decline and deterioration.
- 14.The developer is to be commended for the design approach which mirrors the same architectural features that the historic mansion used to have.
- 15.The building has been surveyed after repeated arson and vandal attacks and has been found to be structurally unsafe.
- 16.Surprised someone has not been killed.
- 17.The valuable resources spent on this site by the police and fire brigade is a disgrace.
- 18.The properties bordering this building are amongst the highest council tax payers in the town and it is about time something is done.

1.13 As outlined above 6 letters of comment have been received. The representations raise the following comments:

1. lack of details regarding the landscape proposals, this should be resolved prior to granting of permission.
2. is there a way to stipulate a maximum of 14 houses so any applications so higher densities can be refused.
3. would lie assurances that necessary work is carried out in accordance with decision in a timely manner.
4. concerns regarding loss of trees and visual impact of the loss of woodland in the conservation area.
5. limited information submitted in terms of landscaping and maintenance.
6. consideration should be given to reclaim some of the original stone work and features incorporating these into the new buildings.
7. style of the houses lack sympathy both to the historic value of Tunstall Court and the Conservation Area.
8. features should be retained such as replicate/preserve sunken garden, terrace level, belvedere balustrade and steps etc.
9. The removal of Tunstall Court will have a profound effect on the Conservation Area.
- 10.Beyond the point of no return and accordingly the principle of the redevelopment of the site is considered inevitable.
- 11.any development should maintain the quality and integrity of the exiting conservation area.
- 12.the current owner has a responsibility to preserve the property and its landscaping and have failed.
- 13.disappointed that the applicant need not be supported by details of the landscape proposals for the development. Can/should this officer decision not be revisited?
- 14.no details on the quality or quantity of landscaping envisaged to support the proposal.
- 15.affordable housing contributions should be made to elsewhere in the town.
- 16.planning gain should be secured through a legal agreement.

17. Fire on the 9th March 2014, children were seen running from the building, this is a serious health and safety issue.
18. public nuisance.
19. magnet for children, unsafe, systematically targeted.
20. not economically viable given planning history.
21. If refused there is no other viable solution, area left to decline further.
22. developer is to be commended for the design approach which mirrors the same architectural features that the historic mansion used to have.
23. Proposed central garden should be registered as public open space with seating and full public access so that the local community can utilise.

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1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

Hartlepool Civic Society - Members greeted these latest plans with dismay. A valuable, historic and beautiful building has just been allowed to deteriorate to provide a lucrative building site for a remote developer with obviously no feeling for the building, the grounds or Hartlepool.

For too long was the situation of leaving the building open to vandals, ensuring theft and destruction of many of the irreplaceable features allowed to continue. It could have been an easy option, and one which had been employed at an earlier stage for this same building, for guardians such as the Ad Hoc Organisation to provide cheap accommodation and at the same time prevent the criminal activity.

In the past, we have written to the Council – via the Chief Executive and Leader of the Council to express our concerns regarding the situation at Tunstall Court and for something to be done about it. Nothing seems to have been done. Previous approved plans which envisaged the conversion and re-use of the building and a smaller number of properties should have been pushed long ago – the developer has obviously been ‘playing the system’ to get what has so obviously always been the sole intention - to provide a coveted building site. Members are aware of at least one other property in the region, which is owned by this ‘developer’ and is similarly being vandalised and is of major concern to the residents.

The Society would remind the Council that the National Planning Policy Framework, clearly states that ‘where there is evidence of deliberate neglect or of damage to a heritage asset, the deteriorated state of the heritage asset should not be taken into account in any decision.’ Heritage asset is defined in the N.P.P.F. as including not only designated assets such as The Park Conservation Area but also those that appear in a local listing as Tunstall Court does (NPPF 130).

Similarly, it further states that ‘LPA’s should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development

will proceed after the loss has occurred. What steps will be undertaken by Hartlepool Borough Council to do this? (NPF 136)

Our view is that no one who purchases, what they are well aware of as being a heritage asset should be allowed to profit from the neglect of that property. Several plans have been passed which include for some, if ever-decreasing portions of the original structure to be retained. No sign has been evidence of any attempt to progress these plans.

Too often developers are getting away with neglect that scars a community in order to seek permission to destroy that which ought to be treasured. It is time a stand was made. On these grounds and in the light of the N.P.P.F. guidance, the Civic Society does object to this application.

The stance that there is no market for apartments is now getting tedious – the people of Hartlepool are much more sophisticated to know what is happening in the country and are much more appreciative of their heritage than is obviously being assumed by the Ruttle organisation.

Of major concern to us – is that a feature of the grounds is obviously the trees – can these truly be protected from the proposed building operations? Will people accept a situation from an attractive plan, only once in residence to apply for trees to be demolished because they are too close to the property or overshadow the gardens. This current plan will result in the existing parkland being decimated by the removal of trees.

We have considered the situation as it is for many years and even taking into account the state of the building, we still feel that it could very well be incorporated into a thoughtful, sensitive design and continue to be a very valuable part of the Park Conservation Area. We therefore, oppose the demolition of the building.

English Heritage (21 February 2014) - Tunstall Court is one of the most important villa sites within the Park Conservation Area and the building is illustrative of the wealth and influence of the Victorian industrialists in Hartlepool. The total loss of this important building would cause substantial harm to the significance of the Park Conservation Area. Legislation and national planning policy requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of conservation areas. Total loss of a significant building cannot be considered to enhance the character and appearance of a conservation area. The substantial harm that would be caused to the conservation area should be considered under para.133 of the NPPF.

Whilst we appreciate the current financial situation in relation to the site, if a building of this significance is to be lost, the evidence needs to be submitted to show that the previous schemes are not financially viable and an informed conclusion reached that demolition is the only realistic option left for the site. As such, we recommend that the applicant should submit development appraisals and details of the marketing of the site as evidence of the lack of financial viability for the conversion of the villa.

Tunstall Court is one of the most important villa sites within the Park Conservation Area, built in 1894 for the shipbuilder C. Furness. The conservation area centres upon Ward Jackson Park and the large, late Victorian industrialists' villas which were consequently developed around this attractive open space. Although a large part of the original plot has been lost to housing development, the villa's relationship with the open space to the front of the building (the main aspect of the house looking towards Ward Jackson Park) and its lodges remains intact. The building is illustrative of the wealth and influence of the Victorian industrialists in Hartlepool and the conservation area is an important part of Hartlepool's history. Despite the continual neglect and decline in condition of Tunstall Court and its landscape, the contribution that the site makes to the significance of the conservation area remains unchanged. The building has undoubted aesthetic qualities and makes a positive contribution to the character and appearance of the conservation area.

The total loss of this important building would cause substantial harm to the significance of the Park Conservation Area. English Heritage has previously accepted the principle of development within the grounds of the villa provided that the villa itself is retained and provided with a new use.

Policy HE1 of the Hartlepool Local Plan states that "*proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area*". The Council's Conservation Area Character Appraisal states that "*any new development must be economically linked to the rescue of the house and surviving grounds*" (p. 43) and whilst we appreciate the economic situation facing development proposals in Hartlepool at the current time, this must remain the optimum solution for the site.

The Local Planning Authority must pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area (Planning (Listed Buildings and Conservation Areas) Act 1990). In addition to the legislation, the National Planning Policy Framework seeks improvement (enhancement) in conservation areas. Para. 9 says that pursuing "*sustainable development involves seeking positive improvements in the quality of the...historic environment*". Compliance with both the statutory consideration and the NPPF policies therefore requires account to be taken of the desirability of taking opportunities to enhance the character and appearance of conservation areas. Total loss of a significant building cannot be considered to enhance the character and appearance of a conservation area. The substantial harm that would be caused to the conservation area should also be considered under para. 133 of the NPPF including assessing the proposal against the tests set out in four bullet points.

Turning now to the realities of the site: it has been vacant for a decade and a number of proposed developments have been granted planning permission. However, no development has been implemented. The applicant states that this is due to a number of factors, including a change in the market for flats and the undoubted difficulties regarding the current economic conditions. This is a reasonable assertion but if a building of this significance is to be lost, the assertion needs to be tested and an informed conclusion reached that demolition is the only realistic option left for the site and consequently justification for substantial harm is in place (para. 133, NPPF). This could be done in a number of ways. Presumably the applicant would have

undertaken financial development appraisals for the various options that they have proposed for the site. Likewise they have presumably at some point marketed the site with planning permission in place. A more detailed understanding of these events would help to understand the financial background to this problem and any options that could be explored now, if there are any.

Recommendation - We recommend that the applicant should submit development appraisals and details of the marketing of the site as evidence of the lack of financial viability for the conversion of the villa. We would expect any financial analysis to be based on a detailed understanding of the repair needs and condition of the building. Consequently, having sight of the applicant's structural appraisal would be useful. Lastly, if after the submission of the above, there is a reasonable avenue of re use that's has not been explored then we recommend that the property is marketed for at least 6 months to see if there is demand for such a use. Please contact me if we can be of further assistance. We would be grateful to receive a copy of the decision notice in due course. This will help us to monitor actions related to changes to historic places.

In response to additional information submitted by the agent the following response has been received:

English Heritage (4 April 2014) – English Heritage's role is to advise Local Planning Authorities on the impact of proposals upon the significance of heritage assets. In this instance, the total demolition of this critical building within the conservation area would cause substantial harm to the significance of the conservation area. My letter of the 21 February sets out why I think this is the case. Whilst I appreciate the financial circumstances, the advice of EH has to follow national planning policy. The Local Planning Authority I appreciate, has to balance many other considerations. Although I understand that planning permission exists for the near total demolition of the building, this did not have EH support.

The additional information does not change my advice as set out in my letter. I still do not see the evidence as required by the NPPF.

Further to the above comments a structural survey ahs been submitted and the following comments have been provided by English Heritage:

English Heritage (5 June 2014) - The structural engineer's report is brief and doesn't cover the interior of the building in any detail. It does however conclude that the external walls are robust and have no evidence of cracking or significant movement which is what I would expect from a building of this age and status. With no interior inspection, we can only make professional assumptions about the condition and stability of the remaining interior walls, although I do accept that the building has been subjected to intense vandalism.

He rightly identifies that the protection to the windows has been removed thus allowing further deterioration and enabling access for further vandalism and unsociable behaviour. The NPPF states that where there is evidence of deliberate neglect this should not be taken into account in any decision (para 130).

The engineer also raises the question over whether the walls are cavity construction or not - and if so, assumes that the wall ties would have ceased to be effective. This

building dates back to the 1890s, a date before which cavity wall construction was commonly used. In addition, I can see from the photographs in the report that the brick bond is English Garden Wall - that is three rows of stretchers to one of headers. This confirms to me that the wall is of solid wall construction and I would expect this to have been identified by the engineer.

I'm afraid that in my opinion this report does not provide justification for the demolition of the building in line with the NPPF but that final judgment is for the Local Planning Authority to make in light of all other planning considerations. This additional information does not change our advice as set out in my letter dated 21 February 2014.

The Victoria Society - We object to the proposed demolition and subsequent redevelopment of the site, which would cause substantial harm to the character and significance of the Park Conservation Area and would result in the loss of a handsome and important historic building.

Tunstall Court is a large and impressive villa constructed for the shipbuilder C. Furness in 1894. The grandness of its proportions and the quality of much of the building's details, both of the exterior and of the once-fine interior, are testament to the wealth and prestige enjoyed by its owner. It sits within the Park Conservation Area which centres on the Ward Jackson Park and the late-Victorian industrialists' houses that sprung up around it. As English Heritage has stated in its response to the application, Tunstall Court is one of the most important of the villa sites within the Conservation Area. The demolition of the building would therefore cause substantial harm to this designated heritage asset, depriving of it one of its most important historic elements and noted positive contributors.

The Conservation Area Appraisal states that "any new development must be economically linked to the rescue of the house and surviving grounds". English Heritage has previously accepted the principle of developing the site as long as the villa itself was retained and reused. We are satisfied that some development in the grounds may be necessary to realise the restoration and reuse of the historic building and wider site. However, we do not accept that the building must be entirely demolished to achieve a viable use of the whole site. We echo the sentiments of English Heritage in stating that all efforts should be made to retain the building. There is insufficient justification provided in the application for the total demolition of the building and the harm that that would incur, in addition to developing the wider site in the manner proposed.

The assertion that the site is not financially viable should the house be retained must be tested prior to any consent for the proposal being granted. Paragraph 133 of the NPPF is clear that development leading to the substantial harm of a designated heritage asset should be refused consent unless four separate criteria are met. Those criteria are not met in this case. The nature of the scheme is irreversible and its impact would be substantially harmful and, on the basis of the information provided, we **strongly object** to this application.

HBC Traffic and Transportation - The proposed scheme is acceptable in highways and traffic terms. The developer should provide funding to install traffic calming on

Park Avenue. All roads and footways should be constructed in accordance with the HBC Design Guide and Specification and constructed under a section 38 agreement.

Cleveland Police - Although the development is located in a lower than average rate of crime and disorder I would always recommend that crime prevention measures where appropriate are adopted in new developments.

I am not aware if the development seeks to achieve Secured by Design accreditation but I have attached an application if required. I have the following recommendations:

Boundary Treatments - Boundaries that back onto open land can be vulnerable I would recommend that plots 7, 8, 9,12,13,14 have a 200mm boxed trellis topping to the fence. Any horizontal support rails should be placed on the private side of the fence with horizontal wire fitted to the fencing. Plot 1 should have the railings fitted to the outer edge of the wall to deter sitting.

Entrances - I would recommend that all entrances have features such as a rumble strip or change of road surface to help give the impression that the area beyond is private.

Valuable Metal - I would recommend the use of replacement material for easy accessible areas to prevent valuable metal theft.

Subsequent to the above consultation reply the following was received:

Cleveland Police – I am Police Constable 1144 Keith Robinson of Cleveland Police, I am the neighbourhood ward officer for Rural West in Hartlepool.

Tunstall Court is situated in my ward and over the last six years that I have been ward officer, the building has been a magnet for antisocial behaviour, crime and arson and the policing of it is currently a ward priority.

In principle, neighbourhood officers would support a planning application which would improve the site and make the building safe, including demolition of the building.

Any improvement to the site would help to prevent antisocial behaviour and improve the quality of life for local residents, who are blighted on a daily basis by people who congregate in the building and cause a nuisance.

Environment Agency – No objections

HBC Conservation Officer (14 February 2014) - Paragraph 133 of the NPPF is noteworthy in considering this application. It is clear from the Park Conservation Area character appraisal that this building plays a significant part in contributing to the character of this conservation area. This is highlighted in the commentary on the layout of Tunstall Court in which it is noted that the site is, 'an important reminder of the layout and scale on which the conservation area is based.' Therefore the loss of Tunstall Court and the subsequent redevelopment of this site is considered to cause substantial harm to a designated heritage asset, i.e. the Park Conservation Area.

In line with the policy in the NPPF the applicant is required to meet the tests set out in paragraph 133 or demonstrate that the harm is necessary to achieve, 'substantial public benefits'.

There does not appear to be any evidence provided in the supporting documents to demonstrate that substantial public benefits will be provided by this application or details of how all of the criteria set out in paragraph 133 have been met.

Should this application proceed in its current state this information should be provided.

In addition the proposal is contrary to policy HE12, Protection of Locally Important Buildings, in which the 'Council will seek to prevent the demolition of those buildings included on the list of locally important buildings...and will support the removal...only if it can be demonstrated that it would help preserve or enhance the character of the site and the setting of other buildings nearby.' No evidence is provided to suggest that this proposal would preserve or enhance the character of the site, on the contrary the proposal would harm the character of the Park Conservation Area.

Setting aside the issue of the demolition of the building and considering the proposed layout of the development. The character appraisal notes the importance of the hierarchy of buildings in the area and suggests that, 'The traditional hierarchy of the major historic houses and their lodges and outbuildings should be protected.' It goes on further to state that, 'Group houses with no hierarchy should be avoided, ensuring that any development feeds off an existing hierarchy or introduces an appropriate new hierarchy in its form, height, scale and architectural detailing.'

In this instance there is an existing hierarchy on the site with Tunstall Court as the main house and the lodge houses as secondary out buildings. Elsewhere on the site there was a gardener's cottage and other outbuildings. The proposed layout does not reinforce a hierarchy on the site but introduces houses of the same scale and size forming a group of houses.

In creating a hierarchy on the site the position of the lodges on plots 2 and 14 have been established in previous applications forming a new entrance on to the site. In relation to plots 10 – 12 these draw reference from the houses on The Parade, however if they were to reinforce the character of this part of the conservation area the design of the houses would be semi-detached properties or two single house with more substantial gardens rather than the three tightly aligned buildings shown.

Plots 7 and 8 are said to recreate Tunstall Court however to do this a single block of development in this location would be more appropriate should a suitable justification for the demolition of the building be provided.

Plots 4 – 7 are houses of a similar proportion with no discernable hierarchy. The Development Brief and previously agreed applications suggested a single block of development in this location. The intention of such a block was to reflect stables or cottages north of the central garden area. The appraisal notes that this would be a sound conservation approach 'though [this] would not be in exactly the same location as the original, that having been taken by The Kitchen Garden to the north.'

Therefore it is considered that the proposal to accommodate four dwellings within this area would harm the character of the conservation area as the development would be out of character with the established estate layout of Tunstall Court.

A more appropriate solution would be a terrace of properties which could appear as a block of converted stables or cottages which would support the principal of a hierarchy of buildings on the estate.

Plot 1 is located in the position of a gardener's house that was demolished therefore in principal there would be no objections to development here.

Plots 3 and 13 again do not relate to an establish hierarchy and therefore should be omitted.

Summary - To summarise the significance of this site is two fold. It lies in the main building, Tunstall Court, and its design and architectural significance as a building of importance to Hartlepool. This architectural importance is encased in the Park Conservation Area and this element of it particularly where it displays a layout with a hierarchy of structures found in the early development of houses within this area. Secondly are the less tangible but equally important historic significance of the property and the connection to prominent industrial figures that shaped Hartlepool.

The proposed demolition of Tunstall Court would harm the character of the Park Conservation Area and result in the loss of an undesignated heritage asset.

Furthermore the proposed site layout of the development does not reflect the character of the Park Conservation Area as it does not follow a hierarchy of buildings but introduces a group of properties of similar size to a site and for that reason it would harm the significance of the conservation area.

In response to additional information submitted by the agent the following response was received:

HBC Conservation (1 April 2014) - Having read the information submitted I do not feel that this provides an adequate justification for the proposed works. It does not address the tests raised in the NPPF Paragraph 133.

Structural survey – whilst I appreciate the current state of the building means that a survey is very difficult I would have anticipated at least a full survey of the exterior of the building with the issues on each elevation listed. In addition the information provided on the interior of the building is difficult to interpret without a detailed knowledge of the layout of the property. A plan showing the areas accessed would assist in assessing the condition from the information provided.

Repairs – it would be anticipated that this would be in the form of a schedule of works detailing the repairs that are required to retain the building.

Viability – this section states that, 'The condition of the building [not including the frontage] is neither worthy of retention and non-viable in its dilapidated condition.' It goes on to state, 'The costs for maintaining the frontage are prohibitive and

Commercially not viable [sic].’ There is no evidence provided to support these statements or explain how they have been arrived at.

Market value / Marketing – it is noted that marketing has been carried out but from the information provided it is not clear, what the form this marketing took other than ‘online’ – are there any screenshots of websites or links to websites advertising the building? In addition it does not detail which Land Buyers have been approached or their reasons for not pursuing this site.

The marketing section states that ‘no realistic offers have been made’ however it does not state what, if any offers have been made.

Conservation / Grant Funding / Public ownership – it is not clear from the statements provided if the owner has explored this option.

The conclusion states, ‘if an organisation approached the owner and made a suitable offer, he would accept it.’ However from the information provided it is not clear what would constitute a suitable offer and what efforts have been made to find one.

To conclude the information provided is inadequate and falls short of the details needed to address the points raised in paragraph 133 of the NPPF.

Further to the above comments a structural survey has been submitted and the following comments have been provided by English Heritage:

HBC Conservation (3 June 2014) - Having read the report this still does not appear to address the points raised in Paragraph 133 of the NPPF. It should be noted that the report is limited as no internal inspection was carried out in the building. It is not clear from the information previously submitted what survey work has been carried out in the past by way of comparison to assess the deteriorated state of the building.

No commentary has been attached to the report as it has been received but it is assumed that it has been submitted to address the first point of Paragraph 133 of the NPPF which states,

‘the nature of the heritage asset prevents all reasonable uses of the site.’

The paragraph states that unless the ‘substantial public benefits that outweigh that harm or loss’ can be demonstrated, ‘all of the following apply’ however information has not been provided that would satisfy the criteria outlined in the remaining points of the policy, namely,

- *‘No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation*
- *Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible*
- *The harm or loss is outweighed by the benefit of bringing the site back into use.’*

Whilst the extremely dilapidated state of the property, as outlined in the report, is noted, the point is made that ‘With regard to the external walls, a high percentage of them remain intact, and show no signs of previous structural movement.’ Further

more it goes on, 'Externally, the brickwork is functioning as it was designed to, and has remained in reasonable order.' The report states, 'The only element which can be possibly considered as being suitable for retention would be the external walls as these currently are not showing any signs of deterioration.' No information has been provided by the applicant as to any investigation work which has been carried out into reusing the external shell of the property or as to the viability of this option. Retaining the exterior walls of the property would go some way to reducing the significant harm on the conservation area that the total demolition of the building and construction of 14 dwelling will have.

The report concludes that 'From a structural point of view there is little merit in trying to keep this building.' It would appear this conclusion has been drawn due to the extensive works that are required to restore the floors, internal walls and roof of the property however no financial information has been provided to demonstrate that this is not a viable prospect – in particular given the extensive development that is proposed in the grounds which could potentially support this work.

Until the remaining points of paragraph 133 of the NPPF are addressed the application as it stands remains contrary to policy as outlined in my comments submitted in February.

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

Northumbrian Water - The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface 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.

The Developer should develop his Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

HBC Arboricultural Officer - A comprehensive arboricultural impact assessment, produced in accordance with BS5837:2012 'Trees in relation to design, demolition and construction – Recommendations', has been submitted in support of the

application and provides information on how the proposed development relates to the existing tree population at the site.

Of the 217 individual trees included in the assessment, 97 are shown to be removed. Over half of these are for reasons of their condition; however several are to be removed to facilitate the development. The removal of these trees will have a significant impact upon the current appearance of the site leaving it with a generally more open, less densely wooded appearance. Many of the trees to the periphery and a large group near the centre of the site are however shown to be retained and should, as part of the future landscaping of the site, continue to provide considerable benefits in terms of visual amenity.

A key part of the arboricultural impact assessment is the draft tree protection plan which provides draft details of the measures necessary to protect retained trees from damage during the demolition and construction phases of the development. However, the submitted plan is only in draft and should, once all details of service runs and ground level alterations have been determined, be finalised and included within an Arboricultural Method Statement. In order to agree the final details pertaining to the protection of retained trees at the site I would recommend that submission of the finalised Arboricultural Method Statement be required by condition.

The application does not include a landscaping scheme. The proposed site layout, although containing a number of inaccuracies in this regard, does though provide a general indication of landscaping. I would consider the outline provided on the site layout plan acceptable in principle, nonetheless as only a general indication of landscaping has been submitted, I would recommend that full landscaping details are required by condition.

RECOMMENDED CONDITIONS - Unless otherwise agreed in writing, no development, including demolition works, shall start on site until an Arboricultural Method Statement has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out strictly in accordance with the details so approved.

Reason - In the interests of the health and appearance of the preserved trees.

Standard conditions J161 and J170 also apply.

Tees Archaeology – Tunstall Court was built in the late 19th Century as the home of Christopher Furness, a local shipping merchant and MP. The building is locally listed and is within a Conservation Area. It is a designated heritage asset.

The building was subject to archaeological recording in 2008 and an archive of this work is on public deposit. If the application was approved there would not be any further need for further recording (NPPG para. 141).

Cleveland Fire Brigade – Comments have been provided regarding incidents at Tunstall Court, these have been incorporated into the main body of this report.

Natural England – Based upon the information provided, Natural England advises the Council that the proposal is unlikely to affect any statutorily protected sites or landscapes.

HBC Engineering Consultancy – No objection

HBC Public Protection – No objection

HBC Property Services – Some of the proposed trees encroach upon HBC land, we have not been approached on this. Other than that no comments.

HBC Ecologist - Although the main building at Tunstall Court was found to support three, individual roosting bats in 2008, surveys in 2013 found no bats roosting in the building. The suggestion in the submitted ecological assessment that this is because of further deterioration of the building due to fire and vandalism seems plausible. Consequently I would agree that it is unlikely that a European Protected Species Mitigation licence would be required in order to demolish the building and that it would be acceptable to demolish the building to an agreed method statement. A suitable method statement for avoiding harm to bats is given in section 5.4; the method statement also covers precautionary actions to ensure bats are protected during tree works. The method statement in section 5.4 should be made a condition of any permission.

Japanese Knotweed has been identified at various locations on the site. A management plan for dealing with the Japanese Knotweed should be submitted for approval before the commencement of any works including vegetation clearance.

There is the potential for breeding birds to be harmed by the clearance of vegetation or demolition of the building. The Council's standard condition on breeding birds should apply to both of those activities.

Section 5.7 considers the opportunity for enhancements for biodiversity, in line with NPPF, through various landscaping options. It isn't clear which of these can be achieved, therefore the landscaping scheme which will be required as a condition of any permission should consider how the landscaping might result in benefits for biodiversity.

Section 5.4.13 – 5.4 14 recommends the incorporation of six bat access panels to the proposed houses and a further four bat boxes on trees. This would be a minor enhancement and should be made a condition of any permission.

Section 5.5.7 recommends the incorporation of four house sparrow nest boxes to the proposed houses and section 5.5.10 recommends six nest boxes for woodland birds, including a tawny owl nest box, to be attached to retained trees on site. Again this would be a minor enhancement and should be made a condition of any permission.

HBC Building Control - In my opinion due to the deteriorating condition and easy access to the building it should be classed as Defective and Dangerous under the Building Act 1984 sections 76, 77 and 79.

Roof tiles are in danger of imminently falling off the roof / out of the gutter, ceilings within the building are in a position of partial collapse, building materials are laying around the site such as glass and timber, due to the age of the property there is a likelihood of asbestos in the premise.

PLANNING POLICY

1.16 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

1.17 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
 Hsg9 – New Residential Layout
 Tra16 – Car Parking Standards
 HE1 – Protection and Enhancement of Conservation Areas
 HE2 – Environmental Improvements in Conservation Areas
 HE12 – Protection of Locally Important Buildings

National Policy

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

Paragraph 14 - Presumption in favour of sustainable development
 Paragraph 17 - Core Planning Principles
 Paragraph 47 - 5 year supply of housing
 Paragraph 49 - Housing Policy position without a 5 year supply

Paragraph 50 - Deliver a wide choice of high quality homes
 Paragraph 51 - Bring back into residential use empty housing and buildings
 Paragraph 56 - Requiring Good Design
 Paragraph 63 - Outstanding or innovative design
 Paragraph 96 - Decentralised energy supply
 Paragraph 126 - Conservation of heritage assets in a manner appropriate to their significance
 Paragraph 128 - Significance of any heritage assets affected
 Paragraph 130 - Deliberate neglect of a heritage asset
 Paragraph 131 - Determining heritage planning applications
 Paragraph 132 - Impact on the significance of a designated heritage asset
 Paragraph 133 – Public benefits that outweigh harm or loss
 Paragraph 134 - Less than substantial harm to the significance heritage
 Paragraph 137 - New development within Conservation Areas
 Paragraph 196 – Primacy of the Development Plan
 Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.19 The main planning considerations in this instance are the appropriateness of the proposals in relation to the relevant Development Plan policy and all other material considerations. Particular regard is to be given therefore to a number of relevant material considerations including: the principle of development, the effect of the proposal on the amenity of neighbouring properties, the effect of the proposal on the visual amenity of the surrounding area and the character and appearance of the Park Conservation Area, the effect of the proposal on highway safety, ecology and trees

Principle of Development

1.20 Three previous permissions have been granted on site (H/2010/0561, HFUL/2004/1029 and H/2008/0480). The latter two approvals incorporated substantial alterations to Tunstall Court and development within the grounds. The 2010 approval allowed substantial demolition, with only the retention of the façade of the Court to provide 21 dwellings and erection of 12 detached dwellings within the grounds. The development brief previously issued by the Council in 2003 identified the potential for residential development within the grounds. As such it is considered that the principle of residential development on site is acceptable.

Amenity

1.21 Consideration must be given to the potential impact on residential amenity in terms of overlooking, overshadowing, dominance and outlook, both in terms of existing neighbouring properties and those proposed within the site. Separation distances within the site are considered acceptable in accordance with the guidelines set out in the Hartlepool Local Plan (2006). The relationships between the properties within the site are considered acceptable and unlikely to result in significant amenity issues.

1.22 In terms of properties outside of the site, it is considered that the proposed development is unlikely to have a significant impact by way of residential amenity. The separation distances involved are considered acceptable and the development is unlikely to have an impact by way of overlooking, overshadowing, dominance and outlook.

Crime/Anti-Social Behaviour

1.23 The building has been one of a number of properties which the Council has targeted as part of the Untidy Land and Derelict Buildings multi-agency working group because of the level of vandalism and disrepair the building has attracted. Comments from Cleveland Police indicate that the building has been a Park Ward priority because it has attracted anti-social behaviour, criminal damage and arson over a prolonged period of time. Comments from residents in the immediate vicinity of the site have indicated their desire for re-development to reduce the level of crime, and negate the impact on visual amenity.

1.24 Cleveland Fire Brigade have provided incident logs for the period 1st January 2009 – 31st December 2013 which are set out below:

Cleveland Fire Brigade have been called to 30 fire incidents for the period 1st January 2009 – 31st December 2013 at the Tunstall Court site in Hartlepool. See table 1 for a breakdown of these

Table 1

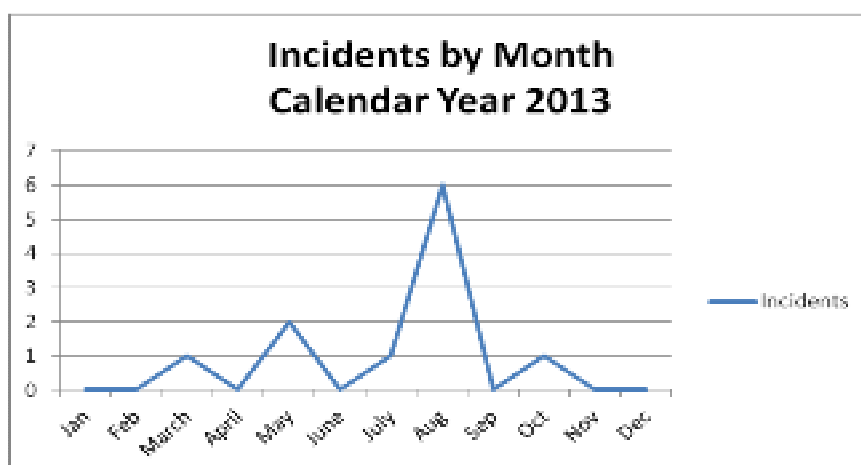
Year	Primary fire	Secondary fire	Total
2009	1	7	8
2010	2	2	4
2011	0	3	3
2012	0	4	4
2013	0	11	11
Total	3	27	30

The 3 primary fires all involved the building on Tunstall Court, one of which resulted in the attendance of 11 pumping appliances, the Hydraulic Platform and the Emergency Tender. This incident occurred in January 2010.

There have been a total of 27 secondary fires recorded over the time period studied peaking with 11 during calendar year 2013. Of the 27 incidents x14 were refuse non-specific, x1 litter bin, x3 grass/scrub and the remaining 9 involved the building which is now classed as derelict and therefore recorded as a secondary fire.

There were 72 appliances mobilised to the 30 incidents listed in table 1. The cost applied for an appliance including the crew is £261.80 per hour or part therein. Therefore, basing the cost on the number of appliances mobilised it has cost the brigade approximately £18,849.60 to attend Tunstall Court over the five years studied. The brigade has not received any monetary contribution towards the costs incurred from the owner of Tunstall Court.

Calendar Year 2013



Calendar year 2013 seen an increase in ASB fires at Tunstall Court peaking with 6 during the month of August, x3 refuse – non specific, x1 grassland and x2 single derelict building.

Multi Agency high visibility patrols are carried out on a regular basis in order to ensure the site is secure and flammables are removed to prevent future fire setting, this approach appears to be working as there has been only one further incident since August which occurred in October and was a small refuse fire.

1.25 Since the above comments were provided it is understood there was an additional fire in May 2014. Attempts have been made on a number of occasions to secure the building, however, incidents of crime, anti-social behaviour and arson continue. It is considered that the proposed development will help reduce the level of crime, anti-social behaviour and arson associated with the site and will benefit both the residential amenity of the adjacent neighbouring properties and the visual amenity of the area.

Visual Amenity

1.26 As discussed, the site is currently in an unacceptable condition from a visual perspective. It is considered that, in visual amenity terms, the proposed development will significantly improve the visual amenity of the area.

Conservation

1.27 The approach taken by the applicant for the redevelopment of the site is to provide a new residential development by replacing Tunstall Court with a handed pair of very large houses which reflect features of the Court itself, a pair of lodge style dwellings at Park Avenue access (similar to those previously approved. The remaining proposed dwellings (10) incorporate some features of the surrounding buildings. Whilst officers are in agreement that a terrace may have represented the 'bulk' of Tunstall Court better and that a hierarchy of buildings would benefit the character of the area, the design of the dwellings do reflect elements of the Court and the surrounding area and therefore in principle the design is considered acceptable.

1.28 The dwellings are proposed to be centred around a formal garden which reflects the formal garden of Tunstall Court (and former bowling green). The access from Park Avenue would provide a pleasant vista towards the pair of houses which when read together would represent the scale of the dilapidated Tunstall Court.

1.29 It is clear that the components of the existing building, wider estate composition, and its location of Tunstall Court within the Park Conservation Area, makes a significant contribution to the character of this part of the conservation area. In accordance with para 132 of the NPPF great weight should be given to conserving heritage assets.

1.30 Whilst there have in the past been approvals for buildings within the grounds of Tunstall Court along with extensive works to the building itself, it is considered that the application has gone further in proposing complete demolition to the building to facilitate buildings within the grounds of the estate.

1.31 In terms of Tunstall Court's significance, with regard to the redevelopment of the Court it is acknowledged that the sustained vandalism the building has suffered in recent years has left the property in a very poor state of repair. Background information on the property is set out in historical records, crystallised in the Council's Park Conservation Area Character Appraisal (2008). From this, the significance of the building can be defined as two fold:

- Architectural interest of the building.
- Historic interest of the estate and the connections to significant Hartlepool residents.

1.32 The significance of this site is two fold. It lies in the main building, Tunstall Court, and its design and architectural significance as a building of importance to Hartlepool. This architectural importance is encased in the Park Conservation Area and this element of it particularly where it displays a layout with a hierarchy of structures found in the early development of houses within this area. Secondly are the less tangible but equally important historic significance of the property and the connection to prominent industrial figures that shaped Hartlepool.

1.33 The combination of these two important elements result in this estate, being of importance to Hartlepool as one of the few examples of a planned estate created due to the new wealth provided by the industrial revolution. Such development is characteristic of the Park Conservation Area where Tunstall Court is located.

1.34 It should also be noted that in light of the withdrawal of the Local Plan the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47. In accordance with paragraph 49 of the NPPF the housing policies of the Hartlepool Local Plan (2006) must therefore be considered out of date. The proposal must therefore be considered in the context of the presumption in favour of sustainable development (49) and the tests set out in NPPF paragraph 14. Recent case law indicates that the lack of a five year housing supply is a critical factor in such cases.

1.35 With specific regard to this application and the 5 year land supply situation NPPF paragraph 14 holds significant weight and states:

“Where the development plan is absent, silent or relevant policies are out of date, granting permission unless:

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *Specific policies in this Framework indicate development should be restricted.”* [this bullet point relates to a number of interests including heritage assets]

1.36 It is considered that specific policies in the NPPF indicate development should be restricted where a proposal would lead to substantial harm of a designated heritage asset (in this case particularly to Park Conservation Area, and the adjacent listed buildings) (paragraph 133) unless it can be demonstrated that the substantial harm is necessary to achieve substantial public benefits that outweigh that harm.

1.37 Paragraph 135 of the NPPF also states *‘that the effect of an application on the significance of a non-designated heritage (in this case Tunstall Court which is on the Council’s Locally Listed Building) asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’*

1.38 It is considered that the proposed layout and demolition of Tunstall Court will harm the character of the Park Conservation Area when considered solely on conservation grounds. The development within the grounds of the property would potentially constitute over development of this site (as identified in the 2010 planning application) and deplete the existing hierarchy of structures within this area. Secondly the demolition of Tunstall Court would see the loss of an architectural important building and the contribution it makes to the character of the Park Conservation Area.

1.39 Based on the NPPF as a whole there are three dimensions to sustainable development identified in the NPPF (Economic, Social and Environmental) must be considered (paragraph 7). In economic terms the role of the planning system in the economy is identified as “ensuring that sufficient land of the right type is available in the right places and at the right time to support growth; and ...the provision of infrastructure.” Social sustainability comes down to providing a supply of housing to meet needs in a high quality built environment with accessible local services. The environmental role for planning is defined as “contributing to protecting and enhancing our natural, built and historic environment” which includes improving biodiversity, using natural resources prudently, minimising waste and pollution, and adapting to climate change including moving to a low carbon economy. The proposed development as a whole will deliver economic growth and contribute towards the Boroughs housing need, it will provide executive housing in a high quality environment and it will offer opportunity’s to enhance the biodiversity of the area. Critically the NPPF states (14) that planning permission should be granted

unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or where there are policies in the framework which indicated development should be restricted.

Highway Safety

1.40 The Council's Traffic and Transportation section have confirmed they have no objection to the proposal on the basis that traffic calming is installed on Park Avenue. As such a condition could be imposed requiring details of traffic calming to be submitted to and agreed in writing by the Local Planning Authority.

1.41 There are no concerns raised in respect of the provision of the access, indeed previous permissions have established an access in this location

1.42 A historical access is also proposed to access 3 detached dwellings as a private drive via The Parade. Having regard to the above, the proposal is considered acceptable in highway safety terms.

Trees

1.43 Concerns have been raised by residents in respect of the loss of trees on site which are considered to add value to the visual amenity of the area. The applicant has provided a comprehensive arboricultural impact assessment in support of the application and provides information on how the proposed development relates to the existing tree population on site, this has been reviewed by the Council's Arboricultural Officer and is considered acceptable.

1.44 There are 217 individual trees included in the assessment of those, 97 are shown to be removed for various reasons half of these relating to their condition, however several to facilitate the development. The application does not include a landscaping scheme although the proposed layout provides a general indication of landscaping. Subject to the submission of a comprehensive landscaping scheme which can be secured by way of condition it is considered that the loss of 97 trees is acceptable when considered in the context of the site and the existing trees.

Ecology

1.45 Although the main building at Tunstall Court was found to support three, individual roosting bats in 2008, surveys in 2013 found no bats roosting in the building. The submitted ecological assessment cites this is due to further deterioration of the building due to fire and vandalism, consequently it is unlikely that a European Protected Species Mitigation licence would be required in order to demolish the building and that it would be acceptable to demolish the building to an agreed method statement. A suitable method statement for avoiding harm to bats is given the ecological assessment; the method statement also covers precautionary actions to ensure bats are protected during tree works, this can be made a condition of any permission.

1.46 There is the potential for breeding birds to be harmed by the clearance of vegetation or demolition of the building. The Council's standard condition on breeding birds can be attached which should mitigate the risk.

1.47 Japanese Knotweed has been found to be growing on several parts of the site. It is considered prudent to impose a condition requiring a scheme for its eradication to be agreed by the Local Planning Authority.

1.48 The supporting ecological assessment submitted with the application considers the opportunity for enhancements for biodiversity, in line with para 118 NPPF, through various landscaping options. It is considered that the submission of a landscaping scheme required by a condition of any permission (as referred to in the Trees section above) should consider how the landscaping might result in benefits for biodiversity. This is also emphasised in Section 40 of the Natural Environment and Rural Communities Act (2006) which states: *'Every public authority, must in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.'*

1.49 The ecological assessment recommends the incorporation of six bat access panels to the proposed houses and a further four bat boxes on trees. This would be a minor enhancement and could be made a condition of any permission. The assessment also recommends the incorporation of four house sparrow nest boxes to the proposed houses and six nest boxes for woodland birds, including a tawny owl nest box, to be attached to retained trees on site. Again this would be a minor enhancement and could be made a condition of any permission.

Developer Contributions

1.50 The following developer contributions which have been requested based on the scale and nature of the development have been agreed to be paid by the applicant to support the development:

- £250 per dwelling for play (total £3,500) – this would be directed to the play site within Ward Jackson Park.
- £250 per dwelling for green infrastructure (total £3,500) – this would be directed to Ward Jackson Park as identified in the Green Infrastructure SPD and Action Plan.
- £250 per dwelling for built sports (total £3,500) – this would be directed to Brierton Sports Centre.
- Contribution towards Primary Schools this is based on pupil yield per 100 dwellings - 18.6 primary age pupils Expected pupil yield from development - $14/100 \times 18.6 = 2.6$ Cost per primary school place - £9165 Developer contribution - $2.6 \times £9165 = £23,829$.

1.51 It has been confirmed that the developers will establish a management company to oversee the aftercare of the shared open spaces and landscaping, therefore a commuted sum for maintenance of the areas within the development by the Council will not be required.

1.52 Given the scheme is below 15 units there would be no requirement for an affordable homes contribution.

Legal Agreement

1.53 With the approval of the 2010 planning application the applicant gave an undertaking that the proposed development would commence on site within a set timescale. The developer agreed that they could submit all details to discharge all conditions precedent on the permission within 3 months of the date of the approval. The developer also agreed that development would commence within 2 months following the date the LPA discharges all conditions precedent. Although the legal agreement was completed in June 2012 the applicant is in breach of the contract as no works have progressed.

1.54 Should the Planning Committee resolve to approve this application it is considered imperative given the site is a heritage asset and is proposed for total demolition and has suffered from antisocial behaviour incidents that 1) the demolition is carried out within a restricted period and 2) that the site is not left vacant and is indeed completed within a restricted period to ensure that the loss of the heritage asset is not in vain, in accordance with paragraph 136 of the National Planning Policy Framework (2012) which states:

“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”

Other Issues

1.55 As detailed in the ‘Planning Policy Framework Justification’ (2013) document the Council are committed to delivering sustainable development and therefore an appropriately worded condition can ensure that an acceptable scheme to provide energy efficiency measures and the integration of embedded renewables within the development is achieved.

Conclusions

1.56 Whilst the buildings condition has deteriorated the owner has tried to secure the building and no evidence has been provided to demonstrate that there has been deliberate neglect or damage (para 129 NPPF) to the non-designated heritage asset therefore its condition should be taken into account in the determination of this application. It should be noted that HBC Building Control consider that the building should be labeled as a dangerous building.

1.57 Heritage assets are irreplaceable and great weight should be given to conserving them, the demolition of Tunstall Court will harm the conservation area and the adjacent listed buildings as it is an important building and site in the context of the conservation area and the lodges.

1.58 It is considered that there are a number of benefits associated with the scheme such as:

- the demolition of a longstanding vacant building, which is in a poor state of repair will be beneficial to the visual amenity of the area;

- it is anticipated that the redevelopment will alleviate the persistent anti-social behaviour including arson currently experienced which is a longstanding issue for both the Fire Brigade and Police;
- the redevelopment will contribute towards the Borough's housing need by the provision of a quality executive development;
- there would be a requirement for the developer to start and complete development within a set timescale which can be secured through a legal agreement, thereby ensuring that the site is developed and not left as a cleared site.

1.59 It should be acknowledged that the Council has already granted planning permission to the demolition of Tunstall Court save for the fascia which was to be retained to allow new build residential units built attached to the frontage. Taking a pragmatic approach in relation to the amount of demolition, number of dwellings within the grounds and their layout which has already approved, it is considered that saving the fascia would be detrimental to securing a scheme which will bring about substantial public benefits.

1.60 It is considered that having regard to the relevant national planning guidance and the relevant policies in the Hartlepool Local Plan (2006), and the relevant material planning considerations, it is considered that on fine balance, the benefits of the scheme proposed are considered to outweigh the harm to a designated heritage assets (Park Conservation Area and the adjacent listed buildings) and non-designated heritage asset (Tunstall Court). On that basis, the application is recommended for approval as set out in the Recommendation section below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.61 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.62 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.

1.63 Hartlepool Borough Council recognises that Community Safety affects all our lives, people, communities and organisations. People need to feel safe and this means developing stronger, confident and more cohesive communities. Community Safety includes reducing crime and disorder and tackling anti-social behaviour, offending and re-offending, domestic abuse, drug and alcohol abuse, promoting fire safety, road safety and public protection. This proposal contributes towards this by potentially reducing crime and anti-social behaviour for the reasons outlined in the planning considerations above.

REASON FOR DECISION

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

RECOMMENDATION - Minded to APPROVE subject to the final wording of conditions delegated to the Planning Services Manager and a S106 agreement securing £250 per dwelling for off-site play provision, £250 per dwelling for green infrastructure, £250 per dwelling for built sports, a contribution towards Primary Schools equating to £23,829 and a commitment for the timely demolition of Tunstall Court and completion of the residential scheme.

BACKGROUND PAPERS

1.65 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.

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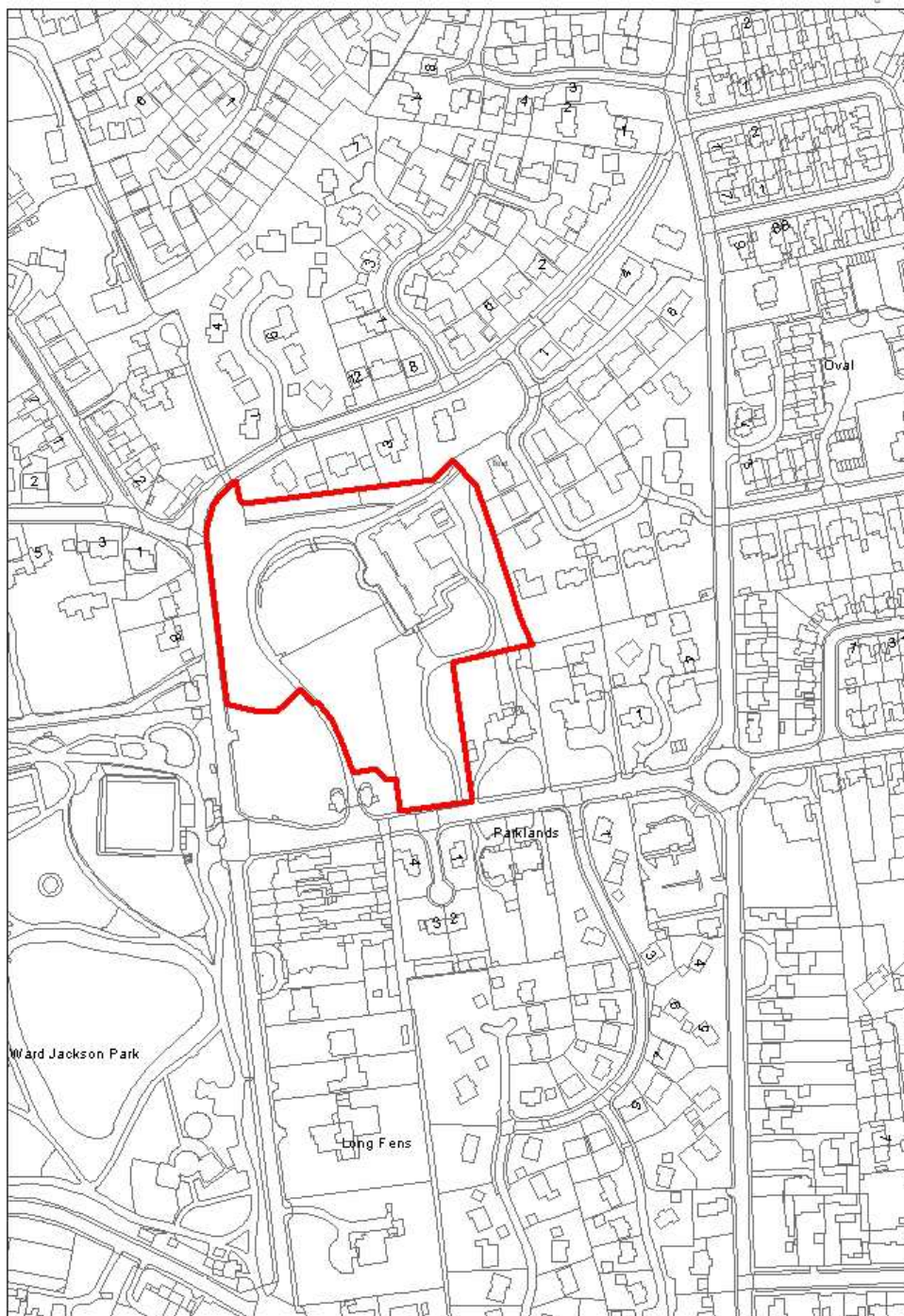
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TUNSTALL COURT



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

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Scale: 1:1000
Date : 06/03/13
H/2013/0585

No: 2
Number: H/2014/0159
Applicant: INGLEBY BARWICK LAND AND PROPERTY
DEVELOPMENTS FOUNTAINS AVENUE INGLEBY
BARWICK STOCKTON ON TEES TS17 0TX
Agent: DR J MARTIN J MARTIN ARCHITECT 12 MARSDEN
ROAD SOUTH SHIELDS TYNE & WEAR NE34 6DF
Date valid: 16/04/2014
Development: Change of use to A1 retail and A5 hot food takeaway and
outline application for the erection of two A1 retail units
Location: THE SAXON EASINGTON 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 The application is being reported to committee as there have been 14 objections to the proposed development.

2.3 An application was received 24/09/1992 (HADV/1992/0484) for the display of 3 name/logo signs, 2 amenity boards, 4 lanterns, 4 globe lights and plaques and a post sign (all illuminated). The application was approved 23/10/1992.

2.4 An application was received 21/05/2002 (HFUL/1992/0274) for the erection of entrance porches, installation of bay windows and toilets extension, alterations to elevations, provision of new external wall cladding, pitched roof and access ramp. The application was approved 08/07/1992.

2.5 An application was received 27/03/1990 (HFUL/1990/0199) for alterations and extensions. The application was approved 09/05/1990.

2.6 An application was received (H/1974/0311) for ground floor bar extension approximately 11'x 20'. The application was approved 30/09/1974.

PROPOSAL

2.7 Planning permission is sought for the change of use of the existing vacant Saxon Public House to a retail unit (Use Class A1) and a hot food takeaway (Use Class A5) and outline planning permission is sought for the erection of two A1 retail units to the southern side of the existing building.

2.8 It is anticipated that the proposal would create the equivalent of 6 full time jobs. No proposed operators have been indicated for the retail element of the scheme or for the hot food takeaway.

SITE CONTEXT

2.9 The application site constitutes a two storey vacant public house and associated car park fronting onto Easington Road, Hartlepool. The pub itself is located at the southern end of the site with the car park to the north and an outdoor beer garden / play area on the immediate southern side of the building.

2.10 To the north, east and south of the site there are residential dwellings. To the west of the site is highway. The existing vehicular access to the site would be retained.

PUBLICITY

2.11 The application has been advertised by way of neighbour letters (15) and a site notice. To date, there have been 14 objections to the proposed development.

2.12 The concerns raised are:

- Disturbance
- Anti social behaviour
- Traffic
- Litter
- Will devalue properties
- The development is not needed
- The site should be used for something else
- The Council have only consulted adjoining properties
- No objection to the convenience store but object to the hot food take away
- Opening hours not specified
- The development is too big
- Noise
- Enough hot food takeaways in the area
- Odour
- Loss of privacy
- Disturbance from deliveries
- Fencing details unclear
- Unclear as to what the two new build retail outlets would be
- Pollution
- The area cannot support and sustain more businesses like the proposal
- Increased road accidents
- Will encourage vermin
- Will bring parking problems

2.13 Copy Letters **A**

2.14 The period for publicity has expired.

CONSULTATIONS

2.15 The following consultation replies have been received:

HBC Traffic and Transportation: No objection subject to conditions

HBC Economic Development: No comments offered

HBC Engineering Consultancy: No comments offered

HBC Public Protection: No objection subject to conditions

PLANNING POLICY

2.16 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

2.17 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

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

assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

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

2.19 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impacts on the visual amenity of the area, impacts on residential amenity and highways.

Principle of Development

2.20 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development.

2.21 NPPF paragraph 19 states that:

“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.”

2.22 With specific regard to this development the use proposes to change an existing vacant public house to a retail unit (Use Class A1) and a hot food takeaway (use class A5) and build two additional retail units (use class A1). The proposed development would create jobs resulting in economic growth.

2.23 NPPF paragraph 24 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.”

2.24 The proposed change of use to retail and the addition of new retail units are all main town centre uses. The application site is not in an existing centre and is not in accordance with the Local Plan with regard to policy Com9. As a result the applicant

is required to submit a robust sequential assessment as part of any subsequent planning application; with the format and scale to be agreed in writing with the Local Planning Authority. A robust sequential assessment has been submitted by the applicant, the scope of which was agreed with the applicant at the pre-application stage. The sequential assessment identifies that there are no suitable and/or available sites in the following local centres as defined on the 2006 Local Plan Proposals Map:

- King Oswy Drive
- Middle Warren

Officers are satisfied that the proposals cannot be accommodated in either local centre as there are no vacant and/or suitable buildings and/or available land within the local centre allocations on the 2006 Local Plan Proposals Map. As a result officers are satisfied that the proposals are in accordance with NPPF paragraph 24.

2.25 It is considered that the proposed development would be acceptable in principle as the proposals cannot be accommodated in either the Middle Warren or King Oswy Drive local centres as there are no vacant and/or suitable buildings and/or available land within the local centre allocations identified on the 2006 Local Plan Proposals Map. Officers are satisfied that the proposals are in accordance with the NPPF with regard to the sequential test.

2.26 The proposals are below the NPPF default floorspace threshold of 2,500sqm and therefore there would be no need for the applicant to submit a retail impact assessment as part of this planning application.

2.27 Policy COM 12 of the Hartlepool Borough Local Plan relates specifically to food and drink uses. The proposals are in accordance with Local Plan policy COM12 providing there are no significant detrimental effects on the amenities of the occupiers of adjoining or nearby premises by reason of noise, disturbance, smell or litter and with regard to traffic congestion and highway safety.

2.28 Policy COM 13 of the Hartlepool Borough Local Plan specifically relates to commercial uses in residential areas. The proposals are in accordance with Local Plan policy COM13 providing there are no significant detrimental effect on the amenities of the occupiers of adjoining or nearby premises by reason of noise, disturbance, smell or litter and with regard to the appropriateness of parking and servicing areas. The impact of the development on highway safety and residential amenity are discussed below.

2.29 Neither the Council's Public Protection Section or the Council's Traffic and Transportation Section have raised any objections to the proposal subject to suitable conditions and the proposal is considered acceptable in principle.

Impacts on visual amenity

2.30 The proposal seeks planning permission for the change of use of the existing public house and outline planning for the erection of two A1 retail units. The proposed change of use as submitted does not include any external alterations to

the building; therefore no elevation plans were required for the consideration of the proposed change of use. As there are no external alterations proposed to the existing building at this stage it is considered that the proposal would not impact on the visual amenity of the host property, the streetscene, or the surrounding area.

2.31 The proposed two new retail units have been submitted as an outline development therefore it is only the principle of these two units which can be considered at this stage. However it is considered that the proposed indicative layout and suggested scales indicate a level of development which would sit comfortably within the site and the surrounding area. It is considered that suitable details in terms of visual amenity can be submitted as part of a reserved matters planning application.

2.32 The proposed development is considered to be acceptable in terms of its impact on visual amenity and to be in accordance with policy GEP1 of the Hartlepool Local Plan.

Impacts on residential amenity

2.33 Policy Com12 of the Hartlepool Local Plan specifically relates to food and drink uses. Proposals for hot food takeaways (Use Class A5) will only be permitted where:-

- i) There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter.
- ii) They will not lead to traffic congestion or affect highway safety.
- iii) There is no adverse affect on the character appearance and function of the surrounding area and

2.34 In addition proposals will be subject to suitable conditions.

2.35 Policy Com13 of the Hartlepool Local Plan relates to commercial development in residential areas. The policy only permits commercial development in residential areas where:

- i) There is no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, smell, dust or excessive traffic generation.
- ii) Design and scale is compatible with the character and amenity of the site and the surrounding area.
- iii) Appropriate servicing and parking provision can be made.

2.36 Concerns have been raised by residents in relation to disturbance, noise, litter and anti social behaviour. No objections to the proposal have been raised by the Head of Public Protection. It is considered that the proposed development could be adequately controlled by suitable planning conditions including conditions relating to opening hours, delivery times, CCTV provision, ventilation extraction facilities and a condition relating to bins. It is considered that subject to suitable conditions the proposal would not be significantly detrimental to the amenity or function of the area nor would it be detrimental to the character and appearance of the area. It should

also be noted that the premises has an extant consent as a public house. The impact of the development on highway safety is discussed below.

2.37 Concerns have been raised in relation to the impact of the development on the privacy of neighbouring properties; the property has previously been in use as a public house with an outdoor beer garden /play area. It is considered that the design of the outline retail units could be controlled at reserved matters stage to reduce any potential overlooking impacts to neighbouring properties. In addition it is considered that whilst the proposed development would intensify the use of the site; it is considered that it would not do so to such a degree as to warrant the refusal of the application.

2.38 In terms of the impacts of the development on residential amenity the proposals are considered acceptable in accordance with policies GEP1, GEP2, GEP3, Com12 and CoM13 of the Hartlepool Local Plan.

Highways

2.39 The Council's Traffic and Transportation have been consulted and have raised no objections to the proposal subject to the provision of 6 cycle parking spaces, 3 disabled parking bays and the construction of 1.8 metre footway at the developer's expense from the existing controlled crossing to the shop access. In addition details of the servicing and access arrangements for deliveries were requested, these details have been submitted in the form of auto track drawings. 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.

2.40 The proposal is considered to be in accordance with policies GFEP1 and TRA16 of the Hartlepool Local Plan.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.41 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.42 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.

2.43 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:-

1. The development hereby approved in so far as it relates to full planning permission for the change of use to an A1 retail unit and an A5 hot food take away 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. Application for the approval of the reserved matters for the erection of two A1 retail units referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development hereby approved in so far as it relates to outline planning permission for the erection of two A1 retail units 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.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 25 03 2014 (Site location plan; Site Plan) and the details received by the Local Planning Authority 16 4 2014 (Application Form) and plan received 02 06 2014 (Plan as proposed).
For the avoidance of doubt.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. The premises shall only be open to the public between the hours of 07:00 and 23:00 on any day. In the interests of the amenities of the occupants of neighbouring properties.
6. 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 being used. In the interests of the amenities of the occupants of neighbouring properties.
7. Prior to the commencement of the development 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. Thereafter the agreed cycle bays shall be installed prior to any of the premises being brought into use and retained for the lifetime of the development. In the interests of amenity.
8. Prior to the commencement of the development details of a scheme for the installation and management of litter bins on site shall be submitted to and agreed in writing by the Local Planning Authority. The litter bins shall be installed prior to any of the premises being brought into use and maintained in accordance with the approved details for the lifetime of the development. In the interests of amenity.
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 and thereafter shall be implemented and retained for the lifetime of the units.
In the interests of crime prevention.
10. Notwithstanding the submitted details before the use hereby approved is commenced details of the proposed car parking provision to include 3 disabled parking bays and including details of 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 prior to any of the premises being brought into operation 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.
 11. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
 12. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of amenity.
 13. Approval of the details of the layout, scale and appearance of the building(s), the means of access thereto 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.
 14. Notwithstanding the information shown on the submitted plans detailed plans showing the internal layout of the premises shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the area.
 15. Notwithstanding the details submitted no external alterations to the building shall be carried out 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 area.
 16. Prior to the commencement of the development, details of an acoustic fence shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development the agreed acoustic fence shall be installed and retained thereafter for the lifetime of the development.
In the interests of residential amenity.

BACKGROUND PAPERS

2.45 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.

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FORMER SAXON PH, EASINGTON 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

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Scale: 1:1000
Date : 06/06/14
H/2014/0159

No: 3
Number: H/2014/0086
Applicant: Mr John Floyd 11 Egerton Road HARTLEPOOL TS26 0BN
Agent: Cadlink Architectural Services Ltd 26 Mountston Close HARTLEPOOL TS26 OLR
Date valid: 14/03/2014
Development: Change of Use from A1 Shop/Retail to A5 Hot Food Takeaway
Location: UNIT B 98B PARK ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 An application was received 10/03/2010 (H/2010/0161) for alterations, installation of new shop fronts, provision of new roof to rear, change of use from B2 to A1 and sub-division to form two self contained retail units. The application was approved 18/05/2010.

PROPOSAL

3.3 Planning permission is sought for the Change of Use of the premises from retail shop (Use Class A1) to Hot Food Takeaway (Use Class A5).

3.4 The application is being reported to committee as it is a departure from the adopted Hartlepool Local Plan 2006, specifically policy COM4 of the Hartlepool Local Plan.

SITE CONTEXT

3.5 The application site constitutes a relatively modern building which was recently divided into two separate units. Unit 98B, the unit which is subject of this application constitutes an existing retail unit (Use Class A1).

3.6 The application site is located within Park Road West an area identified on the proposals map of the Hartlepool Local Plan as an edge of town centre area by virtue of Policy COM4 of the Hartlepool Borough Local Plan.

3.7 To the rear (north) is an alleyway beyond which is a car park, to the east is a vacant commercial unit, to the south is the highway, Park Road and to the west is a

public house, The Park Inn, the Hotel building is set back from the boundary with its beer garden located between the application site and the public house.

3.8 The applicant has submitted the application to improve the marketability of the property.

PUBLICITY

3.9 The application has been advertised by way of neighbour letters (11), a site notice and a press notice. One letter of do not want to object has been received.

3.10 The period for publicity has expired.

CONSULTATIONS

3.11 The following consultation replies have been received:

HBC Traffic and Transportation: No objections

HBC Public Protection: No objections subject to an opening hours condition of no later than midnight and a condition requiring extract ventilation details.

Cleveland Policy: No objections subject to a condition for the provision of CCTV to the premises.

PLANNING POLICY

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

Local Policy

3.13 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
 COM4: Edge of Town Centre Areas
 COM12: Food and Drink

National Policy

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

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

Paragraph 11 – Determination in accordance with the Development Plan

Paragraph 12 – Statutory Status of the Development Plan

Paragraph 14 – Sustainable Development

Paragraph 56 – Requiring good design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, visual amenity, amenity of the surrounding area and highway safety.

Principle of the Development

3.16 The application site is located within Park Road West an area identified on the proposals map of the Hartlepool Local Plan as an edge of town centre area. Local plan policy Com4 of the Hartlepool Local Plan permits and restricts a range of uses within identified edge of town centre locations. Proposals in edge of centre locations will be permitted provided they do not affect the character and amenity of the area and accord with other relevant policies.

3.17 Policy Com4 of the Hartlepool Local Plan states that further hot food takeaways will not be permitted within the Park Road West area. The purpose of this policy when it was adopted as part of the 2006 Local Plan was to protect residential properties adjacent to the site. In this area the properties the policy primarily sought to protect were located on Dalton Street. The residential properties on Dalton Street which were located to the rear of the application site have now been demolished, with the land to the rear of the site being redeveloped as a car park. The dwellings were demolished in two phases one being in 2007 and one being in 2009. In its current form Dalton Street is now characterised by commercial properties and car parking areas.

3.18 The nearest residential properties to the application site are located on the other side of Park Road and include a flat over a shop and residential properties on streets to the rear, south of Park Road.

3.19 Due to the demolitions and redevelopment of Dalton Street it is considered that the proposal would not be significantly detrimental to neighbouring residential properties in terms of noise and disturbance. The application site is located adjacent to an existing public house, The Park Inn. Neither Cleveland Police nor HBC Public Protection have raised any objections to the application subject to suitable conditions. It is therefore considered that the proposal would not be significantly detrimental to the amenity of the area. Although the proposal would be contrary to policy Com4 in the strictest sense it is considered that as the residential properties on Dalton Street have now been cleared the proposed development would not be so detrimental to the amenity of the area as to warrant the refusal of the application.

Visual Amenity

3.20 The application does not include any proposed external alterations. It is therefore considered that the proposed development would be in accordance with policy GEP1 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

Residential Amenity

3.21 It is considered that although the site is identified by local plan policy Com4 as an area where additional hot food takeaways will not be supported, the residential properties which policy Com4 sought to protect have now been removed it is considered therefore that particular section of policy Com4 can be given little weight in the determination of this planning application.

3.22 Policy Com12 of the Hartlepool Local Plan specifically relates to food and drink uses. Proposals for hot food takeaways (Use Class A5) will only be permitted where

- iv) there will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter.
- v) They will not lead to traffic congestion or affect highway safety
- vi) There is no adverse affect on the character appearance and function of the surrounding area and

3.23 In addition proposals will be subject to suitable conditions.

3.24 It is considered that the proposed development could be adequately controlled by suitable planning conditions including opening hours and details of ventilation extraction facilities. It is considered that subject to suitable conditions the proposal would not be significantly detrimental to the amenity or function of the area nor would it be detrimental to the character and appearance of the area. The acceptability of the development in terms of highway safety is discussed below.

Highway Safety

3.25 Colleagues in the Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed development. The proposal is considered to be acceptable in terms of highways safety.

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the 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 19/02/2014 (Drawing no. 010, Site location plan; Drawing 001 General Arrangement floor plan). For the avoidance of doubt.
3. The premises to which this permission relates shall only be open to the public between the hours of 09:00am and 12 midnight. In the interests of residential amenity.
4. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
5. Notwithstanding the submitted details prior to the commencement of the development a scheme for the installation of CCTV cameras including design, location and coverage shall be submitted to 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.
6. Notwithstanding the information shown on the submitted plans, detailed plans showing the internal layout of the premises shall be submitted to and

approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the area.

BACKGROUND PAPERS

3.31 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.

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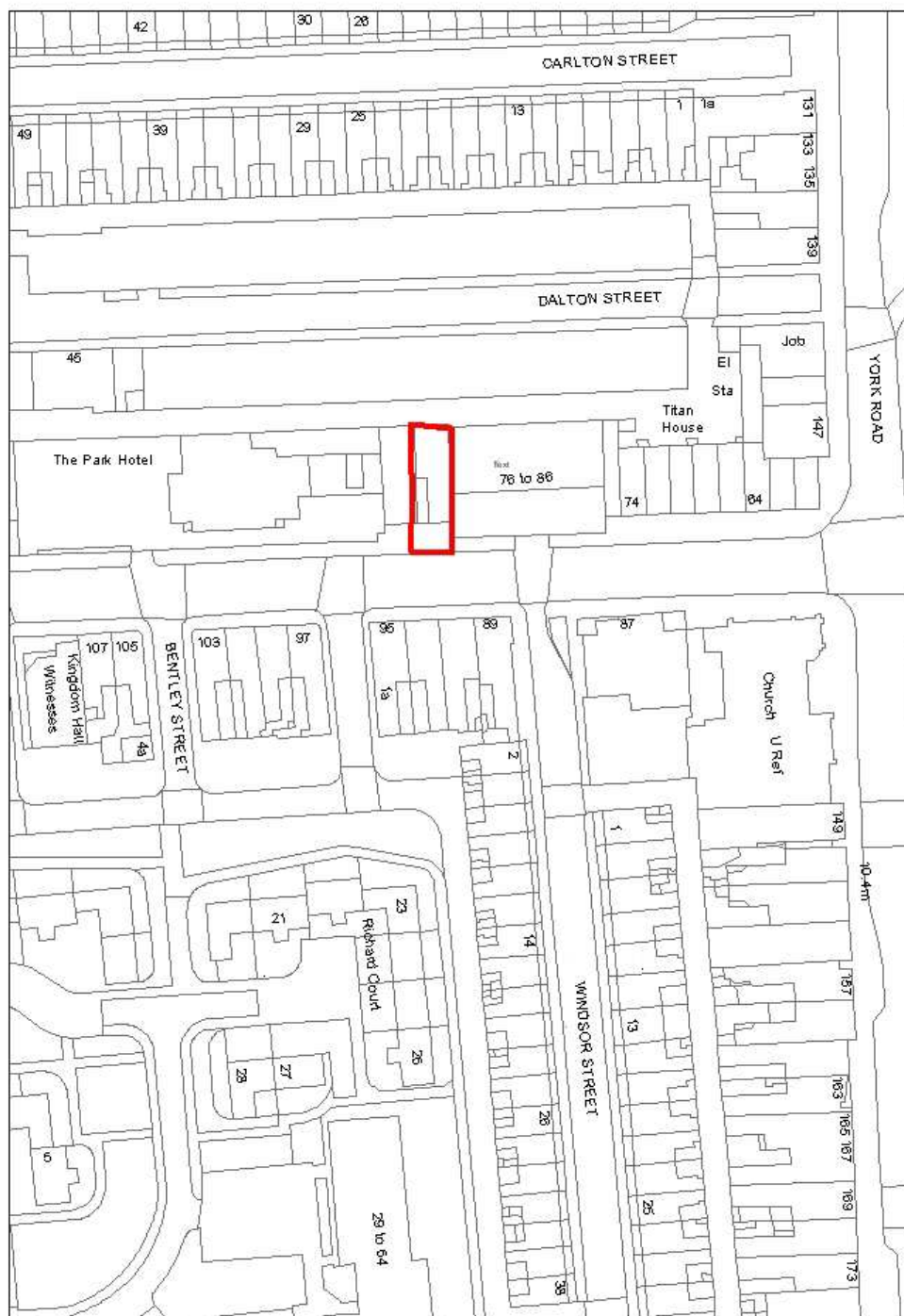
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UNIT B 98B PARK ROAD



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

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Scale: 1:1000
Date : 06/06/14
H/2014/0086

No: 4
Number: H/2013/0414
Applicant: Mr Michael Ford Nelson Farm Lane HARTLEPOOL
TS27 3AE
Agent: SKM Enviros Mr Andrew Hird 13th Floor Cale Cross
House 156 Pilgrim Street NEWCASTLE UPON TYNE
NE1 6SU
Date valid: 21/08/2013
Development: Installation of a single 250kw wind turbine measuring 47m
to the tip and associated infrastructure
Location: Nelson Farm Nelson Farm Lane HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 An application was received 28/03/2013 (H/2013/0315) for the installation of a 13m high anemometer mast for a period of 6 months. The application was approved 17/06/2013.

4.3 A request for a screening opinion (H/2012/0602) was submitted to the Local Planning Authority 2012/2012 for the erection of a single wind turbine. It was considered that an Environmental Impact Assessment would not be required for the proposed development.

4.4 The application is being reported to committee as 5 objections have been received.

PROPOSAL

4.5 Planning permission is sought for the installation of a single 250kw wind turbine measuring 47m to the tip and associated infrastructure. Associated infrastructure will include an access track, HV Switchgear a Transformer Kiosk, concrete foundations and hard standing and underground cabling.

SITE CONTEXT

4.6 The application site constitutes agricultural land which is part of the applicant's farm. The site lies approximately 170m to the southwest of the farmhouse and would be sited approximately 298m from the nearest neighbouring residential property, Nelson Lodge. A number of caravans associated with Nelson Lodge are

sited closer to the proposed wind turbine, these caravans have no planning history, their use is currently under investigation.

4.7 The landscape at the site is moderately level and exposed. The nearest settlements to the site are; Hart Station which is approximately 0.6km to the east and Hart which is approximately 1.1km south south-west of the proposed turbine location.

PUBLICITY

4.8 The application has been advertised by way of neighbour letters (139), a site notice and a press notice. To date, there has been one e-mail of support. There have been 5 objections to the proposed development.

4.9 The concerns raised are:

- Will devalue my property
- Unsightly
- Loss of tranquility
- Detrimental visual impact
- Noise
- Destruction of birds and bats
- Detrimental to the safety of walkers and horse riders
- Some years ago I made enquiries with Cornwall light and power they sent a map showing recommended buffer zones for wind turbines. If they are still the recommendations I do not see how a wind turbine can be sited on Nelson Farm.

4.10 One e-mail making comment on the development has been received making the following comments:

- Support the application however there should be a number of passing places along the access of Nelson Farm Lane, especially during the construction phase.

4.11 Copy Letters C

4.12 The period for publicity has expired.

CONSULTATIONS

4.13 The following consultation replies have been received:

HBC Traffic and Transport: Contractors should contact HBC highways to confirm delivery requirements.

HBC Parks and Countryside: No objection subject to condition

HBC Conservation: No objection

The Ramblers Association: No objection subject to a condition to prevent obstruction of the Public Right of Way.

Tees Archaeology: No objection subject to condition

Northumbrian Water: No comments to make

Highways Agency: No objection

Arqiva: No objection

English Heritage: No objection

Hart Parish Council: No comments offered

HBC Ecology: No objections subject to the conditioning of mitigation measures set out in the environmental report.

HBC Public Protection: No objections subject to condition

PLANNING POLICY

4.14 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

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

GEP1: General Environmental Principles

PU7: Renewable Energy Developments

National Policy

4.16 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 93 – Supporting the delivery of renewable energy

Paragraph 98 – Determining applications for energy development

Paragraph 128 – Considering heritage assets

Paragraph 134 – Heritage assets and Public Benefits

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

4.17 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, visual impact on the landscape, impact on neighbouring properties, impacts on historic heritage, Public Rights of Way, ecology, highways and other matters.

Principle of the Development

4.18 National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy. Paragraph 93 of the NPPF recognises the importance of planning in delivering renewable energy. Renewable energy is considered central to the economic, social and environmental dimensions of sustainable development.

4.19 Paragraph 98 of the NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable.

4.20 At a local level policy PU7 of the Hartlepool Local Plan supports renewable energy projects in order to facilitate the achievement of national targets for new electricity generating capacity.

4.21 In determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits account will also be taken of the potential effects upon

- the visual appearance and character of the area,
- the amenity of local residents
- ecology
- airport radar and telecommunications

4.22 The impact of the development on visual amenity, residential amenity, ecology and impact on radar and telecommunications are discussed in detail below.

4.23 It is considered that the proposed development would be acceptable in principle in terms of national and local planning policy.

4.24 The development is considered to be in accordance with policies GEP1 and PU7 and paragraphs 93 and 98 of the NPPF.

Visual impact on the landscape

4.25 The issue of visual impact should be considered in terms of overbearing impact to neighbouring properties and in terms of whether or not the wind turbine would be detrimental to the appearance of the surrounding landscape. The closest residential property to the application site is Nelson Lodge at 298m from the proposed wind turbine. Beyond Nelson Lodge the closest residential properties would be located at Jaywood Close at a distance of 600m. Given the scale of the wind turbine at a height of 47m to the tip and the distance of neighbouring properties from the application site it is considered that the wind turbine would not be unduly overbearing to occupiers of neighbouring properties.

4.26 The Council's landscape officer has assessed the application and does not object to the proposal. The applicant has submitted a Landscape Visual Impact Assessment. Following review of the available documentation the Council's landscape officer has confirmed that the conclusions reached are generally acceptable.

4.27 The assessment of effects of the proposed development on the landscape and visual resource has identified that effects are predicted to be limited. The turbine will constitute a prominent element within some views and lead to an increase in the prevalence of wind turbines within this area but its siting and relationship with similar existing developments will reduce the level of effect and there will be an appreciable logic to its location. Cumulative effects with existing developments are also predicted to be limited and most likely to occur in combination with High Volts Wind Farm.

4.28 Overall, the proposed development would be regarded as being set within an agricultural landscape of sufficient scale to accommodate the turbine. The *Wind Farm Development and Landscape Capacity Studies: East Durham and Tees Plan* (2008) analysis for Zone 18 (where the proposed turbines is located) identifies that the landscape is of medium sensitivity and has the potential to absorb small-medium small scale wind farm schemes. As the proposed development is for a single turbine of 47m to blade tip it is consistent with this guidance.

4.29 The Council's landscape officer has concluded that although there will clearly be significant localised visual impact as identified in the Landscape Visual Impact Assessment, particularly in relation to Appleby Close, it is unlikely that an objection on this basis would be sustainable.

4.30 Should this application be approved, it should then be considered to have further utilised any remaining (limited) capacity of Zone 18 in the context of the *Wind*

Farm Development and Landscape Capacity Studies: East Durham and Tees Plan (2008).

4.31 It is considered that the proposed wind turbine would not appear incongruous in the landscape and would not be so detrimental to the visual impact of the landscape as to warrant the refusal of the application.

4.32 The proposal is considered to be in accordance with policies GE1 and PU7 of the Hartlepool Local Plan and paragraphs 93 and 98 of the NPPF.

Impact on neighbouring properties

4.33 In terms of noise impact to neighbouring dwellings the proposed wind turbine has been designed to have minimal noise impact in the surrounding area of the application site. National Planning Practice Guidance states that local planning authorities should utilise 'The Assessment and Rating of Noise from Wind Farms' when assessing and rating noise from wind energy developments. The applicant has submitted a noise assessment as part of this application. The noise assessment has been carried out by comparing the predicted noise limits described within 'The Assessment and Rating of Noise from Wind Farms'. HBC Public Protection has assessed the application and raises no objections to the application in terms of noise impacts subject to the conditioning of relevant details set out in the submitted noise report.

4.34 The submitted noise report has demonstrated that the predicted noise levels generated by the proposed wind turbine do not exceed the design criteria specified within 'The Assessment and Rating of Noise from Wind Farms'. It is therefore considered that given the distance to neighbouring properties the likelihood of noise nuisance originating from a wind turbine the size and design of the turbine subject of this application, is relatively low provided that the turbine is maintained in accordance with the manufacturers specification.

4.35 Following guidance set in the national planning policy guidance under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

4.36 Shadow flicker effects have been proven to occur only within ten rotor diameters of a turbine. Therefore as the turbine has a blade diameter of 30 metres, the potential shadow flicker effect could be felt up to 300 metres from the proposed wind turbine. The nearest neighbouring property to the application site, Nelson Lodge, would be located 298 metres from the proposed turbine location and therefore falls within the 10 time rotor diameter of the turbine of 300m. It is considered that shadow flicker effects could be adequately controlled through a suitable planning condition as recommended by the Council's Public Protection section.

4.37 Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of planning conditions.

4.38 The proposal is considered to be in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan and paragraph 93 and 98 of the NPPF.

Impact on historic heritage

4.39 In terms of archaeology the application site is considered to have a high archaeological potential particularly for remains associated with the deserted medieval settlement at Nelson Farm and also for prehistoric remains. The Cultural Heritage Assessment which has been submitted in support of the application acknowledges that the construction of the wind turbine, associated service, crane pad and access will have significant impact on any archaeological remains but as the development has a relatively small footprint this impact would not constitute substantial harm. The report concludes that the impact can be mitigated by a programme of archaeological works and that a suitable programme will be submitted for approval. Tees Archaeology have assessed the application and have raised no objections to the development subject to a suitable condition.

4.40 Additional visual information was submitted to demonstrate the impact of the development on local heritage assets including the grade I listed St Mary Magdalene Church and the Scheduled Ancient Monuments of the fishpond and the great house. English Heritage has assessed the additional information and has concluded that the impact on the significance of the designated heritage assets is minor in nature. It is considered that the wind turbine would have a slight distracting effect when in the northern section of the church yard but it would not unduly dominate the experience and understanding of the Church, its relationship to the fishpond and great house and that group's link to the surrounding countryside. The Council's conservation officer has raised no objections to the proposed development.

4.41 Paragraph 134 of the NPPF states that 'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. It is considered that the slight harm to the setting of the heritage assets would be outweighed by the wider public benefit of the generation of renewable energy.

4.42 The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan and paragraphs 128 and 134 of the NPPF.

Public Rights of Way

4.43 There are two bridleways that would be directly affected by the proposed development, Public Bridleway No. 7 Hart Parish and Public Bridleway No. 30 Hartlepool. It is proposed to utilise the access track for the farm that runs from the A1086 (Easington Road) westwards to the farm for the construction of the turbine.

This track is also the location of these two bridleways and as such it is considered appropriate to condition additional details relating to the delivery and construction of the wind turbine to assess its impact on the bridleways.

Ecology

4.44 The Council's ecologist has assessed the scheme and raises no objections to the proposed wind turbine. The proposal would involve the erection of a single, relatively small turbine. Consequently the probability of bats and birds colliding with the turbine is relatively low. It is proposed that the turbine would be situated in excess of 50m from the nearest hedge or watercourse, in line with Natural England guidelines on bats and wind turbines.

4.45 The submitted Environmental Report predicts that there would be little or no harm to protected species or other adverse ecological effects. Mitigation is proposed in Section 3.5.2 of the report that would reduce this risk a further. The proposed mitigation measure shall be a condition of the planning permission.

4.46 The proposed mitigation measures shall be a condition of the planning permission.

4.47 Neither the Council's ecologist nor English Nature have objected to the proposed development.

4.48 The proposal is considered to be in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan.

Highways

4.49 Both the Highways Agency and the Council's Traffic and Transportation section have been consulted on the proposed application, neither has raised any objections to the proposed development.

4.50 It is considered that the proposal would be in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan.

Other issues

4.51 In terms of aviation impacts Durham Tees Valley have assessed the application and concluded that the proposal is unlikely to produce Air Traffic Service radar returns and as a result will not impact on current operations at Durham Tees Valley, therefore no objections are raised to the application by the airport.

4.52 The comments of Ministry of Defence are awaited.

4.53 Arqiva is responsible for providing the BBC and ITV's transmission network and is responsible for ensuring the integrity of Re-Broadcast links and also the protection of its microwave networks. Arqiva have considered the impacts of this development on their operations and have concluded that no objection is raised to the proposed development.

4.54 An objector has referred to enquiries made previously to Cornwall Light and Power, this is a company which specialised in renewable energy development and not a consultee which would comment on this type of planning application.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.55 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.56 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.

4.57 There are no Section 17 implications.

REASON FOR DECISION

4.58 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 satisfactory comments being received from the Ministry of Defence and the following conditions and any other conditions arising from the outstanding consultation considered necessary by the Planning Services Manager:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21 08 2013 (Drawing no. KEDWG-PL-PM02-0333 Site Location Plan and site plan; Drawing no. KEDWG-PL-PM01-0333 Site Location Plan and site plan; Drawing no. KEDWG-PL-PM03-0333 Elevations).
For the avoidance of doubt.
3. Noise levels from the turbine shall not exceed the levels as set out in tables 6 and 7 of paragraph 4.10 of the noise assessment dated 14th June 2013 submitted with the application.
In the interests of amenity.
4. Prior to the commencement of development a scheme to address potential issues of shadow flicker arising from the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented and adhered to.
In the interests of amenity.
5. No demolition/ development shall take place/ commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The

scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for pot investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or person/organisation to undertake the works set out within the Written Scheme of Investigation

No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results an archive deposition has been secured.

In the interests of the protection of historic heritage.

6. If the wind turbine hereby permitted ceases to operate for a continuous period of 12 months, a scheme for the decommissioning and removal of the wind turbine generator and any other ancillary equipment and structures relating solely to that wind turbine, shall be submitted to and agreed in writing by the Local Planning Authority within 3 months of the end of the cessation period. The scheme shall include details for the restoration of the site. The scheme shall be implemented within 3 months of the date of its agreement in writing by the Local Planning Authority.

In the interests of the visual amenity of the area.

7. Prior to the commencement of the development details of the delivery method of the wind turbine to include a schedule of works for the restoration of the Public Right of Way and any diversion of the Public Right of Way required during delivery, operation or decommissioning of the wind turbine shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. In the interests of highway safety and the Public Rights of Way.
8. Notwithstanding the submitted details the development shall be carried out in accordance with the mitigation set out in Section 3.5.2 of the Environmental Report August 2013.

In the interests of protected species.

9. No development shall commence until the following information is submitted to and approved in writing by the Local Planning Authority: (1) The exact model, specification and colour finish of the wind turbine: (2) The exact location and specifications of the switch gear and transformer: (3) The specification, location and width of the hardstanding. The development shall thereafter be carried out in accordance with the details so approved. In the interests of visual amenity.

BACKGROUND PAPERS

4.59 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.

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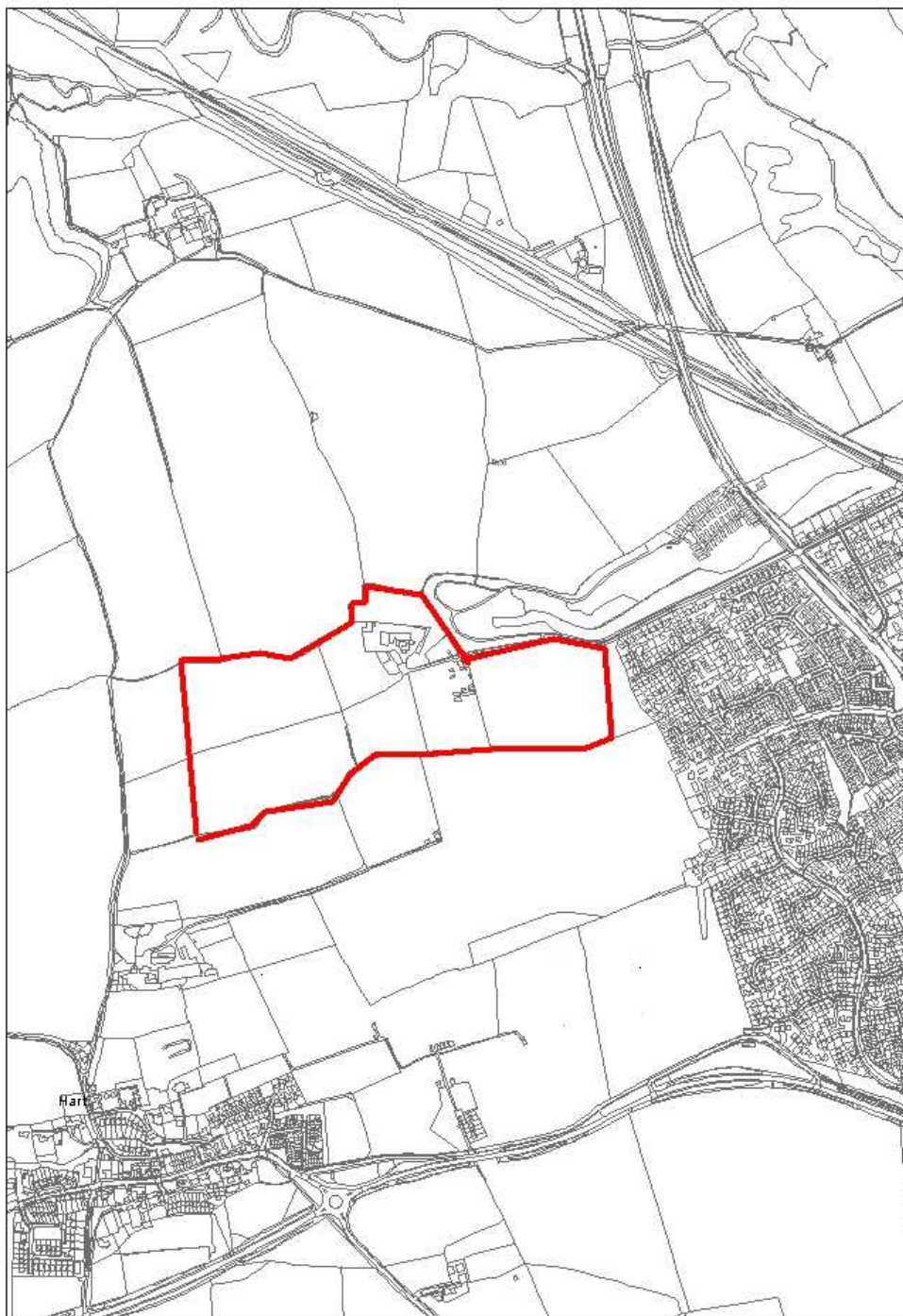
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NELSON FARM, NELSON FARM LANE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
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Department of Regeneration and Planning

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Date : 06/06/14
H/2013/0414

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.

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.

Com4 (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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.

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

Tra16 (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.

PU7 (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

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.

HE2 (Environmental Improvements in Conservation Areas) - Encourages environmental improvements to enhance conservation areas.

HE12 (Protection of Locally Important Buildings) - The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

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.

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.

13. The National Planning Policy Framework is a material consideration in determining applications.

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.

24. 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.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years

from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

27. Where an application fails to satisfy the sequential test or is likely to have significant adverse impact on one or more of the above, it should be refused.

47. To boost significantly the supply of housing, local planning authorities should:

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ 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% (moved 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;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a

financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

51. Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

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

63. 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.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

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

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

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the

development of such sources;

- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

126. LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

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.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

137. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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

18 June 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 2A MARINE CRESCENT,
HARTLEPOOL, TS24 0PQ

APPEAL REF: APP/H0724/D/14/2218912
CHANGE OF USE FROM A1 SHOP TO
A5 HOT FOOD TAKEAWAY (H/2014/0032)

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the receipt of a planning appeal.
- 1.2 The application was considered at the Planning Committee on 16th April 2014 where it was refused in accordance with officer recommendation.
- 1.3 The appeal will be decided through the written representations procedure.

2.0 RECOMMENDATION

- 2.1 That Members authorise officers to contest the appeal.

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PLANNING COMMITTEE

Wednesday 18th June 2014



Report of: Assistant Director (Regeneration)

Subject: SHOP FRONT DESIGN GUIDANCE

1. PURPOSE OF REPORT

- 1.1 This report provides details of the response to the public consultation on the Draft Shop Front Design Guidance Supplementary Planning Document for the Committee's information.

2. BACKGROUND

- 2.1 The Hartlepool Local Plan will be the key Development Plan Document setting out the spatial vision, strategic objectives and core policies for the Borough for the next 15 years. Alongside this will be a number of Supplementary Planning Documents which will provide an opportunity for more detailed thematic or site specific policy.
- 2.2 The Shop Front Guidance Supplementary Planning Document is intended to encourage good design within retail areas of Hartlepool to achieve centres that are vibrant, pleasant to visit, and safe. It is not intended as an undue burden on development.
- 2.3 This is technical guidance that will be a material consideration in the determination of planning applications. Compliance with its contents will ensure that retail areas are vibrant and pleasant to visit.

3. PUBLIC CONSULTATION

- 3.1 The Regeneration Services Committee on 16th January 2014 agreed to the proposed consultation on the document for a minimum period of eight weeks.
- 3.2 The public consultation included:
- Copies of the documents made available at the Civic Centre
 - A statutory notice in the Hartlepool Mail

- A local press release at the beginning and end of the consultation period resulting in three articles in the Hartlepool Mail (8/3/14, 7/4/14 and 18/4/14).
- A dedicate page on the Council's website
- Letters to statutory consultees and other stakeholders.

3.3 Two responses were received to the consultation.

English Heritage stated,

'English Heritage welcomes the preparation of this Design Guide and is content with the manner in which the matters which may impinge on the historic environment and the Borough's heritage assets have been dealt with. In consequence we have no substantive comments to make on the document.'

Hartlepool Civic Society commented,

'We wholeheartedly commend the work which has been put in to this proposal. At a time when 'shopping streets, etc' are under threat from supermarkets it is more important than ever that the shop front is the focal point of a business... The Committee were impressed with the thoroughness and inspiration of the submission and are pleased to endorse it'

The comments made have been noted and will be reported as the document moves forward to approval.

3.4 The document was presented to the Conservation Area Advisory Committee on the 26th February. The Committee welcomed the very detailed but necessary guidance in the context of shop front design. It was proposed that the guide could be renamed 'The Commercial Frontages and Shop Front Guide' to more fully reflect its content. It is proposed that the title will be changed when the final draft document is present.

3.5 In addition to the above comments brief information will be added on the need to consider Building Regulations on certain aspects of development prior to finalising the document.

4 NEXT STEPS

4.1 The results of the consultation will be reported to the next available meeting of the Regeneration Services Committee.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

5.1 There are no equality or diversity implications.

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

7.1 There are no Section 17 Implications.

8. FINANCIAL CONSIDERATIONS

8.1 None.

9. RECOMMENDATIONS

9.1 That the Planning Committee notes the response to the public consultation.

10. BACKGROUND PAPERS

Shop Front Design Guidance.

11. CONTACT OFFICER

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PLANNING COMMITTEE

18 June 2014



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 2 BRUS CORNER, HARTLEPOOL,
TS24 9LA

APPEAL REF: APP/H0724/A/14/2211821
CHANGE OF USE FROM A1 SHOP TO A5 HOT
FOOD TAKEAWAY

1.0 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal.
- 1.2 The application was considered at the Planning Committee on where it was refused against officer recommendation for reasons relating to the impact on the amenity of neighbours, anti social behaviour and that the development would be detrimental to the character and function of the Local Centre.
- 1.3 The appeal was allowed the Inspector concluding that the proposal would not cause significant harm to the living conditions of nearby residents or the character and function of the Local Centre. A copy of the Inspector's decision is **attached**.
- 1.4 The applicant made no claim for costs.

2.0 RECOMMENDATION

- 2.1 That Members note the outcome of the appeal.

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The Planning Inspectorate

Appeal Decision

Site visit made on 1 April 2014

by Roger Catchpole Dip Hort BSc (Hons) PhD MCIEEM

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

Decision date: 12 May 2014

Appeal Ref: APP/H0724/A/14/2211821

Poundsaver, 2 Brus Corner, Hartlepool, Durham TS24 9LA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gurvir Singh against the decision of Hartlepool Borough Council.
- The application Ref H/2013/0472, dated 23 September 2013, was refused by notice dated 4 December 2013.
- The development proposed is a change of use from A1 shop to A5 hot food takeaway.

Decision

1. The appeal is allowed and planning permission is granted for a change of use from A1 shop to A5 hot food takeaway at Poundsaver, 2 Brus Corner, Hartlepool, Durham TS24 9LA in accordance with the terms of the application, Ref H/2013/0472, dated 23 September 2013, subject to the conditions set out in the schedule at the end of this decision.

Preliminary Matter

2. I have taken into account the Government's Planning Practice Guidance, issued on 6 March 2014, in reaching my decision.

Main Issues

3. The main issues are the effect of the proposal on the living conditions of nearby residents and the provision of local services.

Reasons

4. The application site is a disused retail unit that is at the end of a semi-circular parade of shops, with residential accommodation situated above. The parade, known as the Catcote Local Centre, is located on the northern edge of a substantial residential area. A range of different services are provided by a number of businesses which include: a bakery; pharmacy; post office; news agent; florist; off-license; fish and chip shop and a fast food takeaway. Dedicated parking is present immediately in front of the parade, with two vehicular access points from Winterbottom Road and West View Road. Parking and access to the retail units is also present to the rear of the parade.

Living Conditions

5. In their first and second reasons for refusal the Council have stated that the proposal could be detrimental to the occupants of nearby properties because of

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odour and anti-social behaviour. However, I note that these matters were not considered to represent sufficient grounds for an objection from either the Environmental Health Officer or the Cleveland Police. Whilst a number of local residents have concerns over the cumulative effect that this proposal would have on background odour, I have no reason to doubt that a condition requiring the installation and maintenance of modern extraction equipment would address this issue. Although only a snapshot, I also note that there was no significant background odour when I visited the site during one lunchtime period. In addition, there is nothing before me to substantiate the claims of potential anti-social behaviour.

6. A number of other concerns have been raised by local residents in relation to living conditions that included potential increases in litter, rats and noise. However, as the case officer's report notes, the unit is located in a purpose-built shopping parade where some disturbance from the operation of local businesses is to be expected. I have no evidence before me to suggest that conditions requiring specific opening hours and adequate sound insulation measures would be ineffectual or that other legislation would fail to control issues such as rats and litter. As a consequence I am not convinced that the proposal would lead to any significant increase in the level of disturbance beyond that which is already experienced.
7. Given the above, I conclude that the proposal would not cause significant harm to the living conditions of nearby residents and would therefore be consistent with policies GEP1 and COM12 of the Hartlepool Local Plan 2006 (LP) that seek, among other things, to protect the living conditions of local residents.

Local Service Provision

8. I accept the proposal would lead to the opening of a third dedicated hot food takeaway which I recognise is the most frequent concern raised by local residents. However, given the diversity of the services that are already provided and the size of the centre, I do not consider it would lead to an over dominance of this particular service. Moreover, the proposal would not replace an existing service, as the shop is not currently in use. Consequently, I conclude that the proposal would not cause significant harm to the provision of local services, or the character and function of the Local Centre. It would therefore, be consistent with policies GEP1 and COM12 of the LP that seek, among other things, to ensure that adverse impacts on the function of an area are avoided.

Other Matters

9. I note the additional concerns over traffic issues and increased competition that have been raised in the petitions that have been submitted by a number of nearby business owners. Whilst traffic movement would clearly increase, I am not convinced that this would lead to any significant impact on the safe and efficient operation of the highway at this location. This is because I observed that ample, dedicated parking is present which has been incorporated into a road layout that is specifically designed to accommodate frequent comings and goings. I also note that the delivery area to the rear of the parade would readily accommodate delivery vehicles without obstructing free movement. As no objections were raised by the Council's Traffic and Transportation Team in relation to this concern and in the absence of substantiated evidence to the contrary, I give this little weight in the balance of this appeal.

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10. Concern over increased competition and potential job losses at other hot food takeaways in the parade is not a matter to which I can attach any weight in this appeal which addresses the planning merits of the case. Moreover, whilst I accept that similar establishments may be present in a wider geographic area, the context for this development, and therefore the focus of this appeal, is the Local Centre.

Conditions

11. I have considered both the wording and grounds for the conditions suggested by the Council in accordance with the tests set out in paragraph 206 of the *National Planning Policy Framework* 2012. In addition to the standard time limit condition, a condition requiring development to be carried out in accordance with the plans is imposed for the avoidance of doubt and in the interests of proper planning. A number of conditions have been imposed to safeguard the living conditions of nearby residents which include a limitation on opening hours; the installation of suitable fume extraction equipment to control odour; noise reduction measures to control disturbance from the operation of the shop and the equipment therein; and the provision of an appropriate refuse facility to control litter. A condition requiring the installation of a grease trap has also been imposed in order to protect the drainage system.

Conclusion

12. For the above reasons, and having regard to all other matters raised, including the presence of nearby schools, I conclude that the appeal should be allowed.

Roger Catchpole

INSPECTOR

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CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 01.
- 3) The premises shall not be open for customers at any time during Bank Holidays or outside the following hours: 1100-1400 and 1600-2200 Mondays – Saturdays.
- 4) Before the use hereby permitted begins, a scheme for the installation of equipment to control the emission of fumes and smell from the premises shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions.
- 5) Before the use hereby permitted begins, a scheme to provide sound insulation measures between the shop and the first floor flat shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall ensure that all fume extraction equipment shall be enclosed within sound-insulating material and mounted in a way that will minimise transmission of structure-borne sound. The scheme, as approved, shall be implemented. All measures installed as part of the scheme shall thereafter be maintained for the lifetime of the development.
- 6) Before the use hereby permitted begins, a scheme for the installation of a grease trap to control discharges into the drainage system shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented. All equipment installed as part of the scheme shall thereafter be operated and maintained in accordance with the manufacturer's instructions for the lifetime of the development.
- 7) Before the use hereby permitted begins, a scheme for the storage of refuse within the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme, as approved, shall be implemented and maintained for the lifetime of the development.

PLANNING COMMITTEE

18 June 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 commenced in response to a complaint regarding the regular storage of amusements on land opposite Marine Hotel, The Front, Seaton Carew. The change of use of the land to siting of amusements, and rides, etc, does benefit from a planning consent under ref. H/2013/0432. The consent is subject to a condition, amongst others, restricting the storage of amusements on the land.
2. An investigation has commenced in response to a complaint regarding car repairs carried out at a residential property on Whin Meadows.
3. An investigation has been completed in response to a complaint regarding building works commenced on land to the rear of North View, Dalton Piercy. The buildings were trenches dug to lay gas, telephone services pipes from the main to the property therefore no action was necessary.
4. An investigation has commenced in response to a query raised by Revenues and Benefits Team regarding one existing residential unit turned into two on South Crescent, Headland.
5. An investigation has been completed in response to an anonymous complaint regarding the use of bungalow as a drop in centre or care facility on Chichester Close. No evidence was identified to substantiate the complaint. Furthermore, the bungalow exhibited a residential appearance, which the owners Hartlepool Housing confirmed therefore no action necessary.
6. An investigation has commenced in response to a Councillor's complaint, also raised by local resident, regarding the fixing of plastic advertisements banners to highway railings in the Rural West Ward, it was redirected to Environmental Enforcement Team to action as necessary.

7. An investigation has been completed in response to a complaint regarding the placing of a plastic table and 4 chairs on a forecourt of a former public house on Mowbray Road. The site benefits from a planning consent to change the use of the existing public house to form to two retail units and a unit to a public house and as such, the forecourt area is ancillary to the public house use. In addition, there is no condition restricting outside seating linked to the planning consent. No action necessary.
8. An investigation has commenced in response to a complaint regarding banners fixed on highway railing and business boundary fences on Belle Vue Way and Longhill Estate.
9. An investigation has commenced in response to a query raised by the Building Control Team regarding the change of use of an existing residential property into two self-contained flats on Burbank Street.
10. An investigation has commenced in response to a complaint received regarding an advertisement board fixed on an existing boundary fence of a residential property on Marshall Close.
11. An investigation has commenced in response to a complaint regarding an untidy garden of a residential property on Bodmin Grove.

2. RECOMMENDATION

- 2.1 Members note this report.

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