

PLANNING COMMITTEE AGENDA



Wednesday 1st October 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 3rd September 2014.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2013/0573 Britmag Ltd, Old Cemetery Road (page 1)
2. H/2014/0331 Land to rear of 51 The Front (page 19)
3. H/2014/0309 J & B Recycling, Thomlinson Road (page 35)
4. H/2014/0354 Former Coastguards Office, Moor Terrace (page 41)

5. ITEMS FOR INFORMATION / DISCUSSION

5.1 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 meeting scheduled for Wednesday 29 October at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

3rd September 2014

The meeting commenced at 10.30am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

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

Officers: Dave Stubbs, Chief Executive
Denise Ogden, Director of Regeneration and Neighbourhoods
Damien Wilson, Assistant Director (Regeneration)
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Highways, Traffic and Transportation Manager
Sarah Scarr, Landscape Planning and Conservation Manager
Matthew King, Planning Policy Team Leader
Adrian Hurst, Principal Environmental Health Officer
Helen Heward, Senior Planning Officer
Kieran Bostock, Principal Engineer
Scott Parkes, Technician (Environmental Engineering)
Chris Scaife, Countryside Access Officer
Jane Tindall, Planning Officer
Derek Wardle, Arboricultural Officer
Kate McCusker, Solicitor
Jo Stubbs, Democratic Services Officer

29. Apologies for Absence

Apologies were submitted by Councillors Keith Dawkins and Marjorie James. It was noted that Councillor James' apologies were due to her attendance at an Emergency Planning meeting to consider funding formulae.

30. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest in planning application H/2014/0196 (Valley Drive) and reserved the right to speak as a Ward Councillor.

Councillor Ray Martin-Wells declared a personal interest in planning

applications H/2014/0196 (Quarry Farm), H/2014/0163 (Meadowcroft) and H/2014/0179 (Meadowcroft)

Councillor George Morris declared a personal interest in applications H/2014/0163 (Meadowcroft), H/2014/0179 (Meadowcroft), H/2014/0196 (Valley Drive) and H/2014/0215 (Quarry Farm)

The Solicitor highlighted the difference between predetermination and predisposition and cautioned members to avoid bias in their discussions as any suggestion of predetermination would mean a member was unable to take part in that decision and could leave the Council open to judicial review.

31. Confirmation of the minutes of the meeting held on 6th August 2014

Confirmed

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

Number:	H/2014/0163
Applicant:	Mr & Mrs S Cockrill Elwick Road HARTLEPOOL
Agent:	GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL
Date received:	18/06/2014
Development:	Erection of fourteen unit retirement village, access road, entrance and enclosure details
Location:	Meadowcroft Elwick Road HARTLEPOOL
Decision:	Approved subject to the completion of a legal agreement securing the developer obligations outlined in the report and subject to conditions. The conditions to be delegated to the Planning Services Manager in consultation with the Chair.

The Committee considered representations in relation to this matter.

Number:	H/2014/0179
Applicant:	Mr & Mrs S Cockrill Elwick Road HARTLEPOOL
Agent:	GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL

Date received: 18/06/2014

Development: Listed building consent for the erection of fourteen unit retirement village, access road, entrance and enclosure details

Location: Meadowcroft Elwick Road HARTLEPOOL

Councillor Jim Ainslie declared an interest in these planning applications as Chair of the Conservation Area Advisory Committee and the Council's Heritage Champion

Councillor Robbie Payne left the meeting during presentation of the report and therefore did not take part in the decisions relating to Meadowcroft.

The two applications relating to Meadowcroft were considered in tandem. They had previously been deferred to allow members to undertake a site visit.

The Applicant, Mr Cockrill, spoke in favour of the applications saying they would help secure one of Hartlepool's remaining heritage assets. He noted that government policy actively encouraged the development of retirement villages. A brochure giving details of the planned development including site maps and style of housing was provided for members' information.

An objector, Mrs Patterson, spoke against the applications saying the development would be out of character and to the detriment of the conservation area. New access arrangements would lead to major disruption for residents and could cause risk to children using the area to gain access to their schools.

Councillor Brenda Loynes spoke in favour of the application as the Ward Councillor. She felt the development would enable older residents to downsize without moving out of the area. The only similar development in the area did not meet the disability access requirements. It would also enable the applicant to secure the future of Meadowcroft and avoid another Tunstall Court situation.

The Landscape Planning and Conservation Manager clarified that no financial information had been provided to suggest that this application would be used to help support the future of Meadowcroft and therefore it could not be considered as an enabling development. Members acknowledged this but felt it was likely that this was the intent. They agreed that this was a good opportunity to invest in Hartlepool's heritage while allowing residents to downsize and remain in the area. The applicant was commended for the brochure they had produced which showed the positive side of Hartlepool. However another member raised serious concerns that if this was an enabling project there should be a legal agreement before planning permission was given. They noted that a number of previous applications relating to this site

had been made, refused by planning committees and those decisions subsequently upheld at appeal. The Assistant Director cautioned members against seeing this as an enabling project as there was no legal agreement for this in place. A member queried whether it would be possible to enter into a discussion with the developer regarding enabling at this time but was informed that to do so would require submission of a new planning application.

Members approved the application by a majority vote. In line with the Planning Code of Conduct they were asked to provide material planning reasons for their decision. A member raised serious concerns regarding officer recommendations. The Chair asked that this be included on the agenda for the next meeting. Another member noted that officer recommendations were based on their professional opinion and it had always been the custom to give reasons when members went against those recommendations. The following reasons were given by members: economic impact, cumulative impact, access & traffic and visual impact.

Decision: **Listed Building Consent Approved subject to conditions. The conditions to be delegated to the Planning Services Manager in consultation with the Chair of the Planning Committee.**

The Committee considered representations in relation to this matter.

Number:	H/2014/0196
Applicant:	Taylor Wimpey UK Ltd North House Wessington Way SUNDERLAND
Agent:	Taylor Wimpey NE Ltd Mr Neil Duffield North House Wessington Way SUNDERLAND
Date received:	25/04/2014
Development:	Outline application for residential development of up to 110 dwellings with all matters reserved except means of access
Location:	Land off Valley Drive Tunstall Farm HARTLEPOOL

At the previous Planning Committee meeting this application was deferred to enable officers to collate further information in regards to highway and drainage issues particularly in relation to the recommendations contained in the HBC Surface Water Management Plan 2013 with regards to flood risk in West Park. The Planning Team Leader confirmed that HBC officers and representatives of Northumbrian Water felt the impact on drainage of the proposed residential development was acceptable. A member referred to a scrutiny enquiry on flooding which had been carried out in 2003 and which

had recommended that there be no building in the area. Members continued to raise concerns about drainage.

John Foster, Technical Director of Taylor Wimpey UK, spoke in support of the application. He described the development as suitable, achievable and deliverable saying it would help toward the required 5-year housing supply. There had been consultation with the public and stakeholders on this matter and the report clearly demonstrated that flooding concerns had been accommodated. A member referred to a 2004 public enquiry which had determined that development on this site was not convenient due to its distance from jobs and services. The Assistant Director acknowledged this but noted that at a recent local plan inspection the inspector had instructed officers to put the site back into the local plan. The Planning Team Leader commented that officers felt the site was suitable for residential development.

An objector, Fran Johnson, spoke against the application. Photographs showing the extent of previous flooding problems were provided to committee members. She advised that the West Park area and Valley Drive had seen constant flooding over the last 30 years and all attempts to rectify this had failed and the building of flood attenuation ponds in 2010 had made matters worse. Objectors had serious concerns that any development in the area would lead to increased flooding and leave residents unable to gain access to their properties. More worryingly certain emergency vehicles might be unable to gain access. There could also be an increase in sewage back flow into existing Valley Drive properties and the development would cause a significant visual intrusion into existing properties.

Councillor Ray Martin-Wells spoke against the application as Ward Councillor. He commented that he was happy to support developments where appropriate but in this case he did not believe that there was the capacity to deal with the existing flooding regardless of whether the additional properties would add to this. He also had serious concerns regarding access to the development during incidents of flooding. He called on the committee to refuse the application on the basis of planning history, access, visual impact and cumulative impact.

Councillor Ray Martin-Wells departed the meeting and took no part in the decision relating to Valley Drive

A committee member called on his colleagues to refuse the application as he felt there had not been enough investigation into flood risks in the West Park area. He queried how an application which had been refused in 2004 could return 10 years later and be recommended for approval despite nothing materially having changed. He also referred to the 2003 scrutiny investigation commenting that failure to follow up on that had left residents at risk of flooding. The Assistant Director confirmed that the recommendations contained in the scrutiny report being referred to had never been adopted as Council policy, merely noted through Cabinet.

Members refused the application by a majority vote. In line with the Planning Code of Conduct they were asked to provide material planning reasons for their decision.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed development would, exacerbate existing problems with flooding on and adjacent to the site to the detriment of the amenity of the area and contrary to policy GEP1, of the Hartlepool Local Plan (2006) and paragraph 103 of the NPPF.
2. The access to the site lies within an area at risk of flooding and in the opinion of the Local Planning Authority the proposed development, in particular the access arrangements, could periodically at times of flooding result in difficulties in the emergency services and residents accessing the site, to the detriment of public safety and the amenity of future occupiers of the site, and contrary to policy GEP 1 of the Hartlepool Local Plan (2006) and paragraph 32 of the NPPF.

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells returned to the meeting

Councillors Allan Barclay, George Morris and Robbie Payne left the meeting

Number: H/2014/0215

Applicant: VILLIERS STREET AGRICULTURAL

Agent: SIGNET PLANNING 26 APEX BUSINESS
VILLAGE ANNITSFORD NEWCASTLE UPON
TYNE

Date received: 23/05/2014

Development: Outline application for the construction of 81
dwellings with all matters reserved except for access

Location: LAND AT QUARRY FARM ELWICK ROAD
HARTLEPOOL

At the previous Planning Committee meeting this application was deferred to enable officers to collate further information in regards to highway and drainage issues particularly in relation to the recommendations contained in the HBC Surface Water Management Plan 2013 with regards to flood risk in

West Park. The Planning Team Leader confirmed that HBC officers and representatives of Northumbrian Water felt the impact on drainage of the proposed residential development was acceptable. A member referred to concerns previously raised by Northumbrian Water and questioned why sufficient information did not seem to have been provided by HBC officers to enable a detailed scheme to alleviate flooding to be agreed between the parties. The Planning Team Leader advised that this was an outline planning application and therefore no detail was provided. However he stressed that none of the consultees had raised any objection and officers could make it a condition of the planning permission that drainage details be approved before the development commenced. A member queried why the affordable housing contribution was 15% rather than the preferred 27.5%. The Senior Planning Officer indicated that while Council policy was to request 27.5% affordable housing the developer's viability assessment only allowed for 15%.

Ed Yuill, the applicant, supported the officer recommendation to approve the development. All issues relating to drainage had been fully addressed and they were committed to providing high quality low density executive housing.

An objector, Fran Johnson, spoke against the application. Photographs showing the extent of previous flooding problems were provided to committee members. She also raised concerns around traffic issues specifically the potential increase in traffic caused by additional housing which could lead to existing areas becoming rat runs and put children at risk.

Councillor Brenda Loynes spoke against the application as Ward Councillor. She raised concerns with flooding, access and anti-social behaviour and queried why an Environmental Impact Assessment had not been carried out as she believed there was potentially contaminated land on the site.

Members referred to the outline nature of the application and queried what would happen if there was not the required drainage capacity. The Planning Team Leader advised that a condition could be included requiring adequate drainage be demonstrated before the development could proceed.

Members refused the application by a majority vote. In line with the Planning Code of Conduct they were asked to provide material planning reasons for their decision.

Decision: Planning Permission Refused

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed development would, by virtue of generation of additional traffic, result in an intensification of use of the A19 Elwick Crossroad junction and Elwick Road, resulting in a detrimental impact upon highway safety contrary to policy GEP1 and Tra 15 of the Hartlepool Local Plan (2006) and paragraph 32 of the NPPF.

2. In the opinion of the Local Planning Authority the proposed development could give rise to issues of anti-social behaviour in the local area, crime and fear of crime, to the detriment of the amenity of the occupiers of neighbouring residential properties and the surrounding area contrary to Policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.

The Committee considered representations in relation to this matter.

Councillor Stephen Akers-Belcher left the meeting

33. Appeal at land, Ashfield Caravan Park, Ashfield Farm, Hartlepool (*Assistant Director (Regeneration)*)

A planning appeal had been submitted against the Council's decision to refuse planning permission for the erection of a detached dwelling house at Ashfield Caravan Park, Ashfield Farm, Dalton Piercy. The decision was made by the Planning Services Manager in consultation with the Planning Committee Chair.

Decision

That Officers be authorised to contest the appeal.

Councillor Stephen Akers-Belcher returned to the meeting

34. Planning Training for Members (*Assistant Director (Regeneration)*)

The Assistant Director advised members of the proposed Planning Committee training programme for 2014/15. He expressed concerns at some of the comments which had been made and the decisions taken at this meeting. Officers were employed to make professional recommendations. If members chose to ignore these recommendations Officers did not take this personally but they could not make recommendations which were contrary to legal planning guidance. Today's events had served to highlight the importance of planning training and he suggested that training be made compulsory for Planning Committee members and that this be incorporated in the Planning Code of Practice. Members were broadly supportive of this provided that members who were unable to attend the diaried sessions would be given the option to take part in 1-1 training. This was confirmed by the Chair and the Assistant Director. Members expressed their appreciation of the work carried out by officers but felt that if they never went against officer recommendations then there would be no reason to have a Planning Committee.

Members voted to support making planning training compulsory for Planning

Committee members. The Chair also advised members that discussions would be taking place with a view to reinstating the appointment of substitutes to Planning Committee.

Decision

That planning training is made compulsory for Planning Committee members and that this is incorporated into the Planning Code of Practice as part of the Constitutional changes proposed for October 2014.

35. Appeal at land adjacent to Raby Arms, Front Street, Hart, Hartlepool *(Assistant Director (Regeneration))*

Members were advised that an appeal relating to a residential development adjacent to the Raby Arms in Hart had been allowed and full costs awarded to the appellant. Information as to the amount of these costs was not available as yet.

Decision

That the outcome of the appeal be noted.

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

Thirteen issues currently under investigation were reported to the Committee. The Chair asked that members contact planning officers direct for any further information.

Decision

That the report be noted.

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

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

Minute 38 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely

information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment (para 6)

Minute 39 – (Tunstall Court, Hartlepool) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5) and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person or (b) to make an order or direction under any enactment (para 6)

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

Members were asked to authorise enforcement action. Further details are provided in the exempt minutes.

Decision

Details provided in the exempt minutes.

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

Officers provided an update with regards to the demolition of Tunstall Court. Further details are provided in the exempt minutes.

Decision

That the report be noted and actions endorsed.

40. Any Other Items which the Chairman Considers are Urgent

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

The Chair advised members that the meeting on 17th September to consider the list of locally listed buildings would now take place on 12th November. There would therefore be no Planning Committee meeting on 17th September.

The Planning Team Leader indicated that Officers were currently in discussions with Cleveland Fire Brigade regarding the possible redevelopment of their headquarters on Queens Meadow. It was possible that a pre-developer forum would take place in relation to this at 9am on 1st October. Confirmation would be sent out to members in the event that this was requested. A member queried whether members of the Cleveland Fire Authority would be disbarred from taking part. The Solicitor confirmed that this would have no impact provided Members declared an interest at the start of the meeting.

The meeting concluded at 1:20pm

CHAIR

No: 1
Number: H/2013/0573
Applicant: C/O AGENT
Agent: Signet Planning Ltd. Mr Alastair Willis 26 Apex Business Village Annitsford Newcastle-upon-Tyne NE23 7BF
Date valid: 02/04/2014
Development: Variation of conditions and legal agreement on planning application H/2011/0005 to allow for the removal of the requirements for a buried long stop, the delivery of properties to level 3 of the code for sustainable homes, the requirements to deliver 10% renewable energy on site and 10% of affordable housing within each phase of the development
Location: BRITMAG LTD OLD CEMETERY ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 In 2005 outline planning permission (H/2005/5254) for a scheme of up to 484 dwellings was originally sought for residential development on the former Magnesia Works off Old Cemetery Road, variously known as the Steetley, Britmag or CJC site. The site comprised of four individual parcels of land (referred to as Site A, Site B, Site C and Site D). The application was approved by the Secretary of State on 25 March 2010 following a Public Inquiry.

1.3 The application was referred to the Secretary of State under regulation 49 of The Conservation (Natural Habitats, &c.) Regulations 1994 (the Habitat Regulations) as the Local Planning Authority (LPA) were unable to conclude that the proposal would not have an adverse effect on the integrity of a Special Protection Area (SPA), however the LPA still considered that the proposed development should nevertheless be allowed to go ahead for imperative reasons of overriding public interest. Natural England objected to the scheme.

1.4 During the run up to the Public Inquiry the developers sought to address Natural England's concerns regarding the adverse effect on the SPA and produced an amended scheme which was agreed by all parties, however as the Public Inquiry was already in motion there was no mechanism to stop this. In late 2009 a Public Inquiry was held and a decision was made in March 2010 by the Secretary of State to allow the development subject to the completion of a legal agreement (S106).

1.5 Subsequent to the Secretary of State decision, a Section 73 Application (LPA Ref H/2011/0005) was progressed in 2011 to vary a number of the conditions to

reflect the likely phasing of the development and to allow construction of 100 residential dwellings prior to completion of the new roundabout and access roads. The revised conditions largely reflected those which were agreed between the Council and the appellant during the Call-in Inquiry. It is this Section 73 permission (approved 14 October 2011) that this new Section 73 Application relates to.

PROPOSAL

1.6 Planning permission is sought for the variation and removal of a number of the planning conditions relating to planning application H/2011/0005. The application is made under Section 73 of the Town and Country Planning Act 1990 (as amended). It is also proposed to vary the Section 106 Agreement for the development. The conditions which are proposed for variation/removal are as follows:

- Condition 3 – approved plans (specifically removal of approved plan MP04 – Rev C – (Proposed Longstop) from the approved drawing list).

(The original condition read: The development shall be limited to no more than 484 dwellings and shall not be carried out except in complete accordance with the following plans: Application Site Plan: Detailed Access Plan - Drawing Ref: NTP 9003-02 Rev A; Development Limits Plan - Drawing Ref: HG0343/MP03/Rev C; Proposed 'Long -Stops' Plan - Drawing Ref: HG0343/MP04/RevC).

1.7 The original approval (H/2005/5254) and the previous Section 73 application (H/2011/0005) included provision for a buried longstop. The longstop would be a hard coastal defence that would offer additional temporary protection to allow time for the dunes to be rebuilt or another coastal defence option. It would be an additional defence to the existing dune system. It is proposed to remove this condition due to concerns regarding the financial viability of the scheme. The site would instead be protected through appropriate management of the dunes. The original application included the longstop to give commercial confidence to house buyers.

- Condition 27 – removal of the requirement to deliver residential properties to Level 3 of the code for sustainable homes.

(The original condition read: The dwellings shall achieve, as a minimum, Level 3 or equivalent of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for its certifying that Code Level 3 or equivalent has been achieved).

- Condition 28 – removal of the requirement to deliver 10% renewable energy on site.

(The original condition read: At least 10% of the energy supply of the development shall be secured from decentralised and renewable or low-carbon energy sources. Details and a timetable of how this is to be achieved, including details of physical works on site, shall be submitted to and approved in writing by the Local Planning Authority as part of the reserved matters submissions required by condition 1. The approved details shall be implemented in accordance with the approved timetable and retained as operations thereafter).

- Section 106 – removal of the affordable housing requirement.

1.8 It is proposed to remove/vary these conditions and the S106 Agreement due to the financial viability of the site. This decision must be taken on balance weighing up the benefits of developing the site.

SITE CONTEXT

1.9 The application site constitutes the former Magnesia Works off Old Cemetery Road, variously known as the Steetley, Britmag or CJC site. The site is divided into four areas known as Site A, Site B, Site C and Site D.

1.10 The two larger areas (A and B) are situated to the north of the Spion Kop Cemetery. Two smaller areas, identified as sites C and D are located to the south-east of the cemetery.

1.11 The application site lies immediately adjacent to the Hartlepool North Sands component of the Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest (SSSI), which is also a component part of Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site. The application site also lies in close proximity to the Durham Coast SSSI.

PUBLICITY

1.12 The application has been advertised by way of neighbour letters (362). To date, there has been one letter of do not want to object, one e-mail of support and one e-mail making the following comment has been received:

- Concerns regarding reduction in code for sustainable homes particularly as the code now goes to level 6.

Copy letters **A**.

CONSULTATIONS

1.13 The following consultation replies have been received:

Natural England: No objection

Environment Agency: The Environment Agency have an overview on issues of coastal erosion but would expect the decision to be made by the Coast Protection Authority (which in this instance is the Council).

Cleveland Police: No comments offered

Design Council: No comments offered

North Tees and Hartlepool NHS Trust: No comments offered

Durham Heritage Coast: No comments offered

Headland Parish Council: No comments offered

Highways Agency: No objection

National Grid: No comments offered

CE Electric: No comments offered

Hartlepool Water: No objection

Tees Archaeology: No objection

Hartlepool Civic Society: The design of the housing should be appropriate to the area.

Teesmouth Bird Club: No comments to make

Northern Gas: No objection

Tees Valley Wildlife: No comments offered

RSPB: No comments offered

Sustrans: No comments offered

Northumbrian Water: No comments to make

English Heritage: Do not consider that it is necessary for this application to be notified to English Heritage.

Tees Valley Unlimited: No comments offered

The Ramblers Association: No comments offered

Tees Valley Wildlife Trust: No comments offered

Cleveland Fire Brigade: Offers no representations; further comments may be made through the Building Regulations consultation process

Hartlepool and Stockton Tees Clinical Commissioning Group: No comments offered

Cleveland Emergency Planning Officer: No comments offered

National Planning Casework Unit: No comments offered

DEFRA: No comments offered

HBC Landscape: No comments offered

HBC Conservation: No comments offered

HBC Ecology: No objection

HBC Engineering Consultancy: No objection

HBC Public Protection: No objection

HBC Property Services: No comments offered

HBC Economic Development: No comments offered

HBC Parks and Countryside: No comments to make

HBC Traffic and Transportation: No objection

1.14 The period for publicity has expired.

PLANNING POLICY

1.15 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

1.16 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

GEP18: Development on Contaminated Land

WL2: Protection of International Nature Conservation Sites

WL7: Protection of SNCI's, RIGs and Ancient Semi-Natural Woodland

National Policy

1.17 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 2 – Determine in accordance with the development plan

Paragraph 11 – Determine in accordance with the development plan

Paragraph 12 – Statutory Status of the Development Plan

Paragraph 13 – NPPF Material Consideration

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 173 Ensuring Viability and Deliverability

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in Favour of Sustainable Development.

PLANNING CONSIDERATIONS

1.18 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.

1.19 This application is made under Section 73 of the Town and Country Planning Act (as amended). It is proposed to remove/vary the following conditions and vary the S106 Agreement as follows:

- Condition 3 – approved plans (specifically removal of approved plan MP04 – Rev C (Proposed Longstop from the approved drawing list).
- (Condition 27 – removal of the requirement to deliver residential properties to Level 3 of the code for sustainable homes.
- Condition 28 – removal of the requirement to deliver 10% renewable energy on site.

- Section 106 – removal of the affordable housing requirement.

1.20 The variation of Condition 3 shall be addressed individually, while the removal of conditions 27 and 28 and the removal of the requirement for affordable housing through variation of the S106 Agreement shall be addressed together.

Condition 3 – approved plans (specifically removal of approved plan MP04 – Rev C (Proposed Longstop from the approved drawing list)).

1.21 As the coastal protection authority the decision to allow the removal of the proposed buried longstop from the scheme lies with the Council. It is outside of the remit of the Environment Agency to comment in detail on the removal of the longstop.

1.22 Outline planning permission (H/2005/5254) was originally approved by the Secretary of State (SoS) for the residential development of up to 484 dwellings on land formerly occupied by Hartlepool Magnesia Works, off Old Cemetery Road, Hartlepool. The outline planning permission issued by the SoS included a condition requiring the construction of a buried longstop, which the existing sand dunes would then be rebuilt over. The requirement for the longstop also formed part of application H/2011/0005. The buried longstop was not a requirement to make the development acceptable in terms of either coastal flooding or coastal erosion, it was included as part of the development to provide commercial comfort to those seeking to purchase the dwellings.

1.23 This application seeks to remove the requirement for the buried longstop from the development this is due to the viability of the scheme. The schemes viability has been compromised by the current housing market conditions in Hartlepool and by the significant costs of site clearance and subsequent decontamination.

1.24 The applicant argues that the site will be adequately protected from coastal flooding and coastal erosion by management of the existing dune system adjacent to the site. The dune management system will comprise sand trap fencing and vegetation. The applicant has submitted a dune erosion modelling from a reputable firm of engineers (RPS). The Council considered it appropriate to engage the services of their own engineering experts, Mott MacDonald, to assess the information submitted by the applicant.

1.25 Mott MacDonald an engineering company with expertise in coastal defences were engaged by the Council to review the dune erosion modelling work undertaken by the applicant's engineers. Mott MacDonald are familiar with the Hartlepool coast as the company has carried out work for Hartlepool Borough Council in the past. In particular, Mott MacDonald were tasked, with assessing the robustness of the applicants modelling and the potential risks associated with omitting the long stop from the scheme design. Mott MacDonald also took into consideration that because of wintering bird populations, access to the dunes is restricted during the winter period, between November and March. This limits opportunities to undertake any dune restoration work, should there be a severe storm impact.

1.26 The applicant's engineers utilised a dune erosion modelling system named SBEACH. Mott MacDonald analysed the SBEACH model results presented in the report from RPS and as a check on the SBEACH modelling, Mott Mac Donald undertook additional analysis using the state-of-the-art-process-based XBeach model. Recent published, academic research, demonstrates that XBeach provides a better representation of storm erosion than other modelling systems.

1.27 While reasonable agreement between the SBEACH and XBeach models has been demonstrated, both show a tendency to over predict erosion compared with the actual erosion observed following the December 2013 1:200 year storm event. Therefore relying only on model results to predict how the coastline will respond to future storm events or to plan for dune management carries risks that cannot be quantified with the available information. However, the photographic evidence from the December 2013 storm suggests that storm impacts on the dune frontage are likely to be significantly less, than those predicted by either of the dune models and thus the model results represent a conservative analysis of the potential future erosion.

1.28 Consideration should also be given to the long-term coastal evolution trends derived from the analysis of historical data since this has a bearing on the assessment of the question of whether or not a long stop is required. In particular a review for Hartlepool Borough Council of the North Sands to Newburn Bridge frontage by Mott McDonald (2014) suggests that coastal erosion along the North Sands due to climate change for the "do nothing" management option would be considerably greater than that shown in Shoreline Management Plan 2 (SMP2) and that the proposed development sites A and B (Figure 2.1) would potentially be at risk. This has obviously raised some concerns that the dune management strategy and the proposed omission of the long stop in the dunes may elevate the threat posed by coastal flooding and coastal erosion in the event of an extreme storm impact thus far unforeseen in the historical analyses and numerical modelling work.

1.29 In response to this view RPS (2013) have argued that since no coastal defences were installed along the frontage since the late 1930s an annual coastal recession rate of 0.4m/yr assumed in Mott MacDonald (2014) would have resulted in almost 30 metres of erosion between the period 1939 and 2013. Since significantly less erosion than this has occurred during this period this rate of erosion has been challenged and is seen by RPS as being highly conservative and not in line with the evidence from the site. However, given the many unknowns in the future with regards to the magnitude and frequency of extreme weather events and the associated coastal response it is problematic to challenge either view.

1.30 The proposal to manage the dune frontage using a combination of dune fences to trap additional aeolian sand and the planting and maintenance of the vegetation cover are measures that will add further to dune resilience. Photographic evidence indicates that the December 2013 storm damage was minor and reinstatement of the dunes by natural processes would most probably make management interventions unnecessary. However, dunes remain a sensitive coastal environment and frequently it has been shown at other locations (e.g. Skallingen, Denmark; Dingle, Ireland) that erosion damage can rapidly accelerate in favourable weather conditions if the damage is left unchecked.

1.31 It is noted that because of wintering bird populations, access to the dunes is restricted during the winter period between November and March. This will limit opportunities to undertake any dune restoration work should there be a severe storm impact. Further, if the dune frontage exposed by erosion has reduced resilience, there is a potential for subsequent erosion to proceed at an accelerated rate until such time as restoration can be undertaken. It is considered therefore that careful dune management is required that takes account of this possibility. Long term dune management will be secured through the Section 106 Agreement.

1.32 It is considered that the photographs of the dune frontage obtained before and after the December 2013 storm provides compelling evidence that the dune system is sufficiently resilient to withstand severe storm impacts. However, some caution is required as the task of predicting the future response of the dune frontage to storms can only be assessed on the basis of probabilities and on models that do not have sufficient skill to simulate accurately all the complex processes associated with erosion over extended periods i.e. decades into the future. It is therefore imperative that the applicant enters into a Section 106 Agreement to secure appropriate management of the dunes in perpetuity.

1.33 The dunes will be managed initially by Persimmon Homes and their appointed contractor for the first 5 years whilst the dunes are established. Once established the management will then be transferred to a management company in this case 'Olnato', who along with their approved contractors will take over responsibility for the maintenance of the dunes, in line with the submitted Wildlife and Habitat Management and Maintenance Plan February 2014 in perpetuity. Olnato will take on ownership of the dunes and the incidental open space on the site. Hartlepool Borough Council shall not have ownership of the dunes.

1.34 The management company will be partly funded by the future residents by an annual charge which will cover the costs of the yearly maintenance of the dunes. As Olnato is a large, financially robust company they will subsidise the dune maintenance as and when this would be necessary. This will be backed up by an insurance policy which will cover the costs for the full reinstatement following a storm event.

1.35 Once the area has been transferred to the management company they will undertake the required inspections through their appointed contractor.

1.36 In conclusion even acknowledging the limitations of both SBEACH and XBeach models, it is clearly shown that for the range of storm events tested, the dunes on the frontage are sufficiently resilient to provide a level of protection to the proposed development. The simple fact that although both models are very different in their approach, they each predicted similar dune responses to storm impacts, and thus the level of confidence that can be given to the results is increased.

1.37 It is therefore considered that the removal of the proposed longstop from the scheme would be acceptable subject to the appropriate management of the dunes. Management of the dunes will be strictly controlled through the Section 106 Agreement.

Removal of condition 27, 28 and the requirement for affordable housing as set out in the Section 106.

1.38 The application site was formerly used for industrial purposes, which caused significant levels of contamination on the site. The site has now been cleared and decontaminated at considerable cost to the site owner. The current housing market in Hartlepool has also impacted on the viability of the scheme. The applicant has submitted a viability assessment for the proposed development. Officers have assessed the information and conclude that the scheme would be unviable in the current market conditions if the applicant was required to meet the requirements of conditions 3, 27 and 28 and provide 10% affordable housing. On balance it is considered that in this case the benefits which the redevelopment of the site would bring to the local area outweigh the loss of some of the benefits the development originally proposed to bring forward.

Conclusion

1.39 Paragraph 173 of the NPPF states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

1.40 Officers consider that the scheme would not be viable or deliverable with the requirement for the buried longstop, code 3 sustainable homes, on site renewable energy and affordable housing. The viability information submitted by the applicant is considered to be acceptable. On balance the scheme would benefit the locality by providing a significant number of new homes in the area and by redeveloping a former industrial site, which up until recent times was heavily contaminated. Although the site has been significantly cleared and improved it is considered that the redevelopment of the land with an appropriate housing scheme would improve the appearance and vitality of the area.

1.41 It is considered that the variation and removal of conditions and variation of the S106 Agreement would allow for a viable and deliverable scheme in accordance with paragraph 173 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.44 There are no Section 17 implications.

REASON FOR DECISION

1.45 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 entering into a variation to the S106 Agreement to remove the requirement for affordable housing and the following conditions:

1. Approval of the details of the appearance, landscaping, layout and scale (hereinafter called the reserved matters) for each phase of the development shall be obtained from the Local Planning Authority in writing before any development is commenced on that phase. Development shall be carried out as approved.
To clarify the period for which the permission is valid.
2. Application for approval of the reserved matters in relation to the first phase of development shall be made to the Local Planning Authority not later than 14/10/2014.
To clarify the period for which the permission is valid.
3. The development shall be limited to no more than 484 dwellings and shall not be carried out except in complete accordance with the following plans approved as part of planning permission H/2005/5284: Application Site Plan: Detailed Access Plan - Drawing Ref: NTP 9003-02 Rev A; Development Limits Plan - Drawing Ref: HG0343/MP03/Rev C; and the plans received 21/11/2013 (Drawing no. 2421/1 Revision A, Landscape Proposals (1 of 2) Drawing No 2421/2, Landscape Proposals (2 of 2) excluding the indicative layout which will be subject to a reserved matters application and except as may be varied by any details approved under the provisions of condition 24.
For the avoidance of doubt.
4. The permission hereby granted shall permit the phased development of the site in accordance with a phasing plan and timescale for implementation with a time scale for implementation first to be submitted to and agreed in writing by the Local Planning Authority and unless otherwise indicated all other conditions of this permission shall be construed so as to apply to phases accordingly. If the site is developed on a phased basis the applicant shall provide with each phase the reserved matters required to be submitted with that phase and any other relevant details required by any of the other conditions herein for approval by the Local Planning Authority, unless otherwise agreed in writing by the Local Planning Authority. Once approval has been granted to the details above in respect of that phase nothing in this condition shall require the approval of similar information for other phases before development of the approved phase can commence.

To ensure no future phases of development are prejudiced by earlier phases.

5. The first phase of the development hereby permitted shall be begun before the expiration of one year from the date of approval of the last of the reserved matters in relation to that phase of the development.

For the avoidance of doubt.

6. No development shall take place in any phase until a Construction Management Plan (including demolition, reclamation and construction activities) detailing mitigation measures to prevent potential disturbance from reclamation and construction activities to birds on the SPA and other ecological receptors within the site identified in the Environmental Statement in that phase has been submitted to and approved in writing by the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement, inter alia, shall provide for: i) the parking of vehicles of site operatives and visitors; ii) the access to the site for demolition and construction traffic; iii) loading and unloading of plant and materials; iv) storage of plant and materials used in constructing the development; v) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate; vi) wheel-washing facilities; vii) measures to control the emission of dust and dirt during demolition and construction; viii) a scheme for recycling/disposing of waste resulting from demolition and construction works; ix) and assessment of the in-combination effects derived from any other construction phases or activities operating concurrently.

To conserve protected species and their habitat and in the interest of the protection of the SPA.

7. Any scheme of landscaping (hard and soft) required by condition 1 may be dealt with on a phased basis as provided for by condition 4 and shall be submitted to and approved in writing by the Local Planning Authority before development on each phase is commenced. The scheme must specify sizes, types and species and proposed numbers/densities where appropriate, 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. Any trees plants or shrubs which within a period of 5 years from the completion of the development to which the planting relates 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.

In the interests of visual amenity.

8. Unless otherwise agreed in writing by the Local Planning Authority the development hereby permitted shall not be commenced in any phase until an updated preliminary conceptual model and risk assessment identifying potential pollution linkages is presented within a detailed Phase 1 Desk Top Study. A pollution linkage consists of the following: i) a contaminant; ii) a receptor; and iii) a pathway capable of exposing a receptor to the contaminant. The Desk Top Study must include a site reconnaissance. Furthermore, the Phase 1 Desk Top Study shall set objectives for a Phase 2 site investigation. The study shall be submitted to and approved in writing by the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan

(2006).

9. Where potential pollution linkages have been identified within the Phase 1 Desk Top Study, the development hereby permitted shall not be commenced in any phase until a Phase 2 site investigation and amended conceptual model and risk assessment have been undertaken. The Phase 2 investigation must be undertaken by competent persons in accordance with DEFRA and Environmental Agency publication CLR11; 'Model procedures for the management of land contamination' and a written report of the findings must be produced. This shall be submitted to and approved in writing by the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to the following receptors: a) human health, b) property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c) adjoining land, d) groundwaters and surface waters, e) ecological systems, f) archaeological sites and ancient monuments, (iii) an appraisal of remedial options and proposal of the preferred option(s).

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan (2006).

10. Should pollution linkages be confirmed from the Phase 2 site investigation, the development hereby permitted shall not be commenced in any phase until a detailed quantitative risk assessment has been carried out. The detailed quantitative risk assessment must act as an options appraisal exercise prior to the development of a detailed remediation scheme. This shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan (2006).

11. The development hereby permitted shall not be commenced until a detailed remediation and decontamination scheme to bring the application site to a condition suitable for its intended use by removing unacceptable risks and harm to human health, controlled waters and natural habitats, flora and fauna as identified as a result of the risk assessment required by condition 8 has been approved in writing by the Local Planning Authority. The scheme shall be submitted to and approved in writing by the Local Planning Authority, thereafter the development shall be carried out in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan

(2006).

12. Following completion of measures identified in the approved remediation scheme as approved pursuant to condition 10, a validation report that demonstrates the effectiveness of the remediation carried out must be submitted to and approved in writing by the Local Planning Authority within the timeframe set out and approved within the remediation scheme, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan (2006).
13. In the event that unsuspected contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 8 and where remediation is necessary a remediation scheme shall be submitted to and approved by the Local Planning Authority.
To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy GEP18 of the adopted Hartlepool Local Plan (2006).
14. If as a result of the investigations required by conditions 9 to 13 above, land fill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), none of the dwelling(s) hereby approved which incorporate gas protection measures shall be extended in any way and no garage(s), shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To protect the health and safety of future occupiers.
15. Prior to the commencement of any phase of the development hereby permitted and notwithstanding the submitted plans, final details for the proposed roundabout at West View Road and new link road onto Old Cemetery Road, including sections, levels, pedestrian crossing arrangements and boundary treatments shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the roundabout and link road shall be provided in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority. Unless otherwise agreed in writing by the Local Planning Authority, no more than 100 dwellings may be occupied prior to the completion of the link road and roundabout which shall be available for use at all times thereafter.
In the interests of highway safety and potential effect on a listed building (Throston Engine House).
16. The development shall be designed so as to preclude any vehicular access (with the exception of emergency vehicles) to/from the Brus Tunnel.
In the interests of highway safety.
17. Prior to the occupation of the first dwelling, a 'Travel Plan Framework' shall be

submitted to and approved in writing by the Local Planning Authority. Such a Travel Plan Framework shall clearly indicate the measures to be undertaken to reduce dependency on private cars associated with the development together with targets and timescales for the achievement of such measures. Thereafter a detailed Travel Plan shall be submitted to and approved in writing by the Local Planning Authority and implemented within 6 months of the first occupation of the development. The Plan shall continue in operation at all times as approved unless otherwise agreed in writing by the Local Planning Authority.

In the interests of controlling vehicle congestion on the highway network.

18. No development approved by this permission shall be commenced until a general drainage strategy for the provision of surface water and foul water drainage works has been submitted to and approved in writing by the Local Planning Authority. Thereafter each phase of development shall not commence until a detailed drainage scheme including flow attenuation and proposals for overcoming any capacity shortfall in the public sewers and pumping stations to which the development would connect in accordance with the general drainage strategy has been submitted to and approved in writing by the Local Planning Authority. The drainage works shall be completed in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.
To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal.
19. Prior to the commencement of any phase of development, a settlement facility for the removal of suspended solids from surface water run-off during construction works for that phase shall be provided in accordance with details previously submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be retained throughout the construction period of that phase, unless otherwise agreed in writing by the Local Planning Authority.
To prevent pollution of the water environment.
20. Unless otherwise agreed in writing by the Local Planning Authority roof drainage downpipes shall at all times be sealed at ground level to prevent the ingress of any contaminated water/run off.
To prevent pollution of the water environment.
21. Unless otherwise agreed in writing by the Local Planning Authority prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through trapped gullies installed in accordance with the scheme previously submitted to and approved in writing by the Local Planning Authority.
To prevent pollution of the water environment.
22. During construction periods of the development and where relevant thereafter, any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls, unless otherwise agreed in writing by the Local Planning Authority. The volume of the bunded compound should be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank, or the capacity of the interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

To prevent pollution of the water environment.

23. No development shall take place within Area B of the site until the applicant, or its agent(s) or successors(s) in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the Local Planning Authority

The site is of archaeological interest.

24. No development shall take place until a scheme for the retention, enhancement and creation of a combination of dunes and coastal grassland together with associated planting has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of enhancing the nature conservation value of the area.

25. No development shall take place until a scheme including a programme of works for the provision of a coastal footpath and cycleway, including access points, has been submitted to and approved in writing by the Local Planning Authority.

Development shall take place in accordance with the approved scheme.

In the interests of providing recreational routes and the interests of the protection of the SPA.

26. The development hereby approved shall incorporate 'Secured by Design' principles as set out in 'Secured by Design New Homes 2009' published by the Association of Chief Police Officers. Details of proposed security measures including a programme of works shall be submitted to and agreed in writing by the Local Planning Authority before any phase of the development hereby approved commences. The scheme shall be implemented in accordance with the approved details and shall be completed in accordance with the approved programme unless otherwise agreed in writing by the Local Planning Authority.

In the interests of crime prevention.

BACKGROUND PAPERS

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

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

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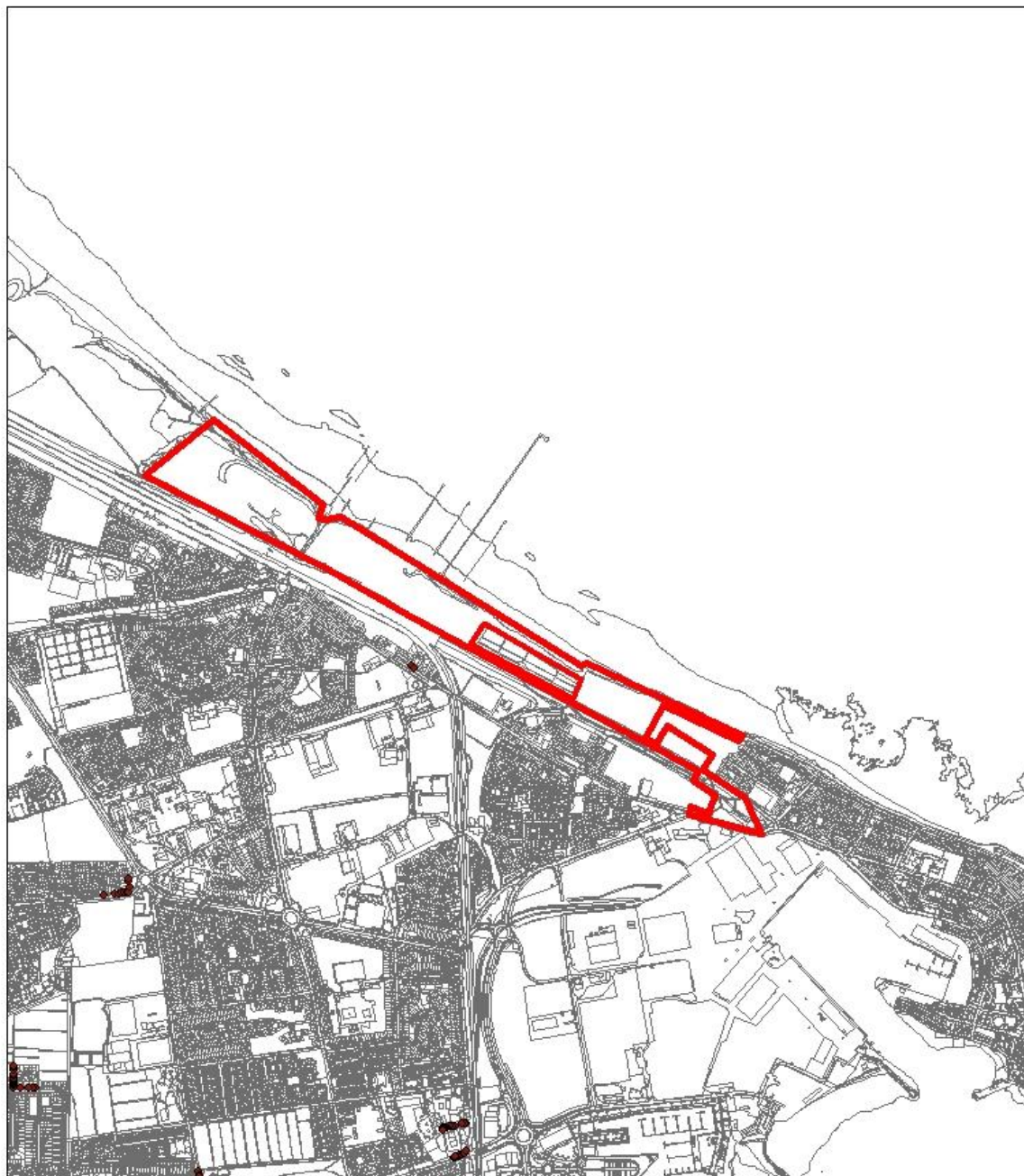
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Britmag
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HARTLEPOOL BOROUGH COUNCIL

Department of Regeneration and planning

Bryan Hanson House, Hanson Square, Hartlepool, TS24 7BT

Scale:

Date :

Drg No:

Drawn: JT

No: 2
Number: H/2014/0331
Applicant: Mr Ian Scott 29 Ruswarp Grove HARTLEPOOL TS25 2BA
Agent: ASP Associates Mr David Loughrey Vega House 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 15/08/2014
Development: Outline application for the erection of detached two and a half storey block of five flats
Location: Land to the rear of 51 The Front HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 There is no formal planning history on the site.

PROPOSAL

2.3 Outline planning permission is sought for the erection of a detached two and a half storey block of flats consisting of five one bedroom flats. Whilst the application is in outline the only matter reserved is landscaping.

2.4 The proposed building is some 10.1 metres wide and 9.9 metres deep. There will be a centrally located glazed entrance feature which will project approximately 1 metre from the main front elevation with a width of 3 metres. The eaves of the property will measure 5.2 metres with a maximum roof height of approximately 9.8 metres. The roof slope incorporates two dormer windows in the front elevation with two dormer windows and two velux rooflights in the rear facing roof slope. The proposed internal layout consists of a main entrance hall with stairs. The proposal includes two flats on each of the ground floor and first floor with a fifth flat within the roof slope. Five car parking spaces will be accommodated within the site.

2.5 The application site is currently a vacant area of land which is overgrown. It is located adjacent to the rear of properties facing on to The Front. There are residential properties to the north, south, east and west of the site including commercial properties to the east. Access is proposed from an existing road access adjacent to the north elevation of number 47 The Front. The submitted layout demonstrates that this access will provide an access to the rear of the proposal and two of the proposed car parking spaces. The main access to the front of the proposed flats is adjacent to the southern elevation of 51 The Front, there are three car parking spaces proposed to the front of the site. It is noted that part of this

access comprises council land which is not part of the adopted highway. The agent has been made aware of this matter and is working with Hartlepool Borough Council's Estates section to secure the required legal rights.

2.6 The application has been referred to planning committee as seven objections have been received to the application.

SITE CONTEXT

PUBLICITY

2.7 The application has been advertised by way of neighbour letters (19). To date, there have been 7 objections

2.8 The concerns raised are:

- Impact upon the amenity of neighbouring properties in terms of overlooking, overshadowing, appearing overbearing and additional noise and disturbance
- Impact upon the character of the surrounding area by virtue of appearing out of keeping with the character of the area
- Out of keeping with adjacent listed buildings
- Lack of car parking
- Poor access
- Flooding as there is an existing flooding problem in South End, additional properties will put the drains under further strain.
- Additional anti-social behaviour from residents
- Overdevelopment of the plot

2.9 An objection has been received regarding the description of the location of the proposal however the site is clearly demonstrated by the red edge boundary shown on the site location plan.

Copy Letters B

2.10 The period for publicity has expired.

CONSULTATIONS

2.11 The following consultation replies have been received:

HBC Landscape The submitted layout plans show very little opportunity for landscaping of the site, therefore I would not consider it necessary to make submission of a landscaping scheme a condition of approval.

HBC Conservation The proposal is an outline application for the erection of detached two and a half storey block of five flats.

Seaton Carew Conservation Area bounds the western edge of this site. To the south is 5 – 8 South End, four grade II listed buildings. These are both designated heritage assets.

In this instance relevant policies can be found in the National Planning Policy Framework (NPPF). Paragraph 131 states, 'In determining planning applications, local planning authorities...the desirability of new development making a positive contribution to local character and distinctiveness.'

Further to this paragraph 132 states, 'When considering the impact of a proposed development on the significant of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration of destruction or the heritage asset or development within its setting.'

Paragraph 137 states, 'Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significant.'

At a local level policy HE3, 'Developments in the Vicinity of Conservation Areas' is relevant.

The development site is currently a vacant piece of land on the edge of the conservation area used on an ad hoc basis for storage. The development of the site would have the potential to enhance the adjacent conservation area and the wider setting of the listed buildings therefore in principle there would be no objections to the proposed development of this site, subject to a building of a suitable design being agreed.

Further Comments

Further to our discussion, as requested I write to confirm that I have not objections to the proposed design of the application at the above site.

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

Public Protection: No Objections

Traffic & Transport: The revised parking layout is acceptable.

Parking Bays 1, 2 and 3 would be accessed via council land which is not part of the adopted highway, however this would be a matter for Estates.

HBC Estates: It would appear that the proposal does show Parking Bays 1, 2 & 3 being accessed over land in Council ownership that does not form part of the adopted highway network. Therefore, the applicant must secure whatever legal rights are required to use this land before the application (if successful) is implemented. The Council would be prepared to negotiate with the applicant for the granting of the required access rights.

Northumbrian Water: In making our response Northumbrian Water assess the impact of the proposed development on our assets and assess the capacity within

Northumbrian Water's network to accommodate and treat the anticipated flows arising from the development. We do not offer comment on aspects of planning applications that are outside of our area of control.

Having assessed the proposed development against the context outlined above we have the following comments to make:

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

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

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

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

- Soakaway
- Watercourse, and finally
- Sewer

Environment Agency (awaiting Final comments however initial comments consist of to following): As the application site is less than 1 hectare and is located within flood zone 1, the EA wouldn't have any comments to make with respect to surface water.

PLANNING POLICY

Local Planning Policy

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

GEP1 – General Environmental Principles
 GEP2 – Access for All
 GEP3 – Crime Prevention by Planning and Design
 GEP9 – Developer Contributions
 Hsg9 – New Residential Layout – Design and other Requirements
 Tra16 – Car Parking Standards
 To3 – Core Area of Seaton Carew (on boundary of)
 HE3 – Developments in the vicinity of Conservation Areas

2.13 The Planning Policy Framework Justification May 2014 gives an up to date position of policies which are currently not considered in conformity with the NPPF due to a lack of a 5 year housing land supply. All policies listed above are all currently in conformity with the NPPF and should be given full weight in relation to this development.

National Planning Policy

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

From a national viewpoint, there are some relevant elements from the NPPF:

Para 14 – The presumption in favour of sustainable development

Para 17 – Core Planning Principles

Para 47 – 5 year supply

Para 49 – Presumption in favour if no 5 year supply

Para 56 & 57 – Requiring good design

Para 96 – Decentralised energy, layout and orientation

Para 97 – Renewables and low carbon energy should be sought.

Para 128 – Heritage Assets

Para’s 203-206 – Developer Contributions

PLANNING CONSIDERATIONS

2.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, the amenity of neighbouring properties, character of the surrounding area (including the adjacent conservation area and the setting of the adjacent listed building) implications for highway safety and drainage.

Principle of Development

2.16 The application site does not fall within any allocation within the Hartlepool Local Plan and as such is considered to be white land. It is situated just outside of the conservation area, adjacent to the boundary but is currently derelict and overgrown.

2.17 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are currently deemed to be out of date. Where policies are out of date the local authority must approve applications unless in doing so the adverse impacts of such an approval would demonstrably and significantly outweigh the benefits.

2.18 In viewing statute, planning policy and the information submitted Planning Policy must have regard to all material considerations and consider if in fact the proposal is deemed to be sustainable development.

2.19 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. It is noted that the application site is located within the defined limits to the development adjacent to other residential properties. Furthermore footpath links are existing within the area which will provide access from the proposed development to the existing urban area with good links to public transport and facilities such as shops and services required to serve a residential development.

2.20 Given the sites location and proximity to services it is considered that the principle of development within this area would constitute sustainable development and is therefore broadly acceptable subject to consideration of material planning considerations.

Amenity of neighbouring land users

2.21 There are residential properties surrounding the application site and it is noted that a number of objections have been submitted on the grounds that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties.

2.22 The neighbouring property to the south, fronting on to South End consists of a three storey dwelling house with a small window at first floor level and a window at ground floor facing towards the application site. The first floor window does not appear to serve a habitable room and there is a significant amount of screening, for the ground floor window, provided by the closed boarded fence which encloses the

side boundary of this neighbouring property. Furthermore there will be a separation distance of approximately 20 metres between the side elevation of this neighbouring property and the front elevation of the proposed development. This exceeds the requirements of the guidance within the Local Plan. Therefore it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property in terms of overshadowing, appearing overbearing or loss of privacy.

2.23 There is a residential property adjacent to the south west of the site. This neighbouring property has a bathroom window in the side elevation however it is set further back than the application site and therefore will not directly overlook the proposed development. Furthermore the proposal only includes one round window in the side elevation, at second floor level, which will consist of a secondary bedroom window. The corner of the proposed development will be approximately 7.5 metres from the closest corner of this neighbouring property. Taking into account the relationship between the properties and given that there will be no direct overlooking it is not considered that the proposed development will result in a detrimental impact upon the amenity of this neighbouring property in terms of overshadowing, appearing overbearing and loss of privacy.

2.24 The residential properties to the north west of the site have rear gardens which adjoin the side boundary of the application site. These properties are approximately 15 metres from the shared boundary with the site. Furthermore the proposed flats will be significantly further forward than these neighbouring properties and will not directly overlook these neighbouring dwellings. As such it is not considered that the development will result in a detrimental impact upon the amenity of the neighbouring residential dwellings to the north-west in terms of shading, appearing overbearing or loss of privacy.

2.25 There is a separation distance of approximately 31 metres to the neighbouring properties to the rear of the proposed development which front on to Crawford Street. Although the proposal will consist of 2.5 storey height the separation distance is in excess of local planning guidance requirements. Therefore it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, overshadowing or appearing overbearing.

2.26 To the east of the application site are three storey properties, including flats, which face on to The Front. There is a separation distance of approximately 22 metres between the main rear elevations of these neighbouring properties and the side of the proposed flats which will only include one secondary living room window at second floor level. As such it is not considered that the proposed flats will result in a detrimental impact upon the amenity of these neighbouring properties in terms of loss of privacy. Furthermore owing to the distance between the properties it is not considered that the development would appear overbearing for the neighbouring properties to the east or unduly affect light to these properties. The proposal seeks to use an existing access adjacent to the side elevation of number 47 The Front, to provide access to the rear of the proposal including two car parking spaces. Given that this is an existing access point (however it is currently fenced) and that number 47 The Front does not contain any windows in the side elevation at ground floor level

it is not considered that the proposed access will result in a detrimental impact upon the amenity of this neighbouring property in terms of noise and disturbance from the proposed access.

2.27 Taking into account the separation distances from neighbouring residential properties and relationships with existing properties it is not considered that the proposal will result in a detrimental impact upon the amenity of neighbouring residential properties in terms of overlooking, appearing overbearing, overshadowing or noise disturbance. In this regard the proposal complies with policy GEP1 and HSg9 of the Local Plan and paragraph 17 of the NPPF.

Character of the surrounding area

2.28 The surrounding area is predominantly residential in nature with modern residential dwellings to the north and west of the application site. Traditional residential properties are adjacent to the east, which face on to The Front. To the south is 5 – 8 South End which consist of four grade II listed buildings. Seaton Carew Conservation Area also bounds the site. The listed buildings and conservation area in themselves are both designated heritage assets.

2.29 National Planning Policy Framework (NPPF) Paragraph 131 states, 'In determining planning applications, local planning authorities...the desirability of new development making a positive contribution to local character and distinctiveness.'

2.30 Further to this paragraph 132 states, 'When considering the impact of a proposed development on the significant of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration of destruction of the heritage asset or development within its setting.'

2.31 Paragraph 137 states, 'Local planning authorities should look for opportunities for new development within Conservation Areas...and within the setting of heritage assets to enhance or better reveal their significant.' At a local level policy HE3, 'Developments in the Vicinity of Conservation Areas' is relevant.

2.32 The development site is currently a vacant piece of land on the edge of the conservation area used on an ad hoc basis for storage. The development of the site would have the potential to enhance the adjacent conservation area and the wider setting of the listed buildings. Therefore the Council's Conservation section has raised no objections to the proposed development of this site and the design is considered to be acceptable.

2.33 The surrounding area is characterised by various designs of properties ranging from three storey traditional properties to modern two storey dwellings. As such it is not considered that the proposed development will result in an incongruous feature or that it will appear out of keeping with the character and appearance of the surrounding area.

2.34 Concerns are noted with regard to overdevelopment of the plot and lack of amenity space for residents. However a small area of shared amenity space is

proposed to the rear of the block of flats which is typical of a flatted development of this scale. Furthermore there are examples in the vicinity of the site of properties with small yards providing amenity space. Therefore the level of amenity space is considered to be acceptable in this instance.

Highway Safety

2.35 The Council's traffic and Transport section were consulted on the proposed development and have raised no objections. Therefore it is not considered that the proposal will result in an adverse impact upon highway safety.

2.36 It is noted that Parking Bays 1, 2 and 3 would be accessed via council land which is not part of the adopted highway. The Traffic and transport section raise no concerns with regard to this matter. However the agent has been advised to contact Estates.

2.37 HBC Estates section has confirmed that the applicant must secure whatever legal rights are required to use this land before the application is implemented. The Council would be prepared to negotiate with the applicant for the granting of the required access rights. A condition is proposed to ensure access rights are secured prior to the commencement of development.

Drainage

2.38 Objections raised by residents are noted however the site is not situated within EA flood zones 2 or 3 and the application form indicated that the surface water is intended to be discharged into mains sewer.

2.39 It is acknowledged that there has been a history of flooding in South End, it is understood that this is as a result of problems in the near by Northumbrian Water pumping station. Discussions with Northumbrian Water have confirmed that these issues have since been rectified through an upgrade of both the pumping system and the power supply.

2.40 Northumbrian Water have raised no objections however have requested a condition to ensure a scheme is submitted to demonstrate the disposal of foul and surface water. The Council's Engineers have raised no objections providing that surface waters generated on the site can be appropriately managed/contained before entering the main sewer, and that the generated surface waters will not result in passing on of flood risk elsewhere. Therefore an appropriate condition is recommended accordingly.

2.41 At the time of preparing this committee report the Environment Agency had not submitted formal comments however informally had confirmed that as the application site is less than 1 hectare and is located within flood zone 1, the EA wouldn't have any comments to make with respect to surface water. The planning committee will be verbally updated with regard to this matter.

Renewables

2.42 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources and to assist in the Council's climate change agenda consideration should be given to the provision of on site renewable energy generation. Evidence regarding the on site provision of renewable energy is set out in the 2010 background paper entitled 'energy supply from decentralised and renewable or low carbon sources'. The background paper indicates that an acceptable level of on site provision is 10%, such provision was deemed to not render a scheme unviable. This has been confirmed with the agent and a condition is recommended accordingly.

Residual Matters

2.43 Concerns have been raised regarding generation of anti-social behaviour however the proposed residential development will create additional natural surveillance in the area, particularly to the rear of properties facing on to The Front. As such it is not considered that a residential development, of this nature, would significantly increase the risk of crime or anti-social behaviour in the area and should this arise it is considered to be a matter which can be controlled by legislation outside the control of planning by the police.

Planning Obligations

2.44 Policy GEP9 of the Hartlepool Local Plan 2006 states that The Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of development. A developer contribution is a mechanism which can enhance the quality of the development and enable proposals which in the absence of the obligation may be refused planning permission.

2.45 Taking into account the specific circumstances of the development in consideration considered it reasonable to request contributions for the following;

- **Play Provision** – £250 / dwelling towards Seaton Carew Play Area
- **Green Infrastructure** - £250 per dwelling towards the improvement of green infrastructure within the immediate area with Seaton Park the most appropriate.
- **Built Sports** - £250/dwelling towards built sports towards Seaton Park.

2.46 The agent considers that these contributions are acceptable and has agreed to enter into a section 106 agreement should the application be approved.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

There are no Section 17 implications.

REASON FOR DECISION

2.49 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 Environment Agency not raising any objections and subject to the completion of a legal agreement to secure £250 per dwelling for play space (£1250), £250 per dwelling for green infrastructure (£1250) and £250 per dwelling for built sports facilities (£1250) 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 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 development hereby permitted shall be carried out in accordance with plan number 1815/1 received by the Local Planning Authority on 04/09/2014 and plan number 1815/2 and location plan received at the Local Planning Authority 18/07/2014.
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. 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.
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.

6. No part of the development shall be occupied until vehicle car parking has been constructed in accordance with plan number 1815/1 received 04 September 2014.
In the interests of highway safety and to ensure a satisfactory form of development.
7. 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.
8. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
9. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
 2. Submission of Remediation Scheme
A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management

procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters,

property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

10. The proposed round window(s) in the side elevations shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). In the interest of the amenity of neighbouring properties and to prevent overlooking.
11. Prior to the commencement of the development hereby approved the developer shall enter into an agreement to secure means of access into and from the application site including parking areas as shown on plan number 1815/1 received 04/09/2014. A scheme detailing the means of access shall then be submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented and retained for the life of the development.
To ensure satisfactory access to the site.

BACKGROUND PAPERS

2.50 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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LAND REAR OF 51 THE FRONT



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 12/09/14
H/2014/0331

No: 3
Number: H/2014/0309
Applicant: Thomlinson Road HARTLEPOOL TS25 1NS
Agent: Allen & Hunt Ltd Mrs Dianne Brown Narlow Works
Thorpe ASHBOURNE DE6 2AT
Date valid: 21/08/2014
Development: Erection of building to store recyclable waste
Location: J & B Recycling Thomlinson Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 Historically the site operated as three planning units.

3.3 The western part benefits from the following planning permissions.

H/2007/0134 Provision of a waste recycling centre including erection of a new building, external storage area, parking and associated plant. This permission was approved in May 2007.

H/2009/0370 Variation of condition 2 of planning permission H/2007/0134 to allow transfer and processing of recyclable household waste which has been pre-sorted to preclude putrescible and organic waste (application to clarify the original intent of application H/2007/0134). This permission to vary the original consent was approved on 14/10/2009.

3.4 The central portion of the site benefits from the following planning permissions.

H/2006 Use of site as a waste transfer station. This permission to use the central portion of the site as a waste transfer station was approved on 11/08/2006.

3.5 The eastern portion of the site benefits from the following planning permissions.

H/FUL/0198/98 Change of use to Waste Transfer Station. This permission to use the eastern portion of the site as a waste transfer station was approved on 08/07/1998.

H/FUL/0439/00 Application to vary condition 2 of planning permission H/FUL/0198/98 to include transfer of inert and degradable household waste. This permission to vary the original consent was approved on 27/10/2009.

- 3.6 The applicant has submitted the application below to consolidate the permissions on the site which is currently under consideration.

H/2013/0249 Extension of existing waste recycling centre as approved under planning permission H/2007/0134 to incorporate adjacent sites with previous planning permissions H/2006/0394 and HFUL/0198/98 for waste transfer uses

PROPOSAL

- 3.7 Full Planning Permission is sought for the erection of an additional building on the site for the storage of recyclable waste. The building will be some 56m long, 38m wide, and 14m high. Its walls will be constructed in profile steel sheeting with the lower portion constructed in concrete panels. The building will be used to store recyclable waste prior to its processing.

SITE CONTEXT

- 3.8 The building will be located on the existing waste recycling site at the southern end of the site. To west is another larger building of a similar height which also forms part of the applicant operations. To the west, east, north and south are existing commercial premises.

PUBLICITY

- 3.9 The application has been advertised by way of neighbour letters (10), site notice and press advert. To date, there have been no letters of objection.
- 3.10 The time period for representations expires before the meeting. Members will be updated on any additional responses received.

CONSULTATIONS

- 3.11 The following consultation replies have been received:

Economic Development : I fully support the proposals. The development of a dedicated building to store materials will be a significant benefit in terms of impact on the surrounding area. The private sector investment and potential job creation is also a significant positive.

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

For information only

We can inform you that a 525mm diameter combined sewer crosses the site and may be affected by the proposed development. This combined sewer is protected

by a Deed of Grant easement. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Public Protection : I would have no objections to this application. The provision of a building for the indoor storage of recyclables will be a substantial improvement on this site.

Traffic & Transportation : I have no highway or traffic concerns with this application.

Engineering Consultancy : No comments from me as Surface water will be discharged to mains sewer. I am not sure if you have had any feedback from NWL my I think they have some fair size sewers running round that area.

Environment Agency : No objections subject to conditions.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 Ind5: Industrial Areas
 Ind8: Industrial Improvement Areas

3.14 The following policies of the Tees Valley Minerals & Waste DPD (2011) are relevant to the determination of this application:

MWC6: Waste Strategy
 MWC7: Waste Management Requirements

National Policy

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

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

3.16 The following paragraphs of the NPPF are considered relevant to this appeal:

PARA 001 : Apply Policy

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 196 – Primacy of the Development Plan

PARA 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, impact of the visual amenity of the area, drainage and the impact on the amenity of neighbouring properties. Discussion in relation to the application are ongoing and the application will be the subject of an update report.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.18 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.20 There are no Section 17 implications.

REASON FOR DECISION

3.21 The decisions will be subject to an update report.

RECOMMENDATION – An **UPDATE** report will follow. It is anticipated that the recommendation will be favourable.

BACKGROUND PAPERS

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

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

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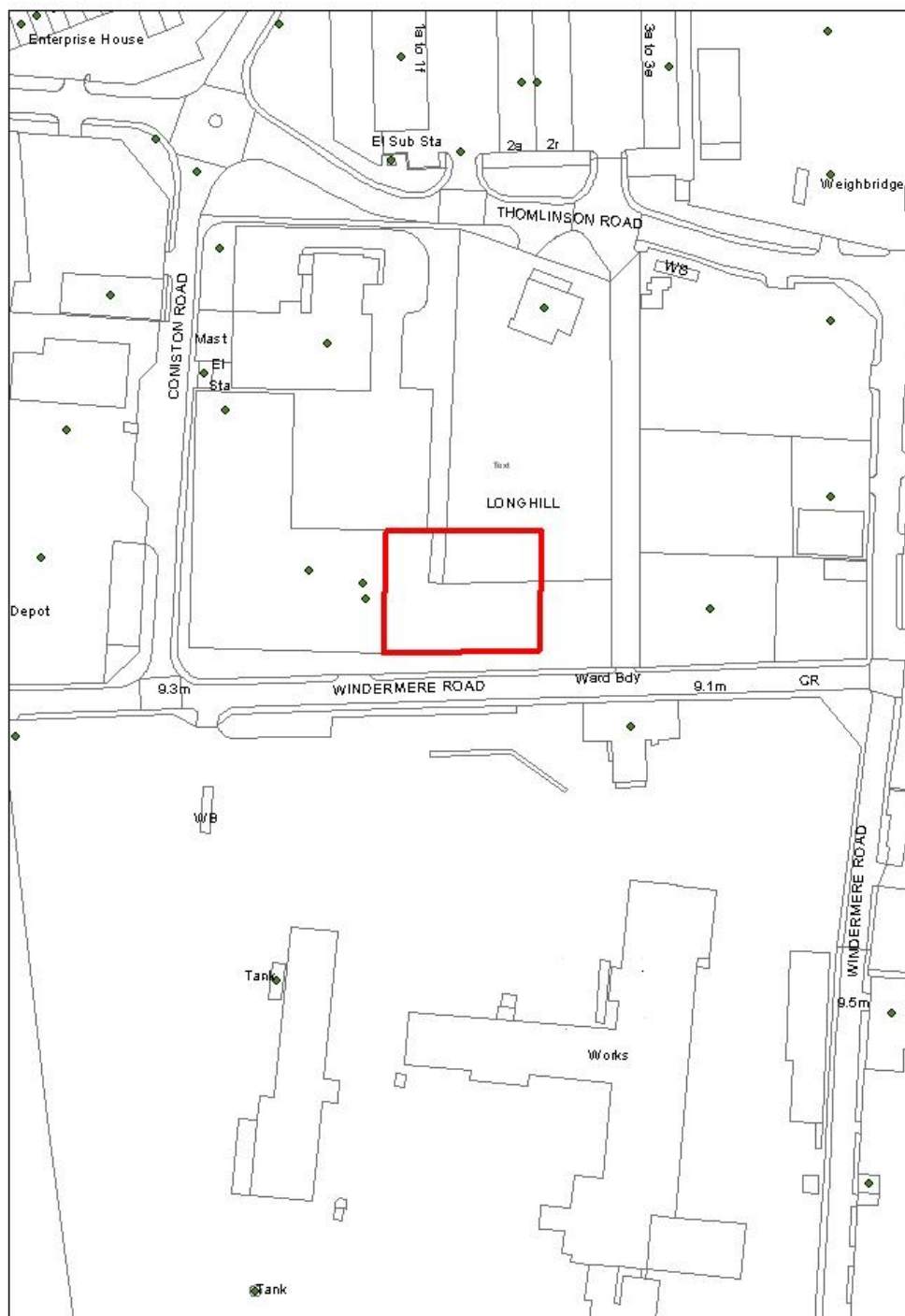
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J & B RECYCLING, THOMLINSON ROAD



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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Scale: 1:1000
Date : 12/09/14
H/2014/0309

No: 4
Number: H/2014/0354
Applicant: Mr Mark Beard c/o SJR Architectural 104 The Innovation Centre HARTLEPOOL TS25 5TG
Agent: SJR Architectural & Interior Designers Mr David Johnson
Sjr Architectural & Interior Design Suite 104 The Innovation Centre Venture Court, Queens Meadow Hartlepool TS25 5TG
Date valid: 15/08/2014
Development: Change of use of former coastguards station to dwelling including first floor extension and viewing gallery
Location: Former Coastguards Office Moor Terrace Hartlepool

PURPOSE OF REPORT

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

BACKGROUND

4.2 H/2012/0121 - The erection of a bird hide – application withdrawn.

PROPOSAL

4.3 The proposed works seek to change the use of a vacant redundant building formerly used as a coastguard's office to form a single one bedroom residential dwelling, incorporating a contemporary extension at first floor level to provide additional living accommodation including a viewing gallery.

4.4 The proposed structure is designed to incorporate features of the existing structures occupying the site. At first floor a brick and metal structure will be added to accommodate additional living accommodation. Access to the site will be taken from the existing public road through the gate of the existing lighthouse complex.

SITE CONTEXT

4.5 The site is located within the complex of the Heugh Lighthouse within the Headland Conservation Area which is a designated heritage asset, and covered by an Article 4 Direction. Immediately adjacent to the West is the Heugh Lighthouse: which is a locally listed building, to the North is the Heugh Gun Battery a scheduled ancient monument. Immediately to the South is the Sebastopol Gun a grade II listed structure. The site is in proximity of the former Lighthouse Battery coastal gun emplacement, which is no longer visible, but has concealed underground remains in the surrounding areas. Further to the west are residential properties.

4.6 This area of the Headland Conservation Area is characterised by the mixed uses found in close proximity to the site. The nearby Heugh Gun Battery is one of the focal points for visitors to the conservation area. There is a diverse mixture of architecture within this locality, with no one style of architecture or palate of materials that could be cited which characterises the area. Within the immediate location of the site are a number of properties built as functional buildings for coastguard use, of varying architectural merit.

PUBLICITY

4.7 The application has been advertised by way of press notice, site notice (2) and neighbour letters (4). To date, there have been 19 letters of objection and 3 letters of support.

4.8 The concerns raised are:

- This would destroy the total look of the historic building
- Detract from local point of interest
- The headland is steeped in history and beauty, should be working to maintain its character instead of destroying it
- This dwelling is not in keeping with the properties in the surrounding conservation area
- The site of this dwelling is in a very public area and the proposed development would therefore be very noticeable
- Lighthouse is locally listed
- The addition of another access point to the road that leads to promenade, the museum and playground would increase danger to pedestrians
- Contrary to vision for Hartlepool
- Headland heritage being ignored yet again
- A beauty spot blighted by a house
- would obstruct lighthouse
- parking would be a problem
- disruption to museum visitors by construction working taking place could well result in loss of income at a time of financial constraint
- not in keeping with conservation area
- when land offered for sale the agents stated not for residential use
- not in keeping with local and national importance of site and area
- not in keeping with surrounding properties, memorials
- not in keeping with local and national importance of sit and area
- constrict sea view
- design too modern
- the conversion of this building to two storey will detract from the heritage of this important and historically sensitive site
- detrimental effect upon tourism and the visitors that visit the site
- not in keeping with existing lighthouse
- the grassed area surrounding the proposed development is well used, this development will be off putting
- previous development rejected.

4.9 Three letters of support raise the following issues:

- improve area
- residential usage of the building is appropriate, in that by the nature of the scale of the development
- will prevent youths being attracted to climbing of the roof
- the site is disused and neglected, this will be an improvement.

Copy Letters C

4.10 The period for publicity expires after the meeting.

CONSULTATIONS

4.11 The following consultation replies have been received:

Northumbrian Water: Having assessed the proposed development we have no comments to make at this stage.

Environment Agency: Awaiting comments

English Heritage: Having examined the proposal it is considered that it will not harm the setting of the scheduled Heugh Coastal Artillery Battery.

Cleveland Police: Awaiting comments

Landscape & Conservation: The design of the proposed building echoes other buildings within the Light House complex in that it is flat roofed and similarly to one of the structures within the complex it has a square tower to one side. The materials of the new building do reflect some of the buildings within the complex as bricks will be used, but the use of what appears to be a ridged, steel cladding is a new material to the site.

The issues for consideration are the impact on the heritage asset (Headland Light House) and the designated heritage assets (Sebastapol Gun and Headland Conservation Area).

The application site is situated with the boundary to the Headland Light House a heritage asset. This is the second Light House in this area, constructed in 1926. The significance of the building lies in the simple architecture of the building and the local history connected to this property. In particular the reason for the construction of this building was to allow the nearby Gun Battery clear sight of the sea.

The proposed development will impact on the setting of this heritage asset. The structure will be in close proximity to the asset and will form part of the context when viewing the Light House from most locations however the change in levels with the application site located at a lower level to the Light House should minimise this impact. The compound itself comprises a number of buildings of differing heights therefore although there would be an additional building within this area the Light House should remain as the dominant building within the site and the significance of the asset, i.e. the design and history, will not be harmed.

Also in close proximity to the application site is the Sebastopol Gun, a grade II listed building. The existing garage structure forms part of the setting to this listed building. The significance of this listed building lies in the asset itself as one of a limited number of known surviving Crimean War Guns therefore the setting of the structure is limited to the dais it is located on. The proposed development will not adversely impact on the setting of this designated heritage asset.

The site is located within the Headland Conservation Area. The significance of the Headland Conservation Area lies in the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character is derived from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are three storey. Most houses make use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. Roof finishes are often in slate with other materials such as brick and render being the dominant materials used for domestic properties.

There is a diverse mixture of architecture within this locality. There is no one style of architecture or palate of materials that could be cited which characterises this area. Within the immediate location of the site are a number of properties, which although constructed as functional buildings, do have architectural merit.

Within the vicinity of the application site the conservation area is characterised by mixed uses. There is a proportion of residential development but also other diverse developments. The Heugh Gun Battery is near by and a focal point for visitors to the Headland Conservation Area. In addition the promenade in this area and Redhugh Gardens draw people to this locality.

There has been major investment in this part of the conservation area with funding going to support the restoration of the Gun Battery, Redhugh Gardens (including the War Memorial located within it) and the promenade. In addition individual grants to residential properties in nearby streets have also contributed to the enhancement of the area.

The proposed development is an individually design property inspired by buildings on the site. As stated above some characteristics in the design echo elements of the buildings within the site. Given the variety of design and the mixture of materials found within the application site it is considered that the proposal would result in less than substantial harm to the significance of the Headland Conservation Area.

The less than substantial harm is outweighed by the benefits which would result from this proposal. The structure is of an innovative design which would contribute to the quality of the built environment within this part of the conservation area. This is in line with NPPF Para 56 which states that development should 'respond to local character and history, and reflect the identify of local surroundings and materials, while not preventing or discouraging appropriate innovation' and Para 60 which states, 'Planning Policies and 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.'

HBC Engineering Consultancy: No objections at this stage.

The site itself appears to either be in or very close to EA flood zones 2 and 3. The application indicates both foul and surface water will be discharged into main sewer, if this is the case I would advise early contact with Northumbrian Water to ensure this is feasible.

For information purpose, this area sits behind a section of sea wall which currently has zero residual life remaining. HBC are intending to implement a scheme to update the existing sea wall to provide 100 year protection in early 2015 however this is subject to obtaining funding and receiving planning permission.

Countryside Officer: No objection

Traffic & Transport: There are no highway or traffic concerns

Public Protection: No objection

Archaeology: The coastguard office is within the precinct of the former Lighthouse Battery, this is of historic and archaeological significance as it was involved with the Bombardment of Hartlepool in World War I.

On paper the application would not appear to have any associated groundworks but I understand from your pre-application discussions with Robin Daniels that reinforcement of the foundations might be necessary to carry the extra load of an added first floor. If this were the case then there may be a negative impact on archaeological remains associated with the gun battery.

I would therefore recommend a planning condition to be used in the event that foundation works or similar are required. This would require the applicant to employ an archaeological contractor to carry out monitoring during any groundworks and being given opportunity to record any deposits as appropriate. This is in line with the advice given in the NPPF (para 141). The condition could be waived if groundworks are not required.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design
 GN3: Protection of Key Green Spaces
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 HE12: Protection of locally important buildings
 Hsg10: Residential Extensions
 Rec9: Recreational Routes
 To2: Tourism at the Headland

National Policy

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

Paragraph 002: Primacy of development plan
 Paragraph 006: Purpose of the planning system
 Paragraph 007: Three dimensions to sustainable development
 Paragraph 011: Planning law and development plan
 Paragraph 012: Statutory status of development plan
 Paragraph 013: NPPF is material consideration
 Paragraph 014: Presumption in favour of sustainable development
 Paragraph 017: Core planning principles
 Paragraph 060: Promotion or reinforcement of local distinctiveness
 Paragraph 131: Determining heritage planning applications
 Paragraph 132: Impact on the significance of a designated heritage asset
 Paragraph 134: Less than substantial harm to the significance heritage
 Paragraph 135: Impact on the significance of a non-designated heritage asset

PLANNING CONSIDERATIONS

4.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan

and in particular the impact upon the character and appearance of the conservation area, archaeology of the site, flooding and drainage and highway safety.

4.16 There are a number of key consultation responses outstanding. It is anticipated that these will be received prior to the meeting. A comprehensive update report setting out the relevant planning consideration and recommendation to Members will follow.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.17 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.19 There are no Section 17 implications.

RECOMMENDATION – UPDATE report to follow.

BACKGROUND PAPERS

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

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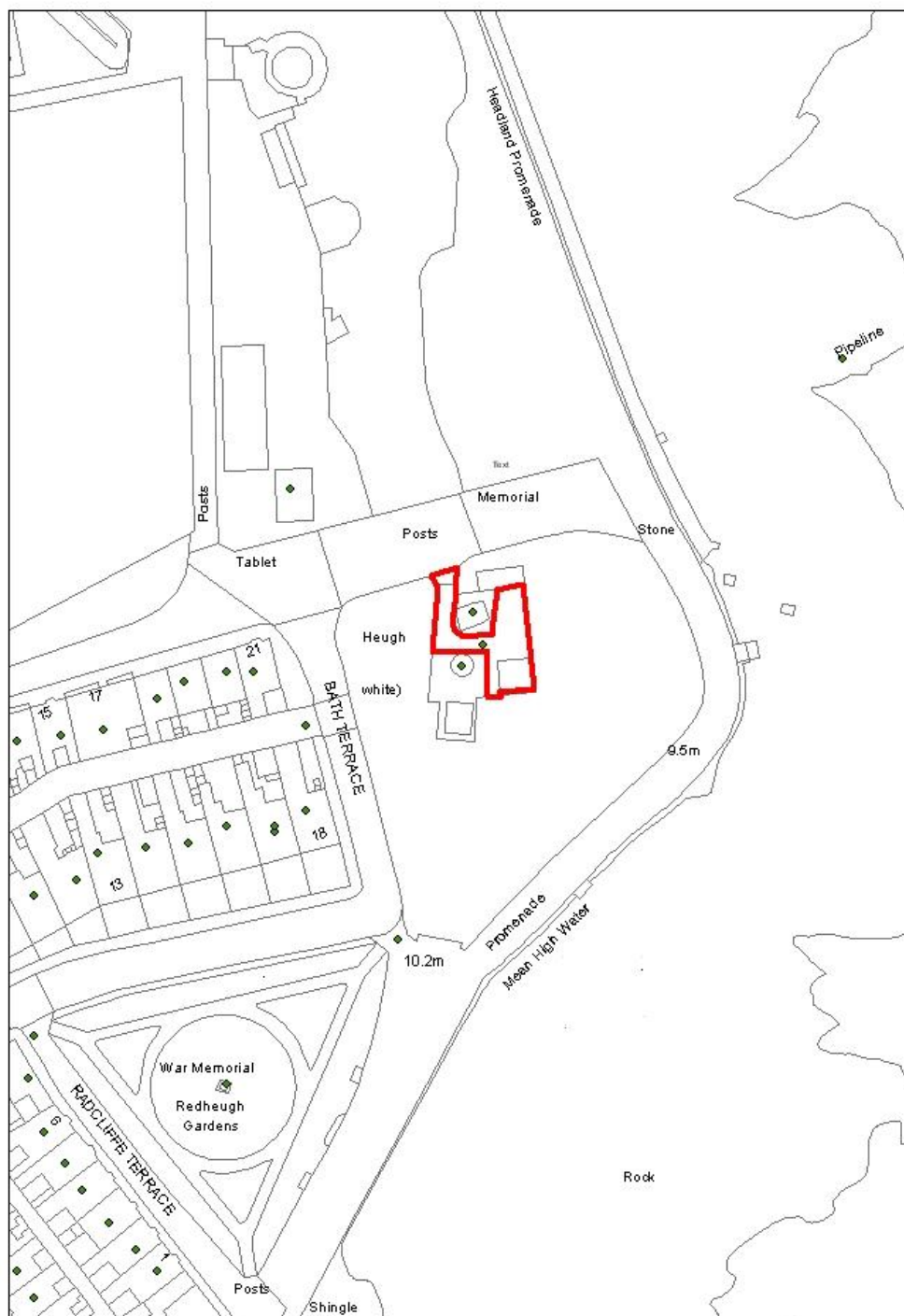
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FORMER COASTGUARDS OFFICE, MOOR TERRACE



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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.

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.

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.

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.

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

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.

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.

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.

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.

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.

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.

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.

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.

MINERALS & WASTE DPD 2011

Policy MWC6: Waste Strategy

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
 - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
 - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
 - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste,
- e) developing the regional and national role of the Tees Valley for the management of specialist waste streams.

Proposals should have no adverse impact on the integrity of the SPA, Ramsar and other European sites, either alone or in combination with other plans or

programmes. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

Policy MWC7: Waste Management Requirements

Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley, as follows:

- a) for the composting of at least 16,000 tonnes of municipal solid waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;
- b) for the recovery of value from at least 103,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, falling to 83,000 tonnes per year by 2021;
- c) for the recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and
- d) to provide additional treatment and management facilities to reduce the amount of hazardous waste that is sent for landfill or disposal each year from the 2007 level of around 130,000 tonnes.

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.

6. The purpose of the planning system is to contribute to the achievement of sustainable development. The policies in paragraphs 18 to 219, taken as a whole, constitute the Government's view of what sustainable development in England means in practice for the planning system.

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.

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.

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and

competition in the market for land;

- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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.

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.

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.

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.

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.

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.

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

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.

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.

UPDATE REPORT

No: 3
Number: H/2014/0309
Applicant: Thomlinson Road HARTLEPOOL TS25 1NS
Agent: Allen & Hunt Ltd Mrs Dianne Brown Narlow Works
Thorpe ASHBOURNE DE6 2AT
Date valid: 21/08/2014
Development: Erection of building to store recyclable waste
Location: J & B Recycling Thomlinson Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 This application appears on the main agenda at item 3. The recommendation was left open as discussions on the application were ongoing.

CONSULTATIONS

3.3 The following additional consultation response has been received.

Cleveland Fire Brigade : Offers no representations regarding the development as proposed. However access and water supplies should meet the requirements as set out in the approved document B volume 2 of the Building Regulations. It should be noted the importance of the Fire Risk Assessment review to ensure measures are in place to deal with the increased risk.

PLANNING CONSIDERATIONS

3.4 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, impact of the visual amenity of the area, highways, drainage, contamination, and the impact on the amenity of neighbouring properties.

POLICY

3.5 The site is an existing waste recycling facility and it is considered that the proposed erection of an additional building to assist in the operation of the site is acceptable in principle.

IMPACT ON THE VISUAL AMENITY OF THE AREA.

3.6 The site is located in an established commercial area of the town characterised by large buildings on an industrial scale. It will be located adjacent to a larger

UPDATE REPORT

building on site of a similar height. It is considered that the design and appearance of the building is acceptable in this context. The building will allow for additional internal storage capacity of waste and it is considered that the development will have an acceptable impact on the visual amenity of the area.

HIGHWAYS

3.7 The site is an existing operation. Traffic & Transportation have raised no objections to the proposal and in highway terms the proposal is considered acceptable.

DRAINAGE

3.8 Surface Water arising from the development will be disposed of to the public sewer.

3.9 Northumbrian Water have raised no objections to the proposal but have advised that a combined sewer crosses the site. The matter has been raised with the applicant and discussions with Northumbrian Water are advanced. The sewer is legal protected by a deed grant of easement and will need to be diverted, protected or the building layout revised. This is ultimately a matter which will need to be agreed with Northumbrian Water. Any changes subsequently arising to the building/building layout would need to be subject to a separate application.

CONTAMINATION

3.10 The site is located on a waste site and therefore has been subject to a potentially contaminative land use. The Environment Agency have therefore requested conditions to ensure that any risk from contamination is dealt with.

IMPACT ON THE AMENITY OF NEIGHBOURS

3.11 The site is an existing permitted waste recycling facility located in the centre of a commercial area and there are no nearby residential neighbours. No objections to the proposal have been received from the HBC Public Protection or the Environment Agency. It is considered that the proposal which will provide additional internal storage for recyclable waste will improve the management of waste on the site to the benefit of the amenity of the area.

CONCLUSION

3.12 The proposal is considered acceptable and is recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.13 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

UPDATE REPORT

3.14 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans(1031-001 proposed building, 1031-002 block plan,1031-003 location plan, 1031-004 roof plan) and details received by the Local Planning Authority at the time the application was made valid on 21st August 2014, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. This permission relates only to the erection of the building detailed in the application.
For the avoidance of doubt.
4. The building shall only be used for the storage of recyclable waste prior to its processing on site and the storage of processed waste prior to its dispatch from the site.
For the avoidance of doubt and in the interest of the amenity of the area.
5. No development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), shall take place until a scheme that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the local planning authority:
 - 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

UPDATE REPORT

- 4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action. Any changes to these components require the express written consent of the local planning authority. The scheme shall be implemented as approved. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should also ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (eg. a waste transfer station). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.
6. No occupation of any part of the permitted development shall take place until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented as approved. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121). The information provided with the planning application indicates that the site has been subject to potentially contaminative land-uses (eg. a waste transfer station). The environmental setting of the site is sensitive as it lies on the Sherwood Sandstone, a principal aquifer. This condition will ensure that the risks posed by the site to controlled waters are assessed and addressed as part of the redevelopment.
7. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the local planning authority) shall be carried out until the developer has submitted a remediation strategy to the local planning authority detailing how this unsuspected contamination shall be dealt with and obtained written approval from the local planning authority. The remediation strategy shall be implemented as approved.

UPDATE REPORT

The risks posed by any unsuspected contamination discovered during development will require further assessment. National Planning Policy Framework (NPPF) paragraph 109 states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of water pollution. Government policy also states that planning policies and decisions should ensure that adequate site investigation information, prepared by a competent person, is presented (NPPF, paragraph 121).

8. The external materials used for this development shall match those of the existing building(s) located to the west unless some variation is otherwise agreed in writing by the Local Planning Authority.
In the interests of visual amenity.

BACKGROUND PAPERS

3.16 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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UPDATE REPORT

No: 6
Number: H/2014/0354
Applicant: Mr Mark Beard c/o SJR Architectural 104 The Innovation Centre HARTLEPOOL TS25 5TG
Agent: SJR Architectural & Interior Designers Mr David Johnson
SJR ARCHITECTURAL & INTERIOR DESIGN SUITE
104 THE INNOVATION CENTRE VENTURE COURT,
QUEENS MEADOW B HARTLEPOOL TS25 5TG
Date valid: 15/08/2014
Development: Change of use of former coastguards station to dwelling including first floor extension and viewing gallery
Location: FORMER COASTGUARDS OFFICE MOOR TERRACE HARTLEPOOL

UPDATE

6.1 This application appears on the main agenda at item 6. The report was left open to allow for receipt of outstanding consultation responses. The time period for representations expires on 7 October 2014, any further responses received will be provided to Members at the meeting. Three additional letters of objection have been received since the original report. The concerns raised are:

- Impact on historical site
- Out of keeping with area
- Detrimental effect on tourism
- Highway safety

6.2 The following outstanding consultation has been received:

Police – No objection to the proposed development

Environment Agency – It is anticipated that comments will be received prior to the meeting and verbal update will be given at the meeting.

PLANNING CONSIDERATIONS

6.3 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon the character and appearance of the conservation area and listed structures, archaeology of the site, flooding and drainage, highway safety and impact on the amenity of neighbours.

Principle of Development

6.4 The site is located within the Headland Conservation Area, and is adjacent to the Sebastopol Gun a grade II listed building, both of which are designated heritage assets. The Headland Light House, adjacent to the site is a locally listed building therefore a heritage asset.

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6.5 The area is predominately residential in character therefore the provision of a residential dwelling in this location is considered acceptable on principle.

6.6 Concerns have been raised with the design of the proposal and the impact upon the area. These matters are discussed in detail below. It is acknowledged that the design is of a contemporary nature. However, it is considered in the context of the site which includes various structures including a storage building, cylindrical lighthouse, redundant mast and 14m high former coastguard lookout the proposed structure on balance would be acceptable.

Character and appearance of the conservation area and listed structures

6.7 The site is located within the Headland Conservation area. The significance of the Headland Conservation Area lies in the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character is derived from its peninsula location and from the Victoria domestic residential architecture.

6.8 The area is predominately residential in character with two-storey dwellings however the properties on the main frontage of the sea are three storey. The residential properties within this area are of a traditional design. Roof finishes are often in slate with other materials such as brick and render being the dominant materials used for domestic properties which make use of traditional materials.

6.9 Within the vicinity of the application site there are other diverse developments. The Heugh Gun Battery is close by and is a focal point for visitors to the Headland. In addition to this the promenade and Redhuegh Gardens also draw visitors to the area.

6.10 The site itself is located within the lighthouse complex. This consists of a range of buildings of varying architectural merit and style. These include a modern non traditional flat roofed building, a redundant mast, a lighthouse and a modern non traditional two storey flat roof former lookout building, there is also a modern single storey pitched roof public convenience block which sits in the north east end of the site.

6.11 It is acknowledged that the development is of a modern contemporary design and that the issue of design is a highly subjective matter. However the proposal has sought to incorporate features from the existing non traditional buildings within and adjacent to the site and similar materials (painted brickwork and metal). It is considered that in this context given the variety of design and mixture of materials found within the vicinity of the application site that on balance the proposal would result in less than substantial harm to the significance of the Headland Conservation Area and would therefore be difficult to resist.

6.12 It is considered on balance that the less than substantial harm is outweighed by the benefits which would result from the proposal. It is acknowledged that it is of an innovative design which would contribute to the quality of the built environment within this part of the conservation area. This is in line with NPPF Para 56 which states that development should 'respond to local character and history, and reflect the

UPDATE REPORT

identity of local surroundings and materials, while not preventing or discouraging appropriate innovation' and Para 60 which states, 'planning policies and 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.

6.13 In terms of the listed structures the proposal is in close proximity to the light house which is a locally listed structure. It is acknowledged that the proposed development will impact on the setting of this heritage asset. As previously stated above the compound comprises a number of buildings of differing heights and design it is considered on balance that the addition of the proposed building will not significantly detract from the light house being the dominant feature. It is therefore considered that the significance of the asset will not be significantly harmed.

6.14 The Sebastopol Gun, a grade II listed structure sits in close proximity to the application site. The significance of this listed structure lies in the gun itself. It is considered therefore that the proposed development will not adversely impact on this designated heritage asset.

6.15 It is noted that there is an application (2014/0367) for a stone monument on land adjacent to the application site. However, this application is still under consideration and whilst the development will impact on the immediate setting of the monument it would be difficult to substantiate this as a reason for refusal.

6.16 The Conservation Officer has raised no objections to the proposal and on balance the proposal is considered acceptable in terms of its impact on the character and appearance of the Conservation Area and listed structures.

Archaeology

6.17 The coastguard office is within the precinct of the former Lighthouse Battery, this is of historic and archaeological significance as it was involved with the Bombardment of Hartlepool in World War 1. Whilst the proposal does not appear to have any associated groundworks it is unclear from the information provided whether there may be a requirement for reinforcement of the existing foundations to accommodate the extra load of an added first floor. The proposed works could have a negative impact on archaeological remains associated with the gun battery.

6.18 Therefore a condition is recommended to ensure archaeological recording works are carried out. This would require an archaeological contractor to monitor and the recording of a heritage asset through a programme of archaeological works to accord with the requirements of paragraph 141 of the NPPF. Subject to this condition in archaeological terms the proposal is considered acceptable.

Flooding and drainage

6.19 The proposed site sits on the edge of flood zone 2 and 3 and therefore is within an area at risk of flooding. The applicant has submitted a Flood Risk Assessment and the comments of the Environment Agency are awaited. It is not anticipated that

UPDATE REPORT

there would be an issue with the proposal. It is anticipated that comments will be received prior to the meeting, with a verbal updated being provided at Committee.

6.20 Northumbrian Water have raised no objections to the proposal.

Highway safety

6.21 A number of concerns were raised by objectors regarding the safety of the proposed use of the access into the site and the immediate area. The Council's Traffic and Transport section were consulted on the proposal and raised no objection.

6.22 It is acknowledged that there may be an intensification of the existing gated access however it is not considered that the additional use that would be generated by the provision of a single residential dwelling would be of such a degree to sustain an objection.

6.23 There is a large area of informal parking adjacent to the Heugh Gun Battery visitors centre, it is not considered that the continued use of an existing access would have a significant impact upon this area.

Impact on amenity of neighbouring properties

6.24 The application site is in close proximity to residential properties on Bath Terrace, Cliff Terrace, Moor Terrace and Radcliffe Terrace. Proposed residential developments must ensure that residential amenity of both existing neighbouring properties and the proposed occupiers of the new development are adequately preserved.

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

6.26 The nearest residential property is in excess of 40m. It is considered that there is unlikely to be a detrimental impact upon the amenity of the neighbouring residential properties.

6.27 The residential properties within this area are characterised by a mix of large three storey and two storey properties. There are large areas of open space including Redheugh Memorial Gardens.

6.28 Access to the site uses an existing access in to the compound of the lighthouse and coastguard building, this access is set a considerable distance from other residential properties to create a significant impact in terms of noise and disturbance.

6.29 It is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties or land users and accords with local and national planning policy in this regard.

UPDATE REPORT

EQUALITY AND DIVERSITY CONSIDERATIONS

6.30 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.32 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the receipt of satisfactory comments received from the Environment Agency, the consideration by the Planning Services Manager of any additional representations received before the expiry of the consultation period, the following conditions and any other conditions arising from the outstanding consultation.

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any other revoking or re-enacting that Order with or without modification), no garage(s), sheds or other incidental structures shall be erected within the curtilage of the dwellinghouse hereby approved 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 and the Headland Conservation Area.

UPDATE REPORT

5. A) No 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 post 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 persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

C) 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 and archive deposition has been secured. The site is of historic and archaeological significance.
6. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To ensure discharge of surface water from the site does not increase the risk of flooding from sewers in accordance with the requirement of the NPPF.
7. The development hereby permitted shall be carried out in accordance with the plans Contract No: SJR/14:19 Dwg No(s) 03, 04, 05, 06 and 08 (site location plan) received 31 July 2014 and Dwg No(s) 02 Rev A and 07 Rev A received 8 August 2014 and details received by the Local Planning Authority on 18 August 2014.
For the avoidance of doubt.
8. Before the development is brought into use the approved car parking scheme shall be provided in accordance with the approved details. Thereafter the scheme shall be retained for its intended purpose at all times during the lifetime of the development.

UPDATE REPORT

In the interests of highway safety.

BACKGROUND PAPERS

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

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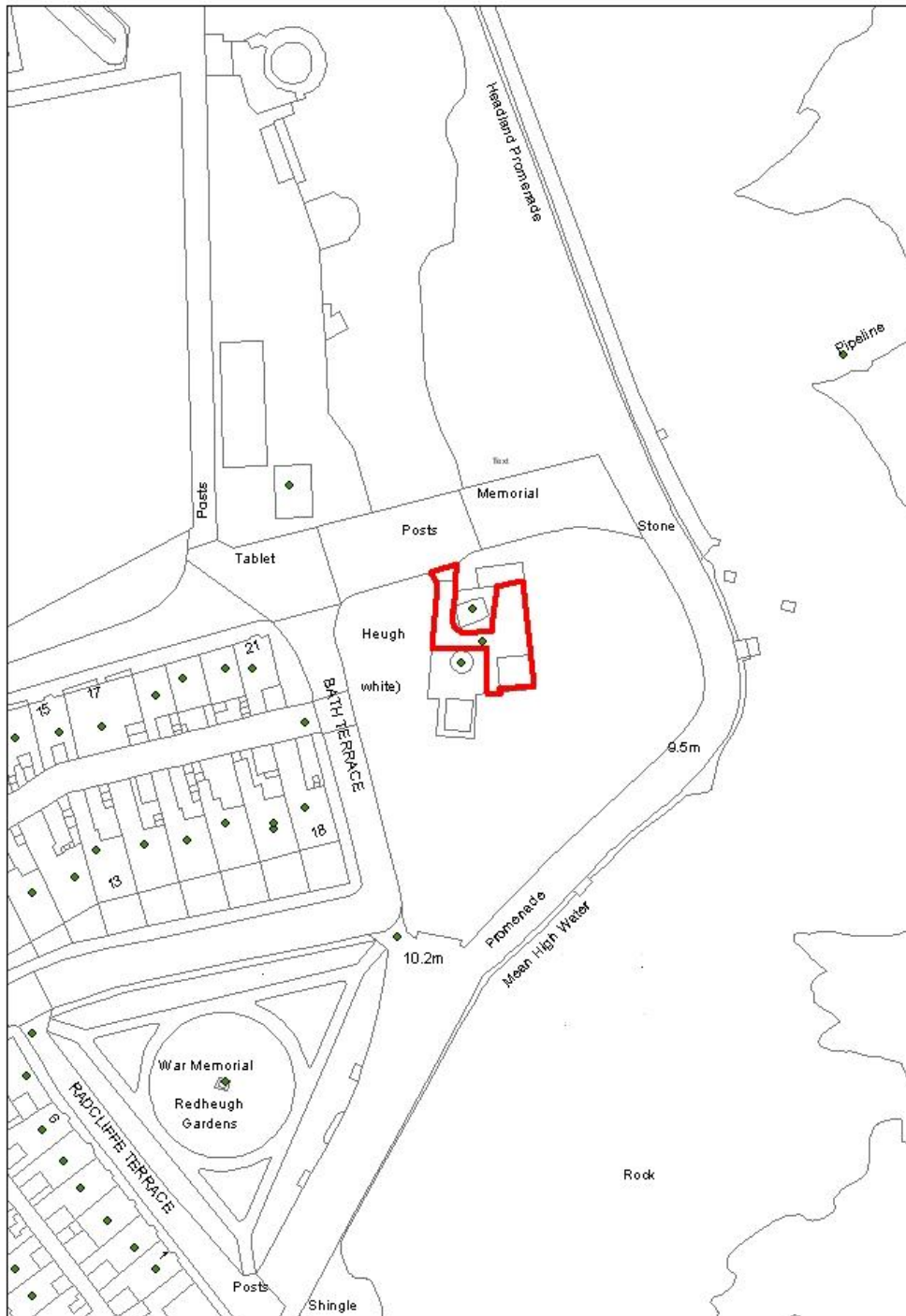
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UPDATE REPORT

FORMER COASTGUARDS OFFICE, MOOR TERRACE



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY
HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

COPYRIGHT RESERVED LICENCE 1000233902013

Scale: 1:1000
Date : 12/09/14
H/2014/0354

ANY OTHER BUSINESS

No: Any other business
Number: H/2014/0393
Applicant: Mr Jon Whitfield HUB TWO Innovation Centre
HARTLEPOOL TS25 4HG
Agent: Euro Property Management Ltd Mr Jon Whitfield HUB
TWO Innovation Centre HARTLEPOOL TS25 4HG
Date valid: 21/08/2014
Development: Change of use from A1 Retail to A5 Hot Food
(Resubmitted Application)
Location: 36A CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

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. The application site is a single storey end of terrace unit located within a modern commercial development on the site of a former public house. The development was approved in August 2008 (H/2008/0164). Unit 34 is occupied by a local supermarket, unit 34a by a hot food takeaway (H/2009/0085) and unit 34b by Hartlepool & District Hospice, whilst unit 36 has been divided into two units comprising a barbers and café (H/2013/0417). The unit which relates to this application is currently vacant and has remained so for a number of years.

3. A previous application for the change of use of the unit from A1 Retail to A5 Hot Food (H/2010/0250) was submitted to the council and subsequently approved by the Planning Committee however this permission has now lapsed with no development taking place on site within the three year period outlined in the conditions. The current application essentially seeks to renew that permission.

PROPOSAL

4. Planning permission is sought for a change of use from A1 Retail to an A5 hot food takeaway. The opening hours proposed are Monday to Friday, Saturday, Sunday and Bank Holidays 10:00am to 11:00pm. An additional application for advertisement consent has been submitted (H/2014/0401) concerning alterations to the external fascia signage.

5. The application has been referred to planning committee due to the number of objections received during neighbour consultation.

SITE CONTEXT

ANY OTHER BUSINESS

6. The application site is a single storey end terrace unit located within a modern commercial development. To the west is a rear service yard, accessed from Walpole Road. The boundary is screened by a high wall & fencing beyond which is Walpole Road, the rear gardens of the neighbouring residential properties and a row of private garages. To the east is Catcote Road beyond which is the junction of Oxford Road with residential properties to either side. To the north is a car park which service the development and beyond that a residential property which has a side elevation facing the car park. To the south of the new retail block is the original mixed use development at Catcote Road containing retail and commercial premises at ground floor and residential accommodation at first floor. Units in this block include a vacant unit directly adjacent to the proposal site, a pizza takeaway, a sweet shop, a fish & chip shop and betting store among others.

PUBLICITY

7. The application has been advertised by way of neighbour letters (39) and site notice (Cadcote Road). To date, there have been 3 letters of objection and 8 letters of no objection.

8. The concerns raised are:

- The development will cause an increase in the levels of antisocial behaviour in the area.
- The development will have a detrimental impact on the business of other hot food takeaways already on the parade.
- There is a lack of demand for additional hot food takeaways in the area.
- Proximity of the proposal to local schools would undermine the Council's initiative of promoting the health and well being of children.

9. The period for publicity expires on 9 October 2014. Members will be updated on the position at the meeting.

CONSULTATIONS

10. The following consultation replies have been received

HBC Traffic and Transport – There are no highway or traffic concerns.

HBC Public Protection - No objections to this application subject to an hours restriction to those in the application, an extract vent condition and a condition prohibiting any deliveries being undertaken from the rear of the premises.

Cleveland Police – Previous comments (on last application) are still relevant although we have had incidents of anti-social behaviour reports at this location over the past 12 months, the numbers are not particularly large and incidents in general have not been directly linked to these particular types of premises and any incidents mainly have occurred early evening time. Previous comments were as follows: There are already other hot food outlets during evening hours. However, none trade to excessively late hours. We note that this application quotes closing hours of 23.00. In consultation with Police Neighbourhood Team we do not feel that ASB and crime levels are a major issue. The area is well patrolled by Neighbourhood Police

ANY OTHER BUSINESS

officers; there is a main frame HBC CCTV camera, monitored live, at junction of Marlow Road/Catcote Road; the development has its own CCTV system recording on. In addition some of the units have their own CCTV/security systems and the nearby Catholic Club CCTV system has been enhanced to afford exterior coverage of the area surrounding their premises and to the rear of shops. We would see no reason to oppose this application.

PLANNING POLICY

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

Local Planning Policy

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

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.

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.

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.

National Planning Policy

ANY OTHER BUSINESS

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

14. From a national viewpoint, there are some relevant elements from the NPPF:

PARA 002 : Primacy of Development Plan
PARA 011 : Planning law and development plan
PARA 012 : Statutory status of development plan
PARA 013 : NPPF is material consideration
PARA 014 : Presumption in favour of sustainable development
PARA 056 : Design of built environment

PLANNING CONSIDERATIONS

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

Principle of Development

16. Adopted Hartlepool Local Plan Policy Com5 (Local Centres) makes provision for food and drinks premises including hot food takeaways (A5) within designated local centres, providing that there is no significant adverse impact on the occupiers of adjoining or nearby properties and the highway network. The policy also requires the impact of the proposal upon the function character and appearance of the area to be considered. Policy Com12 prohibits hot food takeaways in predominantly residential areas where they adjoin residential premises. This part of Catcote Road is a busy local centre which provides a wide range of shops and services. Although a number of units in the local centre already contain A5 uses, it is considered that the scale and character of the centre is such that the proposal is unlikely to have a significant impact on the function of the local centre or unduly affect the character and appearance of the area.

ANY OTHER BUSINESS

17. In Policy terms the proposal is considered acceptable.

Impact on Visual Amenity

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

19. Alterations to the external fascia signs are subject to an additional application for advertisement consent (H/2014/0401) which has been submitted to the Local Planning Authority and will be considered on its own merits.

Impact on Neighbour Amenity

20. The application site is located in the centre of a parade of shops and whilst it is acknowledged that hot food takeaways generally operate at different hours to retail units, the property is within a purpose built commercial area where there are other businesses which also operate at these hours, namely the One Stop local supermarket.

21. The closest residential properties to the rear of the site are those located in the terraced street at Walpole Road which feature rear elevations facing the rear of the new shopping parade. However, due to the location of the unit at the end of this particular parade, these do not directly overlook the application site and as such are located at significant distance from the rear service entrance. The application site is enclosed by a large boundary wall and fence to the rear and is screened partially from neighbouring dwellings by planting.

22. Residential properties to the front of the site on the opposite side of Catcote Road are considered to be located at significant enough distance to negate any detrimental impact from the proposal on neighbour amenity. Flats can also be found above a number of the shops to the south of the parade however given that the unit will be accessed from Catcote Road and its relationship to these residential properties it is not considered that the use of the premises will unduly affect the amenity of these neighbours.

23. Furthermore, a number of conditions are to be imposed in order to protect the amenity of neighbouring residents including restrictions on operating hours to the same as other businesses in the area, a restriction on takeaway deliveries being undertaken from the rear service entrance and ventilation/filtration measures to negate any impact from cooking smells. Subject to these conditions there are no objections from Public Protection.

24. Given the hours of operation proposed (10:00-23:00) and the commercial nature of the area, it is not considered in this case that the use would have a significant impact on neighbouring properties in terms of noise and disturbance. The proposal is therefore considered to be acceptable in terms of its potential impact on the amenity of neighbouring properties.

ANY OTHER BUSINESS

Highway Safety

25. The site is located within an existing modern shopping parade served by an adjacent car park which is conveniently located nearby. Traffic & Transportation have raised no objections to the development and therefore the proposal is considered to be acceptable in terms of highway safety.

Other Issues

26. A number of concerns have been raised by objectors. In particular 2 of the objections highlight potential antisocial behaviour issues as a reason for objection, however the Community Safety Officer in consultation with the Police Neighbourhood Team has previously had no objections to the change of use of this unit from A1 to A5 (H/2010/0250) stating that antisocial behaviour is not a major issue in this area and that sufficient crime prevention measures are in place, including Neighbourhood Police patrols and an abundance of CCTV coverage.

27. Concerns have also been raised over the impact the proposal may have on the health and wellbeing of children due to its proximity to local schools. Whilst this is acknowledged, there are currently a number of takeaways already located in the area and there are no policy implications which would warrant a refusal on this basis.

28. One of the objections received has cited the potential impact the proposal may have on similar businesses in the area in terms of competition as a reason for objection, however competition of this type is not a material planning consideration and therefore no weight can be given to this. Likewise another objector has stated there is insufficient demand within a 3 mile radius for another takeaway restaurant however need is also not a material planning consideration in this case.

Conclusion

30. With regard to the relevant Hartlepool Local Plan (2006) policies, and with regard to the relevant planning considerations discussed above, the proposal is considered acceptable and therefore is recommended for approval subject of the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

30. There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

31. 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.

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

REASON FOR DECISION

ANY OTHER BUSINESS

33. 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 consideration by the Planning Services of any additional representations received during the outstanding publicity period and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The use hereby approved shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
3. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 21/08/14 (Site Location Plan; Design & Access Statement; Dwg No. 90-02 Rev PL1; A-527-A2-01 Rev C).
For the avoidance of doubt.
4. Any delivery of takeaway meals from the premises shall take place via the front entrance onto Catcote Road and not via the rear service yard.
In the interests of the amenities of the occupants of neighbouring properties.
5. The details and location of any additional external lighting proposed to that approved under the provisions of planning approval H/2008/0164, shall be submitted to and approved in writing by the Local Planning Authority prior to its installation. The scheme shall thereafter be implemented in accordance with the approved details and thereafter retained during the lifetime of the development, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the occupants of neighbouring properties and crime prevention.
6. The premises shall not be open to the public outside the following times 10:00 to 23:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
7. Servicing of the unit shall be restricted as follows:
 - 1) Between 7am and 9pm daily from the rear service yard;
 - 2) Between 5:30am and 7am from the approved car parking area.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

34. Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

ANY OTHER BUSINESS

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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PLANNING COMMITTEE

1 October 2014



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint raised by a ward councillor regarding used cars for sale on the forecourt of a car valeting business on Catcote Road and Stockton Road.
2. An investigation has commenced in response to a resident's complaint regarding the parking, storing of caravans and camper vans on a resident car park to the rear of Haxlewood Rise.
3. An investigation has commenced in response to an anonymous complaint regarding the erection of a full width rear canopy at a residential property on Howden Road.
4. An investigation has commenced stemming from a Council Building Surveyor noting works had been undertaken to provide four holiday chalets rather than the two recently approved at an existing tourism/ leisure facility in Dalton Piercy.
5. An investigation has been completed in response to a complaint regarding the commencement of building of a single storey full width rear brick built extension/conservatory with a polycarbonate clear roof at a residential property on Bolton Grove. Permitted development rights applied in this case and the works are also exempt from Building Regulations. No further action is required.
6. An investigation has commenced in response to a complaint regarding the intended change of use to a community centre of a residential property on Grange Road.
7. An investigation has commenced in response to a complaint regarding an untidy vacant piece of land on Young Street.

8. An investigation has commenced in response to an anonymous complaint regarding the incorporation of land into the rear garden at two residential properties on Middlegate.
9. An investigation has commenced in response to a complaint regarding the incorporation of land into the rear garden of a property on Marty Rose Close. As the land in question is in Council ownership the complaint has been redirected to the Council's Estates team to action as necessary.
10. An investigation has commenced in response to a complaint regarding non-compliance with a condition requiring the installation of obscure glazing in a first floor side window of side extension to a property on Egerton Road.
11. An investigation has commenced stemming from a Building Control Surveyor noting works had been completed to subdivide a vacant unit into three smaller units on Navigation Point.
12. An investigation has commenced in response to a complaint regarding the erection of a large porch to the front of a property on Kesteven Road.
13. An investigation has commenced into the condition of a vacant residential unit on the first floor of a bookmaker on Station Lane. The complaint arises from the S215 Working Group which looks at cases of untidy properties/gardens.
14. An investigation has commenced into the condition of an overgrown front garden of an occupied residential property on Hawkridge Close. The complaint arises from the S215 Working Group which looks at cases of untidy properties/gardens.

2. RECOMMENDATION

- 2.1 Members note this report.

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