

# PLANNING COMMITTEE AGENDA



**Wednesday 9<sup>th</sup> July 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 18 June 2014 (to follow)

### 4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director, Regeneration*

- 1 H/2014/0176 Land At Wynyard Woods, West Wynyard, Billingham (page 1)
2. H/2014/0194 The Woodcutter, Waverley Terrace, Hartlepool (page 17)

### 5. ITEMS FOR INFORMATION / DISCUSSION

5.1 Appeal at 2a Marine Crescent, Hartlepool - Appeal Ref:  
APP/H0724/D/14/2218912 - Replacement Windows and Doors – *Assistant  
Director, Regeneration*



5.2 Appeal at 183 Elwick Road, Hartlepool - Appeal Ref: APP/H0724/A/14/2215543  
- Erection of a Detached Three Car Garage with Granny Flat Above – *Assistant Director, Regeneration*

5.3 Update on Current Complaints – *Assistant Director, Regeneration*

**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 which is on Wednesday 6 August, 2014 at 10.00 am in the Civic Centre, Hartlepool.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **18 JUNE 2014**

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

**Present:**

Councillor Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay,  
Marjorie James, Geoff Lilley, Ray Martin-Wells, George Morris  
and George Springer

Officers: Damien Wilson, Assistant Director, Regeneration  
Chris Pipe, Planning Services Manager  
Jim Ferguson, Planning Team Leader (DC)  
Adrian Hurst, Principal Environmental Health Officer  
Peter Frost, Highways, Traffic and Transport Team Leader  
Kate McCusker, Commercial Solicitor  
David Cosgrove, Democratic Services Team

## **1. Apologies for Absence**

Councillors Dawkins and Payne.

## **2. Declarations of interest by members**

Councillor Ray Martin-Wells declared a prejudicial interest due to predetermination on Minute No. 4, application H/2013/0585. Councillor Martin-Wells indicated that he would exercise his right to speak on the item as a Ward Councillor.

Councillor Ainslie declared a personal interest in Minute No. 4, application H/2013/0585 as Council Heritage Champion and Chair of the Conservation Area Advisory Committee.

A Councillor commented that during the roundtable discussions on appointments to committees the Chief Solicitor had commented that the membership of the Planning Committee should be reflective of the whole of the borough and that it would be inappropriate for three councillors from the same ward to be appointed to the Committee. This had however happened and advice was sought as to whether this was appropriate. The Commercial Solicitor commented that she had discussed the issue with the Chief Solicitor in advance of the meeting and he was content with the appointments.

Members questioned whether the Chief Solicitor had issued such advice and if so could that be brought to the meeting. The Chair indicated that he would ask the Commercial Solicitor to follow up on the issue after this meeting.

### **3. Confirmation of the minutes of the meeting held on 14 May 2014**

Confirmed.

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

The Planning Services Manager submitted the following planning applications for the Committee's determination.

<b>Number:</b>	H/2013/0585
<b>Applicant:</b>	Mr H Ruttle C/o Agent
<b>Agent:</b>	Sedgewick Associates Mr Paul Sedgwick Unit 24 Queensbrook, Spa Road BOLTON
<b>Date received:</b>	20/01/2014
<b>Development:</b>	Demolition of Tunstall Court and erection of 14 no. dwellings and associated works including the provision of a new access and landscaping
<b>Location:</b>	Tunstall Court, The Parade, HARTLEPOOL

The Committee considered representations in relation to this matter.

Mr David Johnson spoke in support of the application. Mr Johnson highlighted the very poor condition the building was now in after years of vandalism and repeated fires. This was supported by the Police now being advised not to enter the building due to its dangerous condition and the recent report of the Council's Building Control Team that declared the building dangerous. Local residents had suffered continued disturbance over several years and this was backed up by the Police reports.

Mr Johnson added that past applications approved for the site that would have retained some or all of the building had proven undeliverable, the market cannot deliver a solution and the building was now beyond economic repair. There were no bodies, including the council, coming forward with resources to rescue the building. Local residents welcomed the proposals now submitted for the site and congratulated the developer on the design of the development which would provide an uplift for the area. While a large number of trees would be lost, those that would be retained would be in

better circumstances. The traffic controls suggested alongside the development would also be of benefit to the community.

Mr Richard Tinker from the Victorian Society spoke in opposition to the application, and in particular the demolition of Tunstall Court. Mr Tinker had been a member of the Council's Conservation Area Advisory Committee for a number of years and had visited the Tunstall Court site on a number of occasions. While the building had not been listed by English Heritage, it was a notable local building and there was significant opposition to the demolition. He noted objections from heritage bodies. Mr Tinker stated that –

1. He was too well aware that while too many historic buildings had gone past the point of economic repair, this should not be used as a reason for demolition. The structural report did state that part of the building could be retained without making the scheme unviable.
2. The problems experienced by local residents were acknowledged. There were reports of the damage suffered by the property and the measures made to alleviate further problems, such as the blocking up of windows. All these issues would have been raised with the owner including the security of the site and this damage still happened repeatedly 'on their watch'.
3. The two lodges buildings at the former entrance to the site were both Grade 2 listed buildings. Tunstall Court itself had only narrowly missed on being listed. The existing application that retained the frontage of the building should remain. Measures should also be in place to retain the sunken garden in its existing position.

Councillor Ray Martin-Wells, Rural West Ward, addressed the Committee as a Ward Councillor in support of the application. Councillor Martin-Wells highlighted the persistent problems that local residents had had to suffer over the years due to anti-social behaviour and arson attacks on this site. Listing of the building had been refused twice by English Heritage. While not wishing to see the town's heritage destroyed, Tunstall Court had had several attempts to rescue it, including the most recent application that proposed the saving of the facade of the building. However, none of these attempts had been delivered and local residents were left with a site that was a blight on their lives. The traffic calming proposals would be welcomed by local residents. Councillor Martin-Wells also suggested that some of the features of the building, such as the balustrades should be retained for use in the completed development.

Following his address, Councillor Martin-Wells left the meeting.

Members discussed the application in detail and asked a number of questions of officers in relation to the potential retention of Tunstall Court or the facade of the building, the traffic calming measures associated with the development, the number of trees to be felled and the issues of Japanese Knotweed on the site. Members considered that the Council should acknowledge its role in not having secured the future of the site through covenants at the time of sale. Members agreed that this was one of the most difficult planning decisions the Committee had had to make in recent years but that there was little option of the future of the site without the demolition

now proposed.

Members approved the application by a majority vote.

**Decision:** **Minded to APPROVE planning permission including conservation area consent for demolition 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.**

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Councillor Martin-Wells returned to the meeting.

**Number:** H/2014/0159

**Applicant:** Ingleby Barwick Land And Property Developments,  
Mr J Martin, Fountains Avenue, Ingleby Barwick, Stockton  
On Tees

**Agent:** Dr J Martin J Martin Architect 12 Marsden Road South  
Shields Tyne & Wear

**Date received:** 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

The Committee considered representations in relation to this matter.

Mr Jim Martin, the applicant's representative, addressed the Committee in support of the application. Mr Martin confirmed that the developer had received interest in some of the units from some high street names and there was also local interest in the additional retail units proposed as part of the application. Work had been undertaken in the building to remove asbestos.

Mrs Katherine Hubery spoke in opposition to the application. Mrs Hubery stated that local residents were very concerned about the development and particularly they did not feel there was the need for more retail units in the area as it was located just around the corner from an existing 'local centre'. The potential disturbance that could be caused by deliveries to the retail units was highlighted as a local concern. The traffic situation on Easington Road was also seen as a problem. There were also concerns of increased anti-social behaviour and crime associated with the development. The fencing

proposals in the application were also a concern of local residents as they did not feel that they had been consulted on this. The use of CCTV on the site and its proximity of local houses was also seen as an issue.

Councillor Thomas, De Bruce Ward, addressed the Committee as a ward councillor in opposition to the application. He supported the views put forward on resident's behalf by Mrs Hubery. Councillor Thomas also highlighted the concerns in relation to Easington Road. The fencing proposals also concerned Councillor Thomas who asked if consultation on this could be directed through a condition on the approval. The Planning Service Manager stated that such a condition could not be applied.

Members approved the application by a majority vote.

**Decision: Planning Permission Approved**

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### **CONDITIONS AND REASONS**

1. The development hereby approved in so far as it relates to full planning permission for the change of use to A1 retail 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 manufacturer's instructions at all times whenever food is being cooked on the premises.  
In the interests of the amenities of the occupants of neighbouring



- properties.
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 visual amenity.

Members approved the application by a majority vote.

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<b>Number:</b>	H/2014/0086
<b>Applicant:</b>	Mr John Floyd, 11 Egerton Road, HARTLEPOOL
<b>Agent:</b>	Cadlink Architectural Services Ltd, 26 Mountston Close, HARTLEPOOL
<b>Date received:</b>	14/03/2014
<b>Development:</b>	Change of Use from A1 Shop/Retail to A5 Hot Food Takeaway
<b>Location:</b>	UNIT B 98B PARK ROAD, HARTLEPOOL
<b>Decision:</b>	<b>Planning Permission Approved</b>

## CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

- To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 19/02/204 (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 manufacturer's 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 and thereafter shall be implemented and retained for the lifetime of the development.  
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.

Members discussed concerns regarding litter, traffic, impact on residents and other applications on takeaways and whether the Council's approach was consistent. The Planning Team Leader confirmed that it was.

Members approved the application by a majority vote.

Councillor Marjorie James requested that her abstention in relation to the vote approving the application be recorded in accordance with Council Procedure Rule 17.5.

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Councillor Wells left the meeting at this point in proceedings.

**Number:** H/2013/0414

**Applicant:** Mr Michael Ford, Nelson Fam Lane, HARTLEPOOL

**Agent:** SKM Enviro, Mr Andrew Hird, 13th Floor Cale Cross

House, 156 Pilgrim Street, NEWCASTLE UPON TYNE

**Date received:** 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

**Decision:** **Minded to APPROVE subject to satisfactory comments being received from the Ministry of Defense and the following conditions and any other conditions arising from the outstanding consultation considered necessary by the Planning Services Manager.**

Members approved the application unanimously.

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 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 hard standing. The development shall thereafter be carried out in accordance with the details so approved.

In the interests of visual amenity.

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## **5. Appeal at 2A Marine Crescent, Hartlepool** *(Assistant Director, Regeneration)*

To advise members of the receipt of a planning appeal in relation to Application H/2014/0032, installation of upvc replacement windows and

composite front door. The application was considered at the Planning Committee on 16th April 2014 where it was refused in accordance with officer recommendation. The appeal would be decided through the written representations procedure.

**Decision**

That officers be authorised to contest the appeal.

**6. Shop Front Design Guidance** *(Assistant Director, Regeneration)*

The Planning Services Manager reported on the response to the public consultation on the Draft Shop Front Design Guidance Supplementary Planning Document for the Committee's information. The report was submitted for the Committee's information as it would be submitted to the Regeneration Services Committee for decision. The Chair indicated that as the response to the consultation had been limited, the Assistant Director, Regeneration would recommend to the Regeneration Services Committee that some further direct consultation with shop owners should be undertaken.

**Decision**

That the report be noted and that the Regeneration Services Committee be recommended to undertake further consultation on the Shop Front Design Guidance.

**7. Appeal at 2 Brus Corner, Hartlepool, TS24 9LA** *(Assistant Director, Regeneration)*

The Planning Services Manager advised members of the outcome of a planning appeal relating to application for the change of use from retail (Class A1) to hot food takeaway (Class A5) and provision of extract ventilation equipment.

The application was considered at the Planning Committee on 20 November, 2013 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.

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 was submitted for the Committee's information. The applicant made no claim for costs.

**Decision**

That the report be noted.

## **8. Update on Current Complaints** *(Assistant Director, Regeneration)*

The Planning Services Manager reported on eleven current ongoing issues, which were being investigated. Any developments would be reported to a future meeting if necessary.

Councillor Ainslie requested further details in relation to 4. “an investigation had commenced in response to a query raised by Revenues and Benefits Team regarding one existing residential unit turned into two on South Crescent, Headland.”

Councillor Lilley requested further details in relation to 7. “an investigation had 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 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.”

### **Decision**

That the report be noted.

Councillor Stephen Akers-Belcher left the meeting at this point in the proceedings.

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

The Chairman commented that this was the last meeting of the Planning Committee for the Planning Services Manager, Mrs Chris Pipe, who would be leaving the authority to take up a new position with a development company. The Chair thanked Mrs Pipe for all the assistance she had provided the Committee and particularly himself in his role as Chair and commented that she would be a great loss to the authority. Members supported the Chair's comments.

The meeting concluded at 12.25 pm.

CHAIR

**No:** 1  
**Number:** H/2014/0176  
**Applicant:** CAMERON HALL DEVELOPMENTS LTD WYN YARD  
BILLINGHAM TS22 5NF  
**Agent:** England & Lyle Mr Steven Longstaff Gateway House 55  
Conisdiffe Road DARLINGTON DL3 7EH  
**Date valid:** 16/04/2014  
**Development:** Outline application for erection of up to 134 dwellings,  
provision of landscaping bund, access and other  
associated works  
**Location:** LAND AT WYN YARD WOODS WEST WYN YARD  
BILLINGHAM

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## PURPOSE OF REPORT

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

## PROPOSAL AND SITE CONTEXT

1.2 The application site comprises agricultural land lying to the north west of Wynyard Village. It extends to approximately 31 ha. It is bounded by the Castle Eden walkway to the west. To the north by the A689. To the east are the existing access road Wynyard Woods which loops through Wynyard Village and existing housing areas. Access to the site is via this existing village roads and then onto the A689. To the south are existing housing areas and woodland plantations. A housing proposal for a site incorporating the plantations was recently considered by Stockton Planning Committee who were minded to approve the application subject to the completion of a section 106 agreement.

1.3 The current application seeks outline planning permission, with all matters reserved, for up to 134 dwellings, provision of landscaping bund, access and other associated works. An indicative development area plan shows three phases/areas of housing identified. Phase R1 at the north/eastern end of the site, adjacent to existing housing, will accommodate 63 dwellings at 12.9 dwellings per hectare (DPH). Phase R 2 in the southern/eastern area of the site will accommodate 12 dwellings at 9.6 DPH, Phase R 3 at the south/west end of the site will accommodate 59 dwellings at 11.8 DPH. An area for a potential future phase is also identified in the northern/western area of the site. The indicative development area plan also indicates extensive landscaped areas at the southern, northern and western edge of the site and through the centre of the site

## PLANNING HISTORY

1.4 Parts of the site have previously been subject to planning applications. The most relevant recent planning applications are listed below.

1.5 In April 2014 cross boundary applications for outline planning permission with all matters reserved for the construction of up to 500 houses, primary school (including sports facilities) and nursery, retail units (up to 500 sqm), doctors surgery, community facilities, access and associated landscaping, footpaths and open space were considered by Stockton & Hartlepool Planning Committees (Hartlepool Ref H/2013/0076). The main part of the development is within Stockton, the development within Hartlepool consisted of proposed access works to the site which included the provision of an access road across the current site from Wynyard Woods. It was approved subject to the completion of a legal agreement and conditions.

1.6 H/FUL/0547/99 Amendment to previously approved layout for the erection of 110 dwellings including provision of planting areas, new house types and repositioning of plots.

1.7 This application for housing development on a larger site was approved in December 1999. Various amending applications were subsequently submitted for most of the site save for the north west corner which forms the eastern end of the current application site. It is not certain at this stage whether this application could still be implemented as conditions precedent were not discharged.

#### **OTHER RECENT APPLICATIONS IN THE WYNYARD AREA**

1.8 Other major housing applications were considered by Stockton and Hartlepool Planning Committee's in April 2014 when members of both authorities were minded to approve the applications subject to conditions and legal agreements. The legal agreements are to secure the delivery of the following, off-site highway works, public transport, footbridge over the A689 unless it is demonstrated an at grade crossing is acceptable, delivery of local centre, delivery/management of public sports facilities and play facilities, a targeted training and employment charter, delivery of a primary school, public rights of way contribution, a commitment to accommodate a public right of way through the site, an affordable housing contribution, a commitment to maintain build and maintain highways to an adoptable standard, a commitment to maintain landscaping and amenity areas to an appropriate standard, delivery of pipeline protection works including any required access arrangements, a commitment not to implement the previous permission(s), Conservation & Habitat Management, and travel planning. These applications are listed below and are awaiting the completion of legal agreements .

1.9 H/2013/0033 Outline planning application, with all matters reserved, for up to 200 dwellings, a local centre (Use Classes A1/A2/A3/A4 or A5) of up to 400 sqm, commercial development of up to 101,858 sq m of Class B1 office floorspace, and a Multi Use Games Area with associated landscaping and infrastructure works . This site is located in Hartlepool to the north of the application site on the northern side of the A689.

1.10 H/2013/0043 Outline planning application for the erection of up to 400 dwellings, a potential two form entry primary school, a local centre of up to 250 sqm (Use Classes A1 to A5), a Multi Use Games Area, playing field, open space,



landscaping and associated infrastructure (all matters reserved except access). This site is located to the north east of the application site on the northern side of the A689.

1.11 In October 2010 outline planning permission was granted for a hospital development on a site to the north of the A689. An application to renew the hospital permission was approved by committee in February 2013 subject to the completion of a section 106 agreement. (H/2013/0479).

## **PUBLICITY**

1.12 The original application has been advertised by neighbour notification, site notice and in the press. Nine letters of objection were received. Those objecting raised the following issues:

1. Traffic Congestion and Safety.
2. Infrastructure inadequate. (Broadband Capacity, health, shops).
3. Noise & dust, dirt, traffic pollution.
4. School facilities limited.
5. Disruption & negative impact on existing residents.
6. The area cannot support the development proposed by the recent planning applications in the area.
7. Given the recent applications there is no need for additional houses.
8. Prominent Blot on the landscape.
9. Already too many houses proposed.
10. Destruction of countryside and farmland, woodland areas and destruction of habitats, impact on/loss of wildlife without adequate mitigation.
11. Drainage not properly addressed may be impacts on village ponds.
12. Large and out of keeping with the area. It will change the character of Wynyard and destroy the village concept.
13. Lack of pedestrian links will create safety problems.
14. Impacts on residents will be compounded by additional development proposed.
15. Developers have numerous proposals for residential and commercial development and have made little or no effort to protect the village and its concept.
16. Many existing residents chose to live in Wynyard for the rural village feel it is slowly developing into a town.
17. Detriment to village amenity.
18. Only people to gain are the builders.
19. Destruction of the environment and wildlife.
20. Development at Wynyard should be coordinated. It is spiralling out of control and at risk of turning into a Ingleby Barwick.
21. Loss of value of property.

- 22.No need for additional housing, there are a significant number of homes for sale here. No shortage of executive homes.
- 23.Lack of public transport.

Copy letters **A**

The time period for representations has expired.

## CONSULTATIONS

1.13 The following consultation replies have been received:

**Economic Development** : I have no objection assuming that measures are in place to ensure there is no negative impact on employment land uses.

**Landscape & Conservation (Ecologist)** : I agree with the assessment in the Extended Phase 1 survey reports, submitted with this application, that the site is of relatively low ecological value and protected species are unlikely to be impacted by the proposal, subject to the mitigation measures stated in those reports.

The report on Phase 1 of the development makes a factual error in that it states that the pond within 500m of the site does not have Great Crested Newts (GCN). This conflicts with an earlier report for 500 houses at Wynyard Woods, which shows that GCN were found in that pond. However it was a small population of GCN and given the distance from the pond and the fact that the site is currently arable land then I don't think there would be any harm to GCN.

If permitted then the applicant should submit a conservation management plan to be agreed with the LPA and other interested parties to ensure that the development results in an overall enhancement for biodiversity.

**Engineering Consultancy** : At this outline stage I consider the Flood Risk Assessment (FRA) incorporating drainage considerations, including SuDS, to be acceptable. I note that the development site is within a flood zone 1. For my remit, I am more concerned with the increased generation of surface waters with the conversion of Greenfield land into a developed area. The FRA makes reference to the SuDS Approval Body - this is a function that will fall on the Council, however Schedule 3 of the Floods and Water Management Act will not be enacted until early 2015. However at some point in the future, the Council may have a responsibility to adopt any SuDS feature incorporated into the development. Should the development be taken forward, I would request a standard drainage condition including the requirements for a detailed drainage design/surface water management strategy.

Based on existing/historical use of the site, I consider that there is a low contamination profile. I don't have any further comments on this issue.

**Parks & Countryside** : An existing permissive access path runs from the northern side of Wynyard Woods, close to the eastern entrance, around the rear of the existing residence and then runs between the housing and the A689.

It continues along this route and then turns southwards, down by the side of the Castle Eden Walkway, exiting onto the Walkway north of the proposed R3 development area. As it is an established access route; it is very likely that it could be an unrecorded public right of way. As such I would very much like to see this access path retained in its present location, for its entirety. Any extra access routes that lead into this access path would be encouraged and welcomed.

A final observation is for the upgrading of the access link to the Castle Eden Walkway. There used to be steps in place, during the time of Tees Forest days. If they are still there then we need to have them upgraded so that Access for All principles are taken into account. In this case a ramp would be more appropriate for provision so and from the Walkway. As per the response; I would like to reiterate that the existing access path is retained as it is widely used and enjoyed by a wide section of the Wynyard community and also by visitors to the area.

**Public Protection :** I would have no objections to this application subject to the following conditions.

I would require a sound insulation condition to enable the LPA to agree suitable sound insulation measures to properties where required as identified in the noise assessment dated 15th January 2013 submitted with the application.

Construction works should be undertaken in accordance with a dust management plan to include the measures outlined in chapter 4.2 of the Air Quality assessment dated April 2014 submitted with the application.

**Traffic & Transportation :** The provision of the 134 houses has been included in the base line for the computer modelling works carried out as part of previous approved developments and would be subject to the same highway mitigation measures and trigger points. The proposed access point is acceptable subject to detailed designs being submitted.

**Child & Adult Services (Education) :** The service has assessed the availability of school places in the area and the contributions required. In terms of Primary School Places there is a shortfall of places in the area. It is estimated that a need for 25 school primary school places will arise from the development. A contribution of £229,125 for primary school places has been sought. (In practice however it is proposed to meet this need at the new school in Wynyard). In terms of secondary school places it is estimated that a need for 18 secondary school places will arise from the development and as there is little or no surplus available in this area of the town, a contribution of £214,808 has been sought.

**Cleveland Fire Brigade :** Offers no representations regarding the planning application. However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

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

**Environment Agency** : No objections subject to a condition requiring the submission of surface water drainage scheme for approval.

**Northumbrian Water** : Having assessed the proposed development NWL have the following comments to make:

The developer has made a pre-development enquiry to NWL which we responded to on 8<sup>th</sup> January 2013. In this response, we stated that foul flows of 3 l/sec from Phase 1 can discharge into manhole 1602. Following further discussions, it has been agreed that foul flows from Phase 1, totalling 75 dwellings, can be accommodated within our network at this point.

In our pre-development enquiry response, we also stated that surface water flows of 150 l/sec can discharge at manhole 1601. The document entitled "*Flood Risk Assessment and Drainage Strategy*" states that this connection will accommodate surface water flows from Phase 1 of the development.

For Phase 2 foul flows, the *Flood Risk Assessment and Drainage Strategy* states that "*an offsite connection point has however been identified which is approximately 1500m to the east of this site*". NWL welcome further discussions with regards to agreeing suitable discharge point for foul flows from Phase 2 of the development.

The *Flood Risk Assessment and Drainage Strategy* also states that surface water flows from Phase 2 of the development will discharge to a watercourse. NWL would support this approach as we cannot accommodate any surface water flows from Phase 2 into our network.

NWL would have no issues to raise with the application provided it is approved and carried out within strict accordance of the *Flood Risk Assessment and Drainage Strategy*. We would therefore request that the *Flood Risk Assessment and Drainage Strategy* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

Further Comments : I have spoken to some colleagues and we have agreed that we are happy to keep my initial response to the application.

Just as a bit of detail which might help to clarify our position, the developer has already been in contact with NWL and we have agreed with them that foul discharge from Phase 1 (which is 75 units) can discharge into our network at a rate of 3 l/sec. The foul flows from Phase 2 are to discharge to an off-site discharge point approx. 1.5km to the East. This will bypass parts of our network which have capacity issues. This has been agreed between NWL and the developer and is reflected in the Flood Risk Assessment.

Surface water can discharge into our network at a maximum rate of 150 l/sec. The Flood Risk Assessment from the developer also reflects this and states that this will

accommodate Phase 1 surface water flows. Phase 2 surface water will be discharged to the watercourse.

I would say that NWL don't need to use a condition in this instance as we have already agreed details with the developer. However, if the council wish to use a Grampian condition for drainage we will be able to review a detailed drainage strategy when it is submitted and can make comments stating it is as per our requirements.

**Tees Archaeology** : The developer has submitted a heritage assessment in the form of an archaeological field evaluation. This meets the requirements of the NPPF (para 128) with regard to assessing impact on heritage assets of archaeological interest.

The results of the field evaluation were largely negative, picking up medieval strip fields, probably associated with the lost settlement of Middle Swainston. These remains are not of any particular significance and I have no objection to the development and have no further recommendations to make.

**Cleveland Police** : I would like to make the applicant aware that I would like the opportunity to be consulted at an early stage to ensure that crime prevention and community safety are considered and that measures are adopted where appropriate to promote community safety and reduce opportunities for crime. National Planning Guidance states that designing out crime and designing out crime and designing in Community Safety should be central to the planning and delivery of new developments. Section 17 of the Crime and Disorder Act 1998 requires all Local Authorities to exercise their functions with due regard to their likely effect on crime and disorder.

Secured by Design is a Police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures in those new developments.

The principles of Secured by Design have proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance and defensible space.

**Ramblers Association** : We thank the council for consulting the Ramblers on the proposed development. We note the applicant states in the D&A at:  
2.1 page 19 - "However, there are clear advantages in linking together the existing network of cycleways, bridle paths and footpaths to the west of the site to encourage residents within Wynyard Village to access these local features to encourage a more active lifestyle. The Masterplan aims to link together a series of existing and proposed movement patterns to provide a fully linked network utilising landscape corridors, well surveilled routes which will be essential in encouraging residents to use as many modes of transport as possible" and page 24 " ... access into the walkway at a limited number of points should be provided for resident's access". We welcome the applicant's intentions and ask, should the council be minded to give permission, that the grant be conditioned to achieve the applicant's intentions.

**Teesmouth Bird Club:** The ecologists report does not include, as stated, the results of their 2011 bird survey of the site. NPPF requires that applications should maintain or mitigate for impacts on the natural aspects of the site. As the arable land is to be largely built on there is no opportunity to maintain or mitigate the loss of habitat for those bird species which utilise this man made habitat. Therefore there should be an even greater emphasis on habitat creation on the site's periphery and enhance the landscaping features proposed for within the site itself. This requirement is largely addressed in the ecologist's broad brush mitigation suggestions and those of the landscape report. Opportunities to create small water bodies should be taken when ever possible. Follow up maintenance of the plantings and nest box provision should be a planning permission requirement.

**Highways Agency :** I have considered the detail provided by the applicant within the transport assessment, taking account of the work undertaken in support of the recent applications for housing in Wynyard Village and at Wynyard Park. I note that the development proposals were taken into account in assessing those proposals and as such it has been demonstrated that the network can adequately accommodate the trips associated with this proposal.

Therefore, I attach our TR110 form indicating that we have no objection to the proposed development.

**Stockton Borough Council :**

**Highways Comments :** This application forms one part of a significant proposal for the Wynyard area, a development site that falls within the administrative boundaries of both Stockton Borough Council (SBC) and Hartlepool Borough Council (HBC). A transport model has been developed (and agreed with the Highways Agency) to test the impact of this and other developments on the highway network. The impact of traffic associated with this site has therefore already been considered in future network assessments and found to be acceptable subject to highway improvements. The highway improvements are to be delivered based on trigger points applicable to the Wynyard area. The Head of Technical Services has no highway objection to the development subject to the agreed highway mitigation measures being implemented.

**Landscape & Visual Comments :** There are no landscape and visual objections to the development. In landscape terms the site must be screened from the A689 so as to set the housing in a landscaped corridor in line with the existing layout principles. The draft masterplan appears to have a dense layout but the detail of the development layout would be subject to a Reserved Matters application.

**Environmental Policy :** Stockton Borough Council would recommend the broad principles of achieving compliance with the Council's Core Strategy Policy 3 (CS3 – Sustainable Living and Climate Change) through carbon reduction measures and incorporation of renewable energy supply be required. The Council would also require housing to be built to code for Sustainable Homes level 4 minimum. Any Reserved Matters application should provide evidence of a design approach to address the requirements of embedded renewables and renewable energy supply.

**Flood Risk Management** : The development must not increase the risk of surface water runoff from the site or cause any increased flood risk to neighbouring sites. Any runoff must not exceed pre-development rates. Any increase in surface water generated by the development or existing surface water/ground water issues on the site must be alleviated. Stockton Borough Council supports the use of sustainable urban drainage systems.

**Green Spaces Development Officer** : As I understand it HBC will not be maintaining the play site? If so I agree but if HBC are to maintain the play site funding will be required

## **PLANNING POLICY**

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

### Local Policy

1.15 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  
 Rec2: Provision for Play in New Housing Areas  
 Rur14: The Tees Forest  
 Rur17: Strategic Recreation Route  
 Rur2: Wynyard Limits to Development  
 Tra16: Car Parking Standards  
 Tra20: Travel Plans.

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

### Tees Valley Minerals and Waste DPD

MWC4: Safeguarding Minerals from Sterilisation  
 MWP1: Waste Audits

### National Policy

1.16 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 14 – Presumption in favour of sustainable development

Paragraph 32 – Transport Statements or Transport Assessments

Paragraph 34 – Sustainable modes of transport

Paragraph 47 – Supply of housing

Paragraph 48 – Windfall sites

Paragraph 49 – Five year land supply

Paragraph 58 – Quality of development

Paragraph 72 – Sufficient choice of school places

Paragraph 96 – Decentralised energy supply

Paragraph 187 – Approve applications for sustainable development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

1.17 The main planning considerations are considered to be policy, highways, impact on the visual amenity of the area, impact on neighbours, impact on ecology, drainage/flooding/contamination archaeology, archaeology/impact on the registered park and garden and public rights of way.

## POLICY

1.18 The development area lies outside of the Rur2 policy allocation, meaning that the development is essentially outside of development limits and not in accordance with policies GEP1 and Rur2. However the policies are not fully consistent with the NPPF as they are seeking to restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence. As a result it is considered that policies Rur1 and Rur7 hold no weight in determining this planning application and policy GEP1 holds full weight with the exception of the policy's reference to development needing to be located within development limits.

1.19 In terms of sustainability the site is located on the edge of the existing village which has some limited services but currently no public transport. It is anticipated



developments in the vicinity will deliver additional services, a school and public transport improvements and make for a more sustainable settlement. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds substantially greater weight than the need to restrict development beyond the urban fence. It is not considered that any adverse impacts of approving this development would significantly and demonstrably outweigh the benefits when assessed against the National Planning Policy Framework as a whole. No specific policies in the framework indicate that the development should be restricted. The overall principle of development in this location is therefore considered acceptable.

1.20 In terms of developer contributions the applicant was asked to provide an affordable housing contribution (27.5%). In addition a contribution of £214,808 towards secondary education and provision for primary education was originally requested. It is understood however that the later will be accommodated in a new school to be provided on an adjacent site. This can be secured through a legal agreement. In addition, and in line with the recent approvals elsewhere at Wynyard, the following will be secured through a legal agreement off site highway mitigation, a commitment to public transport provision, travel planning, a local labour agreement, a commitment to provide a bridge across the A689 unless it is demonstrated an at grade crossing is acceptable, a commitment to accommodate Public Right of Way links across the site including access to the Castle Eden Walkway, a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard and the provision of a Conservation & Habitat Management Plan.

1.21 It is considered that in this case in line with other Wynyard sites which provide for an executive market an off site affordable housing contribution is considered acceptable. The applicant has provided a viability assessment which indicates that whilst the secondary education contribution can be accommodated only an affordable housing contribution of £1,080,000 can be sustained. It is considered that this equates to an Affordable Housing Contribution of 15 %. The viability assessment has been considered and taking account of the need to deliver a viable housing scheme the proposed contribution is considered acceptable.

## HIGHWAY SAFETY

1.22 The application forms one part of a number of significant proposal for the Wynyard area which have recently been considered. A transport model was developed (and agreed with the Highways Agency) to test the impact of this and other developments on the highway network. The impact of traffic associated with this site was considered in future network assessments and found to be acceptable subject to off site highway improvements. The Highways Agency and Hartlepool and Stockton Borough Council Highway Engineers have been consulted and raised no objection to the proposal subject to the off site highway mitigation being delivered. The highway improvements are to be delivered based on trigger points applicable to the Wynyard area, this will be secured through a section 106 agreement.

1.23 In highway terms the proposal is considered acceptable.

## IMPACT ON THE VISUAL AMENITY OF THE AREA/DESIGN

1.24 The site is prominently located to the north west corner of the village and is visible from the A689 which passes to the west, the A689 which passes to the north and from village roads and woodland paths to the south. The A689 provides a significant visual and physical barrier to the north and the Castle Eden Walkway to the west.

1.25 The indicative development area plan and design and access statement show the housing areas divided into two broad areas located in a generous landscaped setting including peripheral publicly accessible landscaped buffers and a central wide landscaped swathe separating the two housing areas. The plans indicate that generous landscaped strips some 40m wide will be retained to the west and north boundaries with the Castle Eden Walkway and the A689. A play area will be accommodated on site and this can be secured through condition.

1.26 The area of land immediately to the south of the site is the subject of a separate application for housing and related development which has been considered by Stockton Borough Council who are minded to approve the application subject to the completion of a legal agreement and conditions. The site is also bounded by existing housing to the southeast and eastern sides. Given the existing and likely future context and the generous landscaped areas proposed it is not considered that the development would unduly affect the visual amenity of the wider area.

1.27 The application is in outline and detailed designs will be subject to reserved matters applications however the design and access statement indicates that the design will be sympathetic to the existing character of the village. The densities identified in the housing areas are low ranging from 9.6 dwellings per hectare to 12.9 dwellings per hectare and it is considered that the site is capable of accommodating the level of development proposed in a satisfactory manner.

1.28 The proposal is considered acceptable in terms of its impact on the visual amenity of the area and design.

## IMPACT ON NEIGHBOURS

1.29 The closest neighbours to the site are the existing housing to the east and south east and the proposed housing area to the south. The proposal is in outline and therefore no detailed layouts have been provided, however the Indicative Development Area Plan shows that a substantial landscape buffer will be accommodated to the southern side of the development. Whilst no such buffer is shown to the east side the applicant will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved given the relative low density of the development it is anticipated that satisfactory relationships can be achieved.

1.30 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection however he has requested conditions relating to the construction

phase of the development and subject to these conditions the proposal is considered acceptable. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

#### IMPACT ON ECOLOGY

1.31 The site is largely rough grassland save for trees on the very woodland edge. The applicant has submitted relevant ecological reports and HBC Ecologist is satisfied that the site is of relatively low ecological value and protected species are unlikely to be impacted by the proposal, subject to the mitigation measures stated in those reports. He has requested that a conservation management plan should be secured to ensure that the development results in an overall enhancement for biodiversity, this can be secured through an appropriate legal agreement. It is considered that subject to appropriate conditions and a legal agreement the proposal will be acceptable in ecological terms.

#### DRAINAGE/FLOODING/CONTAMINATION

1.32 The applicant has prepared a Flood Risk Assessment and Drainage Strategy. This concludes that the risk to the site of flooding is low.

1.33 In terms of foul drainage, the applicant has been in discussion with Northumbrian Water it is understood that foul drainage will be accommodated in the existing system partly and through a new off site connection point to the east. A condition is proposed to ensure that this is satisfactory.

1.34 In terms of surface water drainage the drainage strategy proposes an attenuated discharge to the existing surface water sewers in respect to phase 1 with subsequent phases drained to watercourse. A condition is proposed to ensure that this is satisfactory.

1.35 No objections to the drainage proposals have been raised by Northumbrian Water, The Environment Agency or HBC Engineering Consultancy and the development is considered acceptable subject to conditions.

1.36 In terms of contamination the applicant has submitted a Preliminary Environmental Risk Assessment. This concludes that the site has remained undeveloped agricultural land and that no significant potential sources of contamination have been identified on site. Based on existing and historical use of the site, there is a low contamination profile and there is no requirement for conditions relating to contamination.

#### ARCHAEOLOGY/IMPACT ON THE REGISTERED PARK & GARDEN

1.37 The developer has submitted a heritage assessment in the form of an archaeological field evaluation. The results of the field evaluation were largely negative, picking up medieval strip fields, probably associated with the lost settlement of Middle Swainston which are not considered of particular archaeological significance. Tees Archaeology have no objections to the proposals. The proposal is considered acceptable in terms of its impact on Archaeology.

1.38 Wynyard Hall and its immediate grounds form part of a registered park and garden. The registered park is located some distance to the south and housing areas are proposed or exist between this site and the Hall and its Garden. It is not considered that the development will have any significant impacts on this heritage asset.

#### **PUBLIC RIGHTS OF WAY**

1.39 A permissive path crosses the northern part of the site and gives access to Castle Eden Walkway. HBC Countryside Access Officer has asked that the existing footpath be retained and enhanced that the access onto the Castle Eden walkway be improved. The applicant is agreeable to this which can be secured through appropriate conditions and legal agreement.

#### **CONCLUSION**

1.40 The proposal is considered acceptable subject to the completion of a legal agreement secure developer contributions and obligations outlined below and subject to conditions. Conditions are being finalised and will be the subject of an update report.

#### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.41 There is no evidence of equality or diversity implications.

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

1.42 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. It is not considered that the scheme raises any significant issues in this respect.

#### **REASON FOR DECISION**

1.43 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 completion of a legal agreement to secure an affordable housing contribution (£1,080,000), a contribution towards secondary education (£214,808), off site highway mitigation, a commitment to public transport provision, travel planning, a targeted training and employment charter, a commitment to provide a bridge across the A689 unless it is demonstrated an at grade crossing is acceptable, a commitment to accommodate Public Right of Way links across the site including access to the Castle Eden Walkway, a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard, the provision of a Conservation & Habitat Management Plan and conditions. Conditions are being finalised and will be the subject of an update report.

## BACKGROUND PAPERS

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

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

## CONTACT OFFICER

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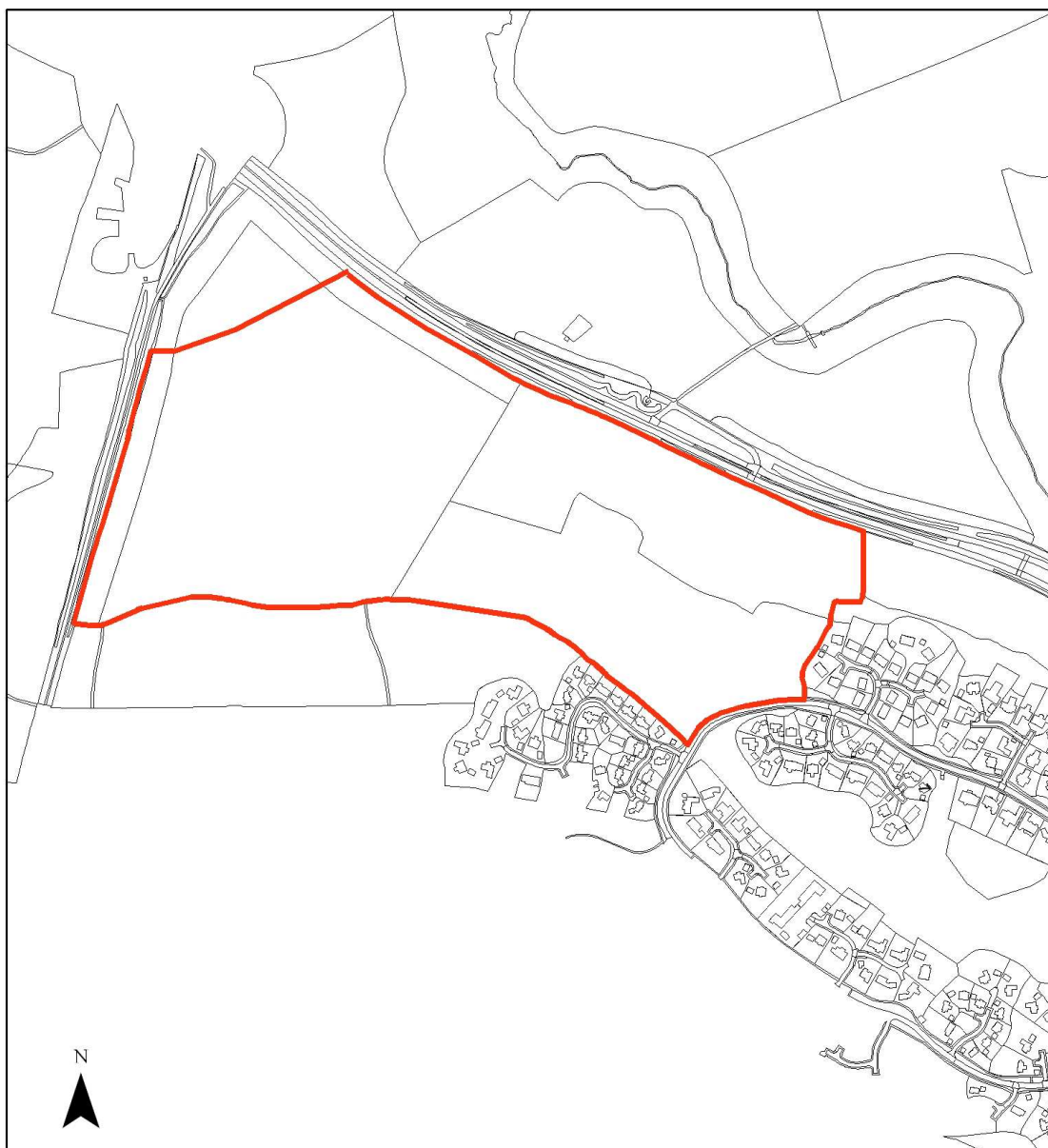
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## Wynyard Woods



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**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> BOROUGH COUNCIL	DRAWN	<b>JB</b>	DATE	<b>26.6.14</b>
	SCALE	<b>1:7,000</b>		
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	<b>H/2014/0176</b>	REV	

**No:** 2  
**Number:** H/2014/0194  
**Applicant:** c/o 7 HYLTON ROAD HARTLEPOOL TS26 0AD  
**Agent:** GAP Design Graeme Pearson 7 HYLTON ROAD  
HARTLEPOOL TS26 0AD  
**Date valid:** 02/05/2014  
**Development:** Demolition of public house and erection of fourteen  
dwellings (resubmitted application)  
**Location:** THE WOODCUTTER WAVERLEY TERRACE  
HARTLEPOOL

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## 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 An application was received 31/3/2014 (H/2014/0158) for the Demolition of public house and erection of fourteen dwellings. Withdrawn (06/05/2014).

2.3 An application was received 26/04/2010 (H/2010/0277) for the Erection of boundary fence to create beer garden. Approved (23/08/2010).

2.4 An application was received (H/1979/0579) for the erection of a double sided illuminated projecting sign. Approved (14/08/1979).

2.5 An application was received (H/1977/0740) Illuminated advertisement sign. Approved (20/12/1977).

2.6 This application is being reported to committee as 5 objections have been received.

## PROPOSAL

2.7 Planning permission is sought for the erection of 14 no. dwelling houses on the site of the vacant public house, The Woodcutter at Waverley Terrace, Hartlepool. The dwellings would be two and a half storey 3 bed houses. The dwellings would be set out in 4 rows of terraces of three and one pair of semi-detached dwellings. Plots 1-11 would be accessed from Kingsley Avenue. Plots 12-14 would access onto Waverley Terrace. Each of the dwellings would have 2 parking spaces to the front and private rear gardens.

## SITE CONTEXT

2.8 The application site constitutes the vacant, Woodcutter Public House and associated car park and is located on the east side of Kingsley Avenue just to the north of the Rift House Recreation Ground.

2.9 There is housing immediately to the east and north of the site with Kingsley Primary School and housing to the west.

## PUBLICITY

2.10 The application has been advertised by way of 18 neighbour letters and 2 site notices. To date, there have been 5 objections.

2.11 The concerns raised are:

- The dwellings are not in keeping with the area due to their scale
- Safety of children crossing the road
- Terraced properties are not in keeping with the area.
- Highway safety
- Additional traffic and parking
- Overdevelopment

2.12 Copy Letters **B**

2.13 The period for publicity has expired.

## CONSULTATIONS

2.14 The following consultation replies have been received:

**HBC Traffic and Transport:** No objections subject to condition and informative

**HBC Parks and Countryside:** No objections

**HBC Engineering Consultancy:** No comments offered

**HBC Public Protection:** No objections

**HBC Housing Services:** No objections

**HBC Landscape:** No objection subject to condition.

**Tees Archaeology:** No objection

**Northumbrian Water:** No objection subject to condition

**Cleveland Fire Brigade:** No objections

**Cleveland Police:** Recommends development utilises secured by design



## PLANNING POLICY

2.15 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

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

- GEP1: General Environmental Principles
- GEP2: Access for All
- GEP3: Crime Prevention by Planning and Design
- GEP9: Developers Contributions
- Hsg9: New Residential Layout
- Tra16: Car Parking Standards

### National Policy

2.17 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 50: Delivering a Wide Choice of High Quality Homes

Paragraph 56: Good Design is a Key Aspect of Sustainable Development

Paragraph 96: Energy Efficiency

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

2.18 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, design and layout, residential amenity, highways and developer obligations.

### Principle of Development

2.19 In terms of national planning policy, the National Planning Policy Framework (NPPF) is a material consideration in determining planning applications. Running throughout the NPPF is a 'golden thread' setting out a presumption in favour of sustainable development. The NPPF does not specifically define sustainable development however Paragraph 6 states that the policies contained in paragraphs 18-219 of the NPPF taken as a whole, constitute the Government's view of what sustainable development means in practice for the planning system. The NPPF goes on to state that there are three dimensions to sustainable development: economic, social and environmental. These aspects should not be taken in isolation, as they are mutually dependent. Therefore to achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system.

2.20 It is considered that the application site is located within a sustainable settlement. National planning policy contained within the NPPF directs new housing to sustainable areas, best able to support it in terms of access to facilities and services and access to good public transport links. The application site is located within the settlement limits for Hartlepool with the application site being in close proximity to services, facilities, and public transport links. The NPPF also encourages the effective use of land by reusing land that has been previously developed (brownfield land).

2.21 The development is considered to be acceptable in this location. The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 of the Hartlepool Local Plan and paragraph 14 of the NPPF.

### Design and Layout

2.22 Paragraph 56 of the NPPF relates to the design of all new development. Good design is a key aspect of sustainable development, and is considered to be indivisible from good planning.

2.23 Objections to the proposal have raised concerns regarding the design and layout of the dwellings and their impact on the character and appearance of the area. In particular concerns have been raised regarding the height of the properties and the fact that they are terraced. The area is characterised by residential development with a mix of house types.

2.24 The proposed dwellings would be of a modern design, they are considered to be relatively attractive and have incorporated a number of design features including windows with a vertical emphasis, bay windows, heads and cills to windows and well

designed dormers to the front. The properties would be of a brick and tile construction, with white UPVC fenestration. The properties have been grouped into four groups of three and one pair of semis; the short terraces are broken up by stepping in a number of the properties. It is considered that the design of the dwellings would not differ so significantly to existing properties in the area as to warrant the refusal of planning permission. Each of the dwellings would have private rear garden areas and off-street parking.

2.25 It is considered that the redevelopment of the vacant public house and associated car park would improve the appearance of the area.

2.26 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the adopted Hartlepool Local Plan and paragraph 56 of the NPPF.

### Residential Amenity

2.27 Proposed residential developments must ensure that the residential amenity of both existing neighbouring occupiers and the proposed occupiers of the new development are adequately preserved.

2.28 Supplementary Note 4 of the Hartlepool Local Plan sets out specific guidance for minimum separation distances between residential properties. A minimum of 20m should be achieved where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property.

2.29 Part of plot 12 would be located approximately 8.8 metres from the rear of the dwelling at plot number 8. This falls slightly below the recommended separation distance set out in Supplementary Note 4, it is however considered that due to the orientation of the dwellings and the proposed layout this distance would not be significantly detrimental to the amenity of the proposed dwelling at plot number 8. Otherwise the development meets the minimum separation distances as set out in Supplementary Note 4 of the Hartlepool Local Plan, it is therefore considered that the layout of the 14 dwellings is acceptable in terms of their impact upon the privacy and amenity of neighbouring properties and future occupiers of the dwellings.

2.30 In terms of residential amenity space, the dwellings would each have a private amenity space to the rear providing adequate amenity space for the properties.

2.31 The proposed development is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the adopted Hartlepool Local Plan and paragraph 56 of the NPPF.

### Highways

2.32 The Council's Traffic and Transport Section has been consulted and raises no objections to the proposed development subject to the construction of an extended footway to the frontage of plot 12 and the construction of an acceptable drive crossing.

2.33 The layout conforms to the HBC Design guide and specification for residential estates.

2.34 An informative shall be attached to any planning permission for the development advising the developer to contact HBC Highways prior to commencements of works to obtain relevant permission to work in the highway, and to discuss traffic management issues near to the school.

#### Developer Obligations

2.35 Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition. The guidance contained in the NPPF and Regulation 122 of the Community Infrastructure Levy Regulations 2010 requires that a planning obligation must only constitute a reason for granting planning permission for a development if the obligation meets all of the following tests:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

2.36 A Section 106 Agreement is proposed to provide a contribution of £250 per dwelling for green infrastructure, £250 per dwelling for play provision and £250 per dwelling for built sports facilities, equating to a total sum of £10,500.

2.37 In terms of the proposed commuted sum payment they are required to provide adequate amenity space for the scale of development. It is considered that the payment is set at such a level that it is fair and reasonable in relation to the development. The commuted sum payments would be in accordance with policy GEP9 of the Hartlepool Local Plan.

2.38 The Section 106 contributions meet the above tests and therefore complies with the relevant guidance.

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.39 There is no evidence of equality or diversity implications.

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

2.40 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.

2.41 There are no Section 17 implications.

## REASON FOR DECISION

2.42 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

2.43 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 entering into a Section 106 agreement to secure £10,500 in financial contributions towards green infrastructure, play and built sports facilities subject to conditions set out below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29 04 2014 (Drawing no. 1411:P:01 Proposed Plans, Elevations, Site Layout and Location Plan).  
For the avoidance of doubt.
3. 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.
4. Operations associated with the construction phase of the development hereby approved shall be carried out within the hours of;

Monday to Friday - 08:00 to 18:00

Saturdays - 08:00 to 13:30

No construction works shall be carried out on Bank Holidays and Sundays.  
In the interests of preserving the amenity of residents.

5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously

damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. 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.
8. 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.  
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
9. The footway on Waverley Terrace shall be extended along the frontage of plot 12 in accordance with Drawing no: 1411:P:01 Proposed Plans, Elevations, Site Layout and Location Plan and the proposed drive crossing shall be constructed in accordance with the Hartlepool Borough Council specification; the works should be carried out by a NRSWA approved contractor.  
In the interests of highway safety.
10. 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.
11. Prior to the commencement of the development hereby approved a scheme to provide a minimum level of at least 10% of the total energy supply of each building on the development from decentralised and renewable or low carbon sources shall be submitted to and approved in writing by the Local Planning Authority.  
Prior to any occupation of buildings upon the development hereby approved a verification report and completion certificate shall also be submitted to and agreed in writing by the Local Planning Authority confirming that the required energy generation has been provided. The developer shall nominate a competent person for the purpose of assessing and providing the aforementioned required report. Thereafter the development shall be carried out in complete accordance with the approved scheme prior to first occupation and retained so in perpetuity at the certified level for the lifetime of the development.  
In the interests of assisting in meeting the UK clean energy consumption target and reducing the borough CO<sub>2</sub> levels through the provision of clean energy.
12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.

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

## **BACKGROUND PAPERS**

2.44 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.

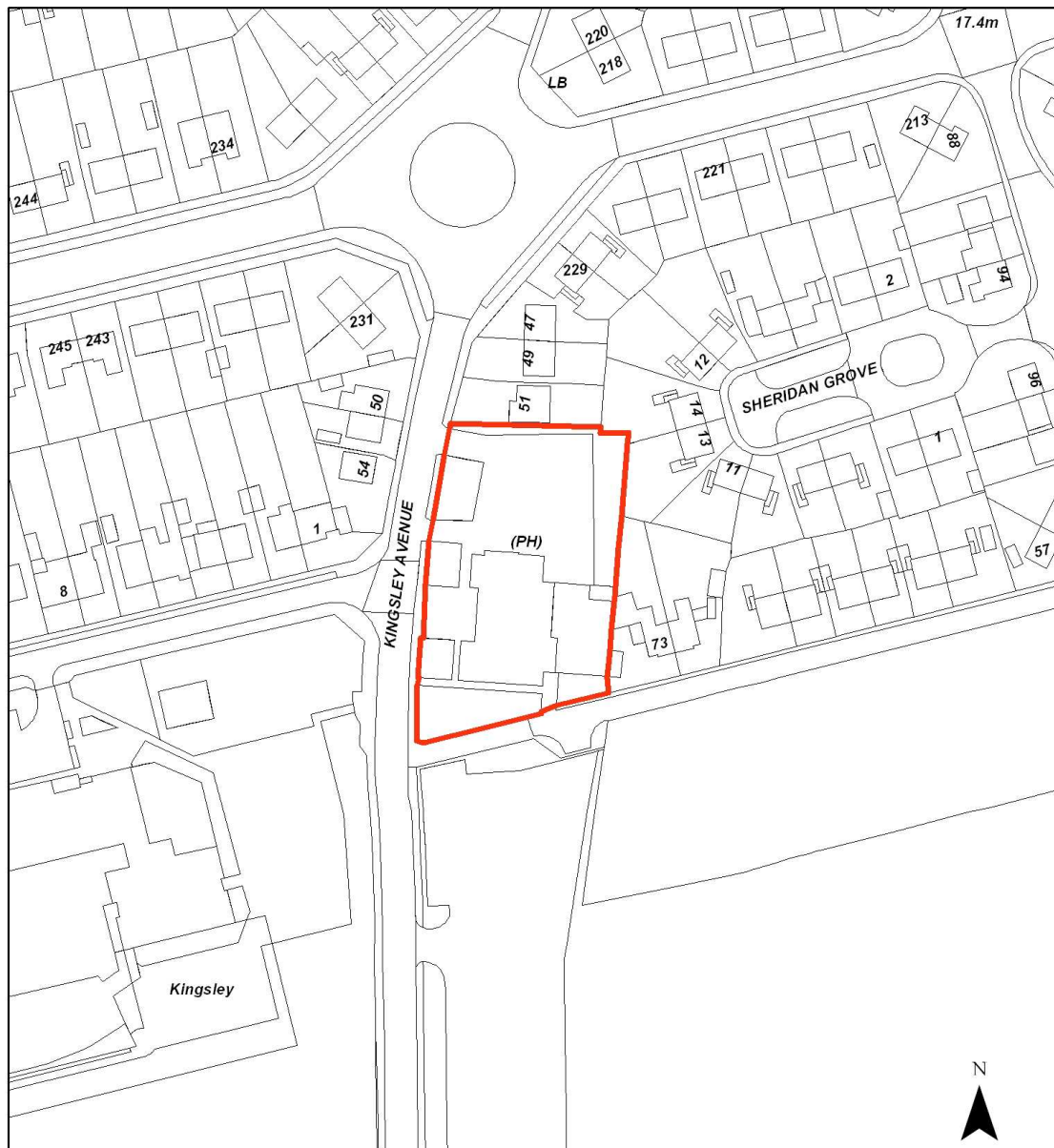
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## Former Woodcutter Public House, Waverley Terrace TS25 5ND



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN	JB	DATE	26.6.14
	SCALE	1:1250		
<b>Dept of Regeneration &amp; Neighbourhoods</b> Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO	H/2014/0194	REV	



**No:** 1  
**Number:** H/2014/0176  
**Applicant:** CAMERON HALL DEVELOPMENTS LTD WYN YARD  
BILLINGHAM TS22 5NF  
**Agent:** England & Lyle Mr Steven Longstaff Gateway House 55  
Conisdiffe Road DARLINGTON DL3 7EH  
**Date valid:** 16/04/2014  
**Development:** Outline application for erection of up to 134 dwellings,  
provision of landscaping bund, access and other  
associated works  
**Location:** LAND AT WYN YARD WOODS WEST WYN YARD  
BILLINGHAM

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### BACKGROUND

1.1 This application appears on the main agenda as item 1.

1.2 At the time of writing the proposed conditions were still being finalised. The conditions have now been completed and are set out below.

**RECOMMENDATION – APPROVE** subject to the completion of a legal agreement to secure an affordable housing contribution (£1,080,000), a contribution towards secondary education (£214,808), off site highway mitigation, a commitment to public transport provision, travel planning, a targeted training and employment charter, a commitment to provide a bridge across the A689 unless it is demonstrated an at grade crossing is acceptable, a commitment to accommodate Public Right of Way links across the site including access to the Castle Eden Walkway, a commitment to secure the provision and maintenance of public open space, play area(s) and highways to an acceptable standard, the provision of a Conservation & Habitat Management Plan and the following conditions.

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.  
In order to ensure these details are satisfactory.
3. The total development hereby approved shall not exceed the following maxima:  
Up to 134 Residential dwellings (C3 Use Class).  
To ensure a satisfactory form of development.

4. The development hereby permitted shall be carried out in accordance with the plan (PL02B (Rev B) Indicative Development Area Plan) and details received at the Local Planning Authority on 16th April 2014 as amended by the Plan (PL01 (RevB) Site Location Plan) received at the Local Planning Authority on 15th May 2014, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
5. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Notwithstanding the submitted details prior to the commencement of development a Phasing Programme shall be submitted to and approved in writing by the Local Planning Authority. This shall identify the phasing of infrastructure (including highways, footways, cycleways, crossing points), landscaping, public open space, play facilities, and residential areas of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme so approved unless some variation is otherwise agreed in writing by the Local Planning Authority. The applicant shall provide with each phase the relevant details required by the conditions attached to this decision notice for approval by the Local Planning Authority at the time indicated in the condition, such approval to be in writing.  
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
6. The development hereby permitted shall not be commenced until such time as a detailed scheme for surface water drainage has been submitted to, and approved in writing by, the Local Planning Authority.
  1. The greenfield run-off rate for the site should be applied to a calculated impermeable area within the site boundary so that the attenuation storage volumes required can be calculated and included in the detailed surface water drainage scheme.
  2. A maintenance regime for the drainage scheme / SUDS should be submitted and approved by the Local Planning Authority.  
The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.  
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
7. No development shall take place in any phase of the development until a scheme of noise insulation/protection measures to specific properties, first agreed with the Local Planning Authority, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented as approved.  
In the interests of the amenity of future occupiers of the site.
8. Prior to the commencement of development details of play facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play facilities and public open space shall thereafter be provided in accordance with the details so agreed.

- In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.
9. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.  
In the interests of highway safety and to ensure a satisfactory form of development.
10. Prior to the commencement of development a scheme to secure improved pedestrian access onto the Castle Eden Walkway, together with a timetable for its implementation, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.  
In order to ensure that there is adequate access to local recreational facilities from the development.
11. The residential properties hereby approved shall achieve a minimum of Level 4 of the Code for Sustainable Homes unless otherwise agreed in writing with the Local Planning Authority or any other equivalent Building Regulation rating at the time of submission of the application for reserved matters.  
In order to minimise energy consumption in the interest of compliance with the National Planning Policy Framework.
15. The development shall be carried out in accordance with document entitled Flood Risk Assessment and Surface Water Management Strategy (Document Ref 4075/FRA1B- amended version dated 23/05/2014) received at the Local Planning Authority on 23/05/2014 unless some variation is otherwise agreed in writing with the Local Planning Authority.  
In order to ensure that the site is appropriately drained.
16. Development shall not commence until a detailed scheme for the disposal of foul water arising from the site has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.  
In order to ensure adequate drainage arrangements are in place for the development.
17. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
18. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity.

19. The development shall be implemented in general conformity with the approved Indicative Development Area Plan (PL02B (Rev B)) submitted with the application and received at the Local Planning Authority on 16th April 2014. To ensure that the reserved matters submissions are in accordance with the approved plan and to enable the Local Planning Authority to satisfactorily control the development.
20. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
In the interests of the occupiers of adjacent and nearby premises and highway safety.
21. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
22. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.  
In order to avoid harm to birds.
23. Any trees that are to be removed shall first be inspected for their potential to support roosting bats by a suitably qualified ecologist. Any trees that are identified by this inspection as having high potential for roosting bats shall be subject to bat activity surveys prior to any felling works being undertaken on them. If bats are found to be present the tree(s) shall not be removed unless a method statement safeguarding the bats is first submitted to agreed in writing by the Local Planning Authority. Any trees that have been identified as having moderate bat roosting potential should be felled according to a suitable method statement to reduce the risk of harm to bats. The method statement shall be submitted to and approved in writing by the Local Planning Authority for approval prior to the felling of the tree(s). Where method statements are agreed works shall be undertaken in accordance with the method statement.  
In order to avoid harm to bats.
24. Within each phase of the development, no development shall take place until the Local Planning Authority has approved a report provided by the applicant identifying how the predicted CO2 emissions of the development will be reduced by at least 10% through the use of on-site renewable energy equipment or design efficiencies. The carbon savings which result from this

will be above and beyond what is required to comply with Part L Building Regulations. Before the development is occupied the renewable energy equipment or design efficiency measures shall have been installed.

In the interests of promoting sustainable development.

25. The development hereby approved shall be carried out in accordance with the Great Crested Newt Method Statement, contained in Appendix 4 of the Extended Phase 1 Survey prepared by E3 Ecology and submitted in support of the application on 16th April 2014, unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure that any potential harm to this protected species is mitigated at the time of development.

26. Seven of the dwellings hereby approved shall incorporate bat mitigation features to provide long term roost sites for the local bat population in accordance with details and a timetable first submitted to and approved in writing by the Local Planning Authority. The bat mitigation features shall thereafter be provided as approved at the time of development and prior to the first occupation of any of the host dwellings, unless some variation is otherwise approved in writing by the Local Planning Authority.  
In the interests of the ecology of the area.

27. Prior to the commencement of each phase of the development, details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.

In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.

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**POLICY NOTE**

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

**ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

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

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

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

**GEP10** (Provision of Public Art) Encourages the provision of public art and craftwork as an integral feature of new development.

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

Council may prosecute if there is damage or destruction of such protected trees.

**GEP16** (Untidy Sites) - States intention to acquire by compulsory purchase untidy sites in order to achieve the proper planning of an area.

**GEP17** (Derelict Land Reclamation) - States that subject to finance the Council will pursue the reclamation and re-use of derelict and disused land, including the area of the former anhydrite mine. Landscaping and tree planting will be included in schemes and account taken of open space and recreational uses and also of the nature conservation value of sites.

**GEP18** (Development on Contaminated Land) - States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

**Ind1** (Wynyard Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

**Ind2** (North Burn Electronics Components Park) - States that land is reserved for development as an electronics components park and that proposals for developments associated with the electronics industry will be approved where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

**Ind3** (Queens Meadow Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

**Ind4** (Higher Quality Industrial Estates) - States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

**Ind5** (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

**Ind6** (Bad Neighbour Uses) - Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

**Ind7** (Port-Related Development) - Identifies this land for development making use of port facilities. Proposals for such uses will only be allowed subject to the criteria set out in policies WL1 and WL2 relating to the protection of international and national nature conservation sites and where there will be no detrimental effect on the operation of the power station or on existing industry in the vicinity. Regard will also be had to policy Dco2 regarding flood risk.

**Ind8** (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

**Ind9** (Potentially Polluting or Hazardous Developments) - Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

**Ind10** (Underground Storage) - States that proposals for underground storage in this area will only be approved subject to criteria set out in the policy relating to risk to people, effect on the aquifer, watercourses and nature conservation sites, and amount and visibility of above ground structures. In these respects particular regard will be taken of advice received from the Health and Safety Executive, the Environment Agency, Hartlepool Water Company and English Nature as appropriate.

**Ind11** (Hazardous Substances) - States that proposals for the introduction of hazardous substances will be permitted on sites identified in policy Ind9 for potentially polluting or hazardous substances subject to there being no significant increase in risk to people or significant adverse effect on designated nature conservation sites in the vicinity. In considering such proposals at other locations the Borough Council will also need to be satisfied that they will not inhibit the full opportunities for development of nearby sites.

**Com1** (Development of the Town Centre) - States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed



use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

**Com2** (Primary Shopping Area) - States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

**Com3** (Primary Shopping Area – Opportunity Site) - Identifies this area for future retail development. Replacement car parking facilities will be required.

**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.

**Com5** (Local Centres) - States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

**Com6** (Commercial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

**Com7** (Tees Bay Mixed Use Site) - Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments attracting large numbers of visitors should comply with policies Com8 and Rec14.

**Com8** (Shopping Development) - States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500

square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

**Com9** (Main Town Centre Uses) - States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

**Com10** (Retailing in Industrial Areas) - States that retail development which would be suitable in the town centre will not be permitted in identified industrial areas. The policy also lists the types of retailing which may be acceptable in industrial areas.

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

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

**Com14** (Business Uses in the Home) - States that proposals for business activities in the home which require planning permission will not be approved unless they adhere to the criteria set out in the policy relating to amenity and the character of the area.

**Com16** (Headland – Mixed Use) - Aims to strengthen tourism and established economic activities to increase local employment and prosperity for this area, widen the mix of housing and conserve the environmental heritage of the Headland. Proposals for small scale retail, office and workshops, leisure and educational uses and housing developments of an appropriate scale and complementing the historic and cultural character of the area will be approved

in identified mixed use areas at Middlegate, Nun Street and the Manor House site subject to criteria set out in the policy.

**To1** (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

**To2** (Tourism at the Headland) - Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

**To3** (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be pemitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

**To4** (Commercial Development Sites at Seaton Carew) - Identifies this area for appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

**To6** (Seaton Park) - States that this area will be developed with additional recreational facilities to increase its attractiveness to users.

**To8** (Teesmouth National Nature Reserve) - Seeks to promote this area as a tourist attraction by encouraging its enhancement and sustainable green tourism.

**To9** (Tourist Accommodation) - Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

**To10** (Touring Caravan Sites) - States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

**To11** (Business Tourism and Conferencing) - Encourages and promotes development relating to business conferencing and tourism.

**Hsg1** (Housing Improvements) - States that a high priority will be given to the improvement of the existing housing stock and to the enhancement of the local environment particularly in areas of high deprivation.

**Hsg2** (Selective Housing Clearance) - States that selective demolition will be carried out to contribute to restoring the balance between demand and supply and to achieve better local amenities and a better environment. The policy also sets out criteria for re-use and re-development of cleared sites.

**Hsg3** (Housing market Renewal) - States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock

through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

**Hsg4** (Central Area Housing) - States that the spread of commercial uses to the residential areas around, but outside the defined town centre will be resisted except where they involve the provision of local services or community based uses.

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

**Hsg6** (Mixed Use Areas) - Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without detriment to the strategic housing requirement. A flood risk assessment may be required.

**Hsg7** (Conversions for Residential Uses) - States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

**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.

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

**Hsg11** (Residential Annexes) - States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided

within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

**Hsg12** (Homes and Hostels) - States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

**Hsg13** (Residential Mobile Homes) - States that proposals for the development of additional land for mobile homes will only be approved on land within the urban fence which is not allocated for permanent development, is not protected open space and which is accessible to public transport, schools and other local facilities. Substantial landscaping of the site will be required.

**Hsg14** (Gypsy Site) - States that gypsy sites will be allowed subject to considerations of amenity of both the occupiers and neighbours, accessibility to and within the site, accessibility to facilities and provision of screening and landscaping.

**Tra1** (Bus Priority Routes) - Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

**Tra2** (Railway Line Extensions) - Identifies a safeguarded corridor for the Seaton Snook branch line to Seal Sands. Development proposals affecting this corridor will only be approved if a feasible alternative through route is retained.

**Tra3** (Rail Halts) - Encourages the provision of new rail halts along the rail corridor. Initially, a rail halt will be developed at Hart Station.

**Tra4** (Public Transport Interchange) - Provisionally identifies this site for a public transport interchange facility. Permanent development impeding this provision will be not be permitted.

**Tra5** (Cycle Networks) - States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

**Tra7** (Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew) - States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

**Tra8** Pedestrian Routes- Residential Areas) - States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

**Tra9** (Traffic Management in the Town Centre) - States that changes to the road system around York Road, Victoria Road, Clarence Road and Middleton Road will be implemented including one-way systems and bus priority routes. Traffic minimisation and environmental improvements will be implemented, where appropriate, to the west of York Road.

**Tra10** (Road Junction Improvements) - Identifies road junctions where improvement schemes will be carried out.

**Tra11** (Strategic Road Schemes) - Identifies this land as a safeguarded road improvement corridor where no permanent development will be permitted.

**Tra12** (Road Scheme: North Graythorp) - Safeguards this land for the construction of a link road, but allows for some variation in the corridor so long as a through route is retained.

**Tra13** (Road Schemes: Development Sites) - States that no permanent development will be permitted on this land which is safeguarded for the provision of a new road.

**Tra14** (Access to Development Sites) - Identifies the primary access point to this development.

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

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

**Tra17** (Railway Sidings) - Seeks to preserve access from industrial land to the railway and supports the provision of new rail sidings.

**Tra18** (Rail Freight Facilities) - Sets out the considerations for the development rail based freight handling facilities including impact on surrounding area and provision of adequate access.

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

**PU3** (Sewage Treatment Works) - Allocates land at Tees Road/Brenda Road for a full sewage treatment works and sets out the considerations for the approval of extensions to existing treatment works.

**PU6** (Nuclear Power Station Site) - States that development proposals on this land will be approved subject to consideration of visual impact, increased traffic flows and effect on designated nature conservation sites taking into account the advice of the Health and Safety Executive, English Nature and the Environment Agency. An environmental assessment may be required.

**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.

**PU10** (Primary School Location) - Reserves this land for the provision of a primary school and states that if the school is not required then part of the site outside the green wedge may be developed for housing.

**PU11** (Primary School Site) - Allocates this land for a replacement school and states that if the school is not required then the site will be retained for outdoor recreational use.

**Dco1** (Landfill Sites) - States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

**Dco2** (Flood Risk) - States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

**Rec1** (Coastal Recreation) - States that proposals for outdoor recreational developments on this part of the coast will only be approved where the development does not significantly detract from the nature of the surrounding coastal landscape, its effect on nature conservation and on heritage interest and where the development enhances the quiet enjoyment of the coast subject to the provisions of WL1 and WL2. Active pursuits should be located within the Marina, Victoria Harbour and Seaton Carew.

**Rec2** (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and



convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

**Rec3** (Neighbourhood Parks) - Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

**Rec4** (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

**Rec5** (Development of Sports Pitches) - Identifies this location for the development and improvement of sports pitches.

**Rec6** (Dual Use of School Facilities) - Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

**Rec7** (Outdoor Recreational Sites) - Identifies this site for outdoor recreational and sporting development requiring few built facilities.

**Rec8** (Areas of Quiet Recreation) - Identifies that this area will be developed for quiet recreational purposes.

**Rec9** (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

**Rec10** (Summerhill) - States that Summerhill will continue to develop as an access point to the countryside, nature conservation and informal recreational and sporting activities.

**Rec12** (Land West of Brenda Road) - Identifies this land for outdoor recreational purposes.

**Rec13** (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

**Rec14** (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the



Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

**GN1** (Enhancement of the Green Network) - Seeks the development, protection and enhancement of a network of green spaces in the urban area and linking to the open countryside.

**GN2** (Protection of Green Wedges) - Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

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

**GN4** (Landscaping of Main Approaches) - States that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

**GN5** (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

**GN6** (Protection of Incidental Open Space) - Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

**WL2** (Protection of Nationally Important Nature Conservation Sites) - States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

**WL3** (Enhancement of Sites of Special Scientific Interest) - States that the Borough Council will enhance the quality of SSSIs in a sustainable manner and will seek management agreements with owners or occupiers to protect native species and habitats from damage or destruction.

**WL5** (Protection of Local Nature Reserves) - States that development likely to have an adverse effect on a local nature reserve will not be permitted unless

the reasons for development outweigh the harm to the substantive nature conservation value of the site.

**WL7 (Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland)** - States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

**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.

**HE3 (Developments in the Vicinity of Conservation Areas)** - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

**HE6 (Protection and Enhancement of Registered Parks and Gardens)** - States that design and materials in new developments in the immediate vicinity of registered parks and gardens of special historic interest should take account of the character of the area and that no special features should be lost to development.

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

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

**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.

**HE15** (Areas of Historic Landscape) - States that the Borough Council will seek to protect or enhance the salt mound area at Seaton Common and that any development will require an archaeological evaluation of the site. New historic landscapes may be designated where appropriate.

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

**Rur2** (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

**Rur3** (Village Envelopes) - States that expansion beyond the village limit will not be permitted.

**Rur4** (Village Design Statements) - States that the design of new developments within villages will need to take account of any relevant village design statements which have been adopted by the Borough Council as supplementary planning guidance.

**Rur5** (Development At Newton Bewley) - States that minor infill/redevelopment of existing sites within the defined village limit will only be approved where no increase in the volume of traffic at access points will result.

**Rur7** (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

**Rur12** (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

**Rur14** (The Tees Forest) - States that proposals within the Tees Forest should take account of the need to include tree planting, landscaping and improvements to the rights of way network. Planning conditions may be attached and legal agreements sought in relation to planning approvals.

**Rur15** (Small Gateway Sites) - Identifies this location for a small gateway site where informal recreational and leisure facilities of a modest nature will be developed. The potential for further sites will be kept under review and new sites will be identified as appropriate.

**Rur16** (Recreation in the Countryside) - States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

**Rur17** (Strategic Recreational Routes) - Safeguards this walkway from development not directly associated with its use as a major recreational route.

**Rur18** (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

**Rur19** (Summerhill- Newton Bewley Greenway) - Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

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

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

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.

**4.** This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

**7.** There are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

**8.** To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

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

**10.** Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

**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.

**18.** The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

**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.

**22.** Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

**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.

**25.** The sequential approach set out in paragraph 24 should not be applied to applications for small scale rural offices or other small scale rural development.

**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.

**28.** Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;
- support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and
- promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

**30.** Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

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

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

**33.** When planning for ports plans should take account of their growth and role in serving business, leisure, training and emergency service needs.



**34.** Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

**35.** Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

**36.** All developments which generate significant amounts of movement should be required to provide a Travel Plan.

**37.** Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

**39.** If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

**43.** Radio and telecommunications masts and sites for such installations should be kept to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

**44.** Local planning authorities should not insist on minimum distances between new telecommunications development and existing development. They should ensure that:

- they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

**45.** Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

**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 deliverable<sup>11</sup> 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, developable<sup>12</sup> 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.

**53.** Local planning authorities should resist inappropriate development of residential gardens where development would cause harm to the local area.

**54.** In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

**55** states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

**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.

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

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

**60.** Planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness.

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

**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.

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

**66:** Applicants will be expected to work closely with those directly affected by their proposals to evolve designs that take account of the views of the community. Proposals that can demonstrate this in developing the design of the new development should be looked on more favourably.

**67:** Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

**69.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian

routes, and high quality public space, which encourage the active and continual use of public areas.

**70.** To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

**74.** Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

**95.** To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

**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.

**98.** 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; and

- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

**103.** When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

**104.** For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

**111.** Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

**112.** Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 114: Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
  - potential Special Protection Areas and possible Special Areas of Conservation;
  - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

**119.** The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

**120.** To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

**121.** Planning decisions should also ensure that:



- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;

- adequate site investigation information, prepared by a competent person, is presented.

**123.** Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

**124.** Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

**125.** By encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

**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.

**129.** Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal



on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

**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.

**135.** The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

**136.** 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.

**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.

**138.** Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

**139.** Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

**140.** Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

**141.** Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

**144.** When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;

- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of multiple impacts from individual sites and/or from a number of sites in a locality;
- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

**148.** When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

**149.** Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission

**150.** Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

**152.** Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.

**158.** Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing, employment and other uses are integrated, and that they take full account of relevant market and economic signals.

**159.** Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
  - meets household and population projections, taking account of migration and demographic change;
  - addresses the need for all types of housing, including affordable housing 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);<sup>34</sup> and
  - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

**176.** Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

**186.** Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

**187.** Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 131: 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:** When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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

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

**203.** Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition.

**204.** Planning obligations should only be sought where they meet all of the following tests:

- necessary to make the development acceptable in planning terms;
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

**205.** Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever appropriate, be sufficiently flexible to prevent planned development being stalled.

**206.** Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

**216.** From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

## PLANNING COMMITTEE

9 July 2014



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

**Subject:** APPEAL AT 2a Marine Crescent, HARTLEPOOL  
APPEAL REF: APP/H0724/D/14/2218912  
REPLACEMENT WINDOWS AND DOORS

### PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the replacement windows and doors at 2a Marine Crescent Hartlepool. The application was refused by the Planning Committee.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed works would not preserve or enhance the character of appearance of the conservation area. It would therefore conflict with Policy HE1 of the Hartlepool Local Plan 2006. The Inspector considered that the traditional character of the bay windows, throughout the conservation area, to be important to the significance of the heritage asset that is the conservation area. The appearance of the front doors is also important. He concluded the proposal would result in harm to this character.
- 1.4 A copy of the decision letter is attached to this report.

### 2. RECOMMENDATION

- 2.1 That Members note the decision.

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## Appeal Decision

Site visit made on 10 June 2014

**by P Eggleton BSC(Hons) MRTPI**

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

Decision date: 25 June 2014

**Appeal Ref: APP/H0724/D/14/2218912**

**2a Marine Crescent, HARTLEPOOL, Cleveland, TS24 0PQ**

- 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 Mrs Elaine Ingram against the decision of Hartlepool Borough Council.
- The application Ref H/2014/0032 was refused by notice dated 16 April 2014.
- The development proposed is replacement windows and doors.

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the conservation area.

### Reasons

3. The property lies within Headland Conservation Area which, as the name suggests, includes the properties of the headland and also those associated with the old port. It is characterised by the open spaces adjacent to the sea front and in the vicinity of the church. The properties vary widely in age and character. Within the conservation area, an article 4 direction is in force. It relates to a number of clearly defined groups of properties. I do not have a copy of the direction but the Council describe that it controls permitted development rights to all elevations of the identified buildings.
4. The dwellings that are part of this area of the article 4 direction include those on Friar Terrace, Olive Street, Gladstone Street and Beaconsfield Street. Although not of uniform design, they generally have bay windows. A large number of these have retained their original form and materials, particularly those in Beaconsfield Street. A large number of others, particularly in Olive Street and Friar Terrace, have had the original sash windows with their matching upper and lower windowpanes replaced with casement windows with a larger lower pane and a smaller upper light. Others have been changed to uPVC and have a variety of designs although generally they follow one of the two styles referred to above.
5. This property has casement windows with a larger lower pane and a smaller upper light. The proposal would result in a similar arrangement but in uPVC. The existing bay has retained its wide timber vertical elements between the front and side facing windows. This is an important feature of the design. The

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window frames have a relatively narrow profile, which again is characteristic of the original proportions, albeit of a different design and operation. Although the existing windows are not original, they retain some of their original form and character.

6. The plans submitted suggest that the central windows would be larger and the unit overall would not retain, as a clearly distinct element, the main vertical timberwork. This approach is reflected in a number of other windows locally. The wider frames of the uPVC have become substantially more dominant than the finer profile of wooden windows. The works proposed would depart further from the original character of this property. The level of detail does not persuade me that the uPVC frames would not dominate the glazed areas, particularly within the smaller side panes. These changes would detract from the character of this period property.
7. Some uPVC windows in the vicinity reflect the original window sizes and have retained, to some extent, the overall form of the original bay's. They better reflect the historic form of the windows although the greater width of uPVC clearly distinguishes them from timber windows. The design of this proposal would not achieve even this standard.
8. There is a wide variety of windows in the area. Although the appellant suggests that the Council's approach has altered over recent years, it is not clear when other window alterations were carried out in relation to the conservation area designation, the article 4 direction or the adoption of current policy. It has not been clearly demonstrated that the Council has acted inconsistently. Given the detail of the delineated areas of the article 4 direction, it appears that the Council's approach has been carefully considered.
9. With regard to the doors, although the details are limited, I agree with the Council that the proposed material would be at odds with the character of this property. I accept that the rear door would have no public presence or wider impact. I also note the appellant's views with regard to the benefits of these materials in relation to maintenance and security. Whilst these matters weigh in favour of the proposal, I am also mindful that improved security could be achieved without the harm that I have identified.
10. Overall, the proposal would not preserve or enhance the character or appearance of the conservation area. It would therefore conflict with Policy HE1 of the Hartlepool Local Plan 2006. This policy is consistent with the aspirations of the *National Planning Policy Framework* so I afford it considerable weight. Reference has been made to a local policy but I am unaware of its status.
11. I find the traditional character of the bay windows, throughout the conservation area, to be important to the significance of the heritage asset that is the conservation area. The appearance of the front doors is also important. The proposal would result in harm to this character. Although less than substantial harm would result to the significance of this heritage asset, as described by the *Framework*, this would not be outweighed by public benefits. The proposal conflicts with the *Framework* and the matters put forward in its support are insufficient to outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*  
INSPECTOR

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## PLANNING COMMITTEE

9 July 2014



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

**Subject:** APPEAL AT 183 ELWICK ROAD, HARTLEPOOL  
APPEAL REF: APP/H0724/A/14/2215543  
ERECTION OF A DETACHED THREE CAR  
GARAGE WITH GRANNY FLAT ABOVE

### PURPOSE OF REPORT

- 1.1 To notify Members of an appeal decision.
- 1.2 The appeal relates to the refusal of the Local Planning Authority of an application for the erection of a detached three car garage with granny flat above, at 183 Elwick Road Hartlepool. The application was refused under delegated powers by the Planning Services Manager in consultation with the Chair of Planning Committee.
- 1.3 The appeal was decided by written representation and dismissed by the Planning Inspectorate. The inspector concluded that the proposed structure would unacceptably harm the neighbouring properties living conditions with regard to outlook. It was considered that the scale of the building and its location were not satisfactory with regard to the neighbouring dwelling, the proposal would not be in keeping with the main property and that it would detract from its setting. The inspector also concluded that the form of the building would encourage its use as a separate dwelling. The inspector concluded that the proposal would fail to comply with Policy Hsg10 (Residential Extensions) and Policy Hsg11 (Residential Annexes) of the Local Plan.
- 1.4 A copy of the decision letter is attached to this report.

### 2. RECOMMENDATION

- 2.1 That Members note the decision.

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## Appeal Decision

Site visit made on 10 June 2014

**by P Eggleton BSc(Hons) MRTPI**

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

Decision date: 24 June 2014

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**Appeal Ref: APP/H0724/A/14/2215543**

**183 Elwick Road, Hartlepool Cleveland, TS26 9NP**

- 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 M Almond against the decision of Hartlepool Borough Council.
  - The application Ref H/2013/0579 was refused by notice dated 27 January 2014.
  - The development proposed is the erection of a three car detached garage with granny flat above.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect on the living conditions of the neighbouring residents with regard to noise and outlook; and the effect on the Council's policy relating to the provision of ancillary residential accommodation.

### Reasons

#### *Living conditions of existing residents*

3. The proposal would result in a parking and turning area to the front of a triple garage with accommodation above. Although an access runs adjacent to the existing building, this more formal area for parking and turning is likely to encourage a greater use of this area by the current resident and the occupiers of the annexe. I acknowledge that carers, drivers and gardeners may need to visit the property in any event, but I consider that full time occupants of the new accommodation would introduce a greater level of activity and a greater number of vehicle movements. The proposed layout would direct the existing and new activity into the area of the new parking and turning facility.
  4. It would seem likely that the new residents would use 'Access 1' and as such, the changes with regard to 195, 191 and 189 Elwick Road would be limited. The impact on the living conditions of 185, 189a and 187 would be negligible. I note the suggestion that the residents would use the appellant's vehicles but nevertheless, the increase in activity outside number 193, in particular the ground floor flat, which has a large bay window that faces directly across the access, would be significant. I consider that the proposal would unacceptably
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harm the living conditions of those residents with regard to noise and disturbance from the comings and goings of the additional occupants.

5. The residents of 181 Elwick Road have objected to the proposal. Although the building would be set at a low level and would have a low-pitched roof, it would nevertheless represent a substantial structure close to the shared boundary. As the access to the building would be to the rear, the existing boundary vegetation would be lost. The potential for further planting would be limited.
6. The building would be prominent in views from the side facing bedroom window of the neighbouring house. As the eaves would be the closest part of the roof, this would reduce its impact. However, the structure would nevertheless significantly reduce the outlook from that window. The building would also be close to the large side facing living room window. Although this is a secondary window, the proposal would significantly reduce the outlook from that room. Because of the scale and proximity of the building, it would also be unacceptably overbearing when to the side and front of the dwelling. I agree with the neighbouring residents that the proposal would unacceptably harm their living conditions with regard to outlook.
7. The living conditions of the residents of 181 Elwick Road and those of the ground floor flat of number 193 would be unacceptably harmed by the reduction in outlook and the increase in noise and activity, respectively. The proposal would therefore be contrary to Policy GEP1 of the Hartlepool Local Plan 2006 as this seeks to avoid general disturbance and visual intrusion. It would also conflict with Policies Hsg9 and Hsg10 as these require that development would not have a detrimental effect on existing occupiers; would not be obtrusive; and would not unacceptably reduce outlook. These policies accord with the aspirations of the *National Planning Policy Framework* which seeks a good standard of amenity for existing and future occupants. I therefore afford them considerable weight.

*The Council's policy with regard to annexes*

8. Policy Hsg11 of the Local Plan accepts extensions to properties if they would provide accommodation for relatives of the occupiers. It requires that they accord with Policy Hsg10. New buildings are exceptionally accepted if they are of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and the surrounding dwellings. It also requires that it be designed to serve an ancillary function to the main house and would not be of a form that would encourage its occupation as a separate dwelling when no longer required.
9. I have already found that the proposal would fail to satisfy Policy Hsg10. The scale of the building and its location are not satisfactory with regard to the neighbouring dwelling. The main property is of significant character and this garage would be of a relatively poor quality design, particularly with regard to the window detailing. It would not be in keeping with the main property and it would detract from its setting. The proposal would fail to satisfy the first requirement of the policy as it would not be of a satisfactory scale, location and design in relation to the existing dwelling and the surrounding dwellings.
10. I note the intention of the appellant to provide accommodation for staff, including a carer. Whilst the residents would not be relatives, I agree that this

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would not, in many respects, result in a greater impact. The building would however, represent a separate dwelling, with all the facilities necessary for independent living, albeit without a separate curtilage and with some reliance on the shared drive and other services. The contrived access arrangement to the accommodation would represent poor design regardless of the intended function of the accommodation.

11. Although the garage and the area of the proposed residential accommodation could be retained for ancillary uses to the main dwelling in the future, I find that the form of the building would encourage its use as a separate dwelling when no longer required by the appellant. The proposal would conflict with the objectives of Policy Hsg11.

*Other matters and conclusions*

12. The personal circumstances of the appellant are an important consideration. The desire to provide for future requirements independently, weigh heavily in favour of the proposal and gain support from the sustainability and housing objectives of the *Framework*. I accept that unrelated occupants may require different accommodation. This does take the proposal beyond the scope of the annexe policy and its objectives. I note nevertheless, the suggestion that the accommodation could be tied to the main dwelling by condition. I also acknowledge the intended contractual arrangements envisaged by the appellant.
13. I accept that the benefits of the proposal would be substantial, particularly given the personal circumstances of the appellant. Some of the harm that has been identified may result in any event, from the everyday comings and goings that would be necessary without this accommodation. However, I conclude that the matters in favour of the development are not sufficient to outweigh my overall concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**

## PLANNING COMMITTEE

9 July 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. Carried out and completed an investigation in response to a complaint regarding the erection of a shed in rear garden of a property on King Oswy Drive. Permitted development rights applied in this case, therefore no action necessary.
2. An investigation commenced in response to a complaint regarding a fence gate added to the rear boundary fence of a residential property on Lithgo Close. It was noticed that the gate opened onto land in the Council's ownership, therefore the complaint was forward to Council's Estate Management Team to action as necessary.
3. An investigation commenced in response to a complaint regarding the opening of a convenience shop and siting of a clothes for cash collection steel container on the site of a car wash business on Stockton Road.
4. An investigation commenced in response to officer monitoring regarding the change of use of shop to a doctors surgery on York Road.
5. An investigation commenced in response to a complaint regarding the demolition of an existing garage and the proposed erection of a new garage. The property owner has been contacted and agreed to submit a one stop enquiry.
6. An investigation commenced in response to complaints received regarding a former hotel recently approved for a change use to student accommodation returning to its original use on Park Road.
7. An investigation commenced in response to a complaint regarding barbed wire fixed on an existing fence erected by a developer to prevent unauthorised access onto a tree planted scheme on Viola Close.



8. An investigation commenced in response to a complaint regarding the erection of a low trellis type fence at the front of a property on Harvester Close. Permitted development rights have been removed in respect of the walls/fencing erected between the highway and the wall of the dwelling which fronts onto the highway.
9. An investigation commenced in response to a Councillors complaint regarding the intermittently placing of tables and chairs in a disabled parking outside a public house on Navigation Point.
10. An investigation commenced in response to an anonymous complaint regarding a householder paving there driveway at a property on Caistor Drive.
11. An investigation commenced in response to a Councillors complaint regarding cars for sale parked at a residential property on Tweed Walk.
12. An investigation commenced in response to a Councillor complaint regarding tipping of household clearance waste at the entrance to a vacant industrial site on Mainsforth Terrace.
13. An investigation commenced in response to an anonymous complaint regarding the display of business advertisement on the side boundary fence of a residential property on Haswell Avenue.
14. An investigation commenced in response to an anonymous complaint regarding householders erecting sheds and conservatories on their properties in Four Winds Court.
15. An investigation commenced in response to Officer monitoring recording the building of an office unit in breeze block and rendered, also erection of hot food takeaway for consumption of food off and on the premises on a industrial site on Usworth Road.
16. An investigation commenced in response to an anonymous complaint regarding a car boot sale taking place from a residential premises on Albion Terrace.
17. An investigation commenced in response to a resident's complaint regarding fly tipping at a vacant former private members club on Stockton Road.
18. An investigation commenced in response to an anonymous complaint regarding the erection structures in the private garden of a dwelling on Hart Lane.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

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