

REPLACEMENT AGENDA

PLANNING COMMITTEE AGENDA



Wednesday 28 October 2015

at 10.00 am

in the Council Chamber,
Civic Centre, Hartlepool.

MEMBERS OF PLANNING COMMITTEE:

Councillors Ainslie, S Akers-Belcher, Barclay, Belcher, Cook, James, Loynes, Martin-Wells, Morris, Richardson 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 30 September 2015 (*to follow*)
- 3.2 To confirm the minutes of the meeting held on 21 October 2015 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

- 1 H/2015/0256 Town Wall, Headland (page 1)
- 2 H/2015/0318 Rear of 138 Elwick Road (page 17)
- 3 H/2015/0345 Unit 140, Middleton Grange Shopping Centre (page 33)
- 4 H/2015/0310 41 Grange Road (page 43)
- 5 H/2015/0351 Land at Quarry Farm, Elwick Road (page 59)

4.2 Appeal at 19-21 Tankerville Street, Hartlepool – *Assistant Director (Regeneration)*

4.3 Proposed Partial Stopping-Up of Public Footpath No 25, Coniscliffe Road, Hartlepool – *Assistant Director (Regeneration)*

5. ITEMS FOR INFORMATION

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



REPLACEMENT AGENDA

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT
7. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

- 8.1 Enforcement Action – *Assistant Director (Regeneration)* (Paras 5 and 6)

9. ITEMS FOR INFORMATION

- 9.1 Proposed Listed Building Repair Notice– *Assistant Director (Regeneration)* (Para 6)

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

FOR INFORMATION: -

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 25th November



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

30th September 2015

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Stephen Akers-Belcher, Allan Barclay,
Sandra Belcher, Marjorie James, Ray Martin-Wells and
Carl Richardson

Also Present: Councillors Steve Gibbon and Jim Lindridge

Officers: Peter Devlin, Chief Solicitor
Damien Wilson, Assistant Director (Regeneration)
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Head of Public Protection
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Senior Planning Officer
Fiona Stanforth, Planning Policy Officer
Jane Tindall, Planning Officer
Jo Stubbs, Democratic Services Officer

42. Apologies for Absence

Apologies were submitted by Councillors Brenda Loynes, George Morris, and George Springer.

43. Declarations of interest by members

Councillor Jim Ainslie declared a personal interest in H/2015/0267 (Land adjacent to Middleton House)

44. Confirmation of the minutes of the meeting held on 2nd September 2015

Confirmed

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

Number: H/2015/0312

Applicant: Mrs Pamela Wright 147 Brierton Lane HARTLEPOOL

Agent: Mrs Pamela Wright 147 Brierton Lane HARTLEPOOL

Date received: 28/07/2015

Development: Change of use from meeting room, tea bar and computer room to mixed use cafe and hot food takeaway with external seating areas (Retrospective)

Location: Rossmere Tea Garden Rossmere Way HARTLEPOOL

George Lee spoke on behalf of the applicant. The premises provided an essential and valued service to vulnerable customers, particularly in winter. Its popularity was evidenced by the 1245 people who had signed a petition in support. If the application was refused it could lead to staff reductions and potentially complete closure during the winter months. The applicant had made genuine efforts to alleviate the concerns of nearby residents and wished to comply with the Council's requirements.

Peter Joyce spoke against the application. He supported the recommendation to refuse saying the change of use to a takeaway had caused havoc in the community, resulting in issues with parking, lack of privacy for nearby residents and litter problems.

The Ward Councillor, Jim Lindridge, spoke in favour of the application. He felt that the objections which had been raised were not supported by the opinions of the Council officers and the wider Rossmere community. The facility was well used by the community and its popularity evidenced by the 1245 signature petition. Local business should be supported. The Ward Councillor, Steve Gibbon, had submitted a written statement to the committee.

Councillors acknowledged the concerns of the residents but felt that these could all be alleviated by enforcement and asked that an action plan be put together to accomplish this. They wished to support local businesses and the wider community and this application would achieve both these things. Members voted in favour of the application by a majority, the conditions being delegated to the Planning Services Manager.

Decision: **Planning Permission Approved conditions delegated to the Planning Services Manager**

Number:	H/2015/0267
Applicant:	Mr Geoff Holmes Carlyn Limited Milton House 57 Leeds Road LEEDS
Agent:	Elder Lester McGregor Mr Ian McGregor Reeds Mill Atlas Wynd YARM
Date received:	12/08/2015
Development:	Erection of a restaurant/cafe with related external works and car parking provision
Location:	Land adjacent to Middleton House Navigation Point Middleton Road HARTLEPOOL

Ian McGregor, Agent for the Applicant, spoke in favour of the application which would contribute to the vitality of Hartlepool Marina. There was a demonstrable demand for this type of facility in the area.

Claire Braham of Hartlepool Sea Cadets spoke against the application. The Hartlepool Sea Cadets relied heavily on the car park for their training and this development would put their activities at great risk. They had recently raised £110 thousand to purchase the lease on the building they occupied but this did not include the car park adjacent to the building. She felt there was adequate space for parking on the other side of the marina and questioned how successful a restaurant would be on this site.

Members noted that officers had recommended refusal of the previous application partly due to concerns over takeaways and obesity yet they were recommending approval in this case. They asked that the Council's policy on takeaway provision be re-examined and brought back to the committee. The Senior Planning Officer commented that the nature of this application differed from the previous application in that it was a cafe/restaurant rather than a takeaway and located centrally.

In terms of the application members expressed concern at the impact the development might have on the Hartlepool Sea Cadets and asked whether the decision could be deferred to allow the applicant and Sea Cadets to engage in dialogue and come to a compromise. However Mr McGregor indicated that his client had instructed him to pursue a determination at this meeting. Members raised concerns relating to overdevelopment of the area and the detrimental impact this would have on the neighbouring properties, specifically the Hartlepool Sea Cadets. They were also concerned at its proximity to the water's edge, crime and antisocial behaviour and in respect to highway safety. Members voted to refuse the application by a majority.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

- 1 In the opinion of the Local Planning Authority the proposed development, by virtue of its scale and siting, would result in an overdevelopment of the site to the detriment of the visual amenity of the surrounding area contrary to saved Policy GEP1 of the Hartlepool Local Plan (2006) and paragraphs 17, 56 and 58 of the NPPF.
- 2 In the opinion of the Local Planning Authority the proposed development, by virtue of its scale and siting, would result in a loss of amenity and privacy for the occupants of the adjacent property at Middleton House contrary to saved Policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF which states that developments should seek a good standard of amenity for all existing and future occupants of land and buildings.
- 3 In the opinion of the Local Planning Authority the proposed development could give rise to issues of increased crime, antisocial behaviour and fear of crime in the local area to the detriment of the amenity of the occupiers of neighbouring properties and the surrounding area contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraphs 17, 58 and 69 of the NPPF.
- 4 In the opinion of the Local Planning Authority the proposed development would by virtue of the generation of additional traffic and loss of parking provision have a detrimental impact upon highway safety and amenity within the local area to the detriment of the amenity of the occupiers of neighbouring properties and the surrounding area and highway safety contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.
- 5 In the opinion of the Local Planning Authority the proposed development, by virtue of its close proximity to the marina waters and the generation of additional pedestrian traffic, would result in an unacceptable risk to the health and safety of future visitors to the site contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraphs 17, 58 and 69 of the NPPF.

The Committee considered representations in relation to this matter.

Number:	H/2015/0175
Applicant:	Mr & Mrs Paul Harrison 4 Kingfisher Close Bishop Cuthbert HARTLEPOOL
Agent:	Mr & Mrs Paul Harrison 4 Kingfisher Close Bishop Cuthbert HARTLEPOOL
Date received:	22/05/2015
Development:	Retrospective application for the erection of a retaining wall with fence above and alteration to

levels of rear garden

Location: 4 Kingfisher Close HARTLEPOOL

Paul Harrison, the applicant, urged members to support the application saying that he and his wife had been unaware that these works needed planning permission. The alterations had originally been made to allow their children to play in their garden safely. When the requirement for planning permission had been brought to their attention they had acted promptly in submitting a retrospective application and commissioning a structural report. They had made genuine attempts to find a compromise with the objector but had not received a response.

Malcolm Arnold spoke against the application saying the impact of the alterations on the neighbouring properties had been considerable. He questioned whether the development had been carried out to the standards required and noted that the photographs submitted as evidence by the applicant had been deliberately taken to make the development look better than it was. He also highlighted Mr Harrison's intention to place a trampoline in the lower part of the garden and the subsequent impact this would have on the privacy of their neighbours. He refuted Mr Harrison's claim to have offered to meet to secure a compromise, saying Mr Harrison had initially agreed to meet with objectors but had subsequently withdrawn this offer. Mr Arnold raised a number of technical considerations in terms of the proposed layout of the alterations and asked that members defer their decision to allow for a site visit.

Members raised several technical queries relating to the hedge height, drainage and fencing. They indicated that before approval could be given they would wish both parties to come to agreement on all issues and that the applicant provide an adequate finish on both sides of the fence. Should no agreement be reached officers would take enforcement action. Members voted to approve the application on this basis by a majority.

Decision: **Minded to Approve** subject to applicant and objectors coming to an agreement on i) fair facing of fence facing neighbours ii) replanting of a more substantial hedge iii) rendering of the retaining wall iv) drainage issues. If not agreed then application to return to committee for decision if agreed the agreed matters can be conditioned with the decision delegated to the Planning Services Manager.

The Committee considered representations in relation to this matter.

Number: H/2015/0325

Applicant: Mrs Jane Paylor 1 Arran Grove HARTLEPOOL

Agent: Peter Gainey Architectural Services Mr Peter Gainey
50 Granville Avenue HARTLEPOOL

Date received: 03/08/2015

Development: Erection of a detached timber frame garage

Location: 1 ARRAN GROVE HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 29/07/15 (drwg. no. 407:1, Site Plan; drwg. no. 407:2, Proposed Plans, Elevations and Location Plan). For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
4. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. In the interests of the amenities of the occupants of neighbouring properties.

Number: H/2015/0266

Applicant: Ms Jill Welch C/O GAP Design St Oswald House 32
Victoria Road HARTLEPOOL

Agent: GAP Design Graeme Pearson St Oswald House 32
Victoria Road HARTLEPOOL

Date received: 14/07/2015

Development: Outline application for the erection of dwelling with
some matters reserved

Location: Land to the South of Hartdale Queensberry Avenue
HARTLEPOOL

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, scale and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority. For the avoidance of doubt.
3. The development hereby permitted shall be carried out in accordance with the plan number 1434:P.10/RevB and The Arboricultural Method Statement received by the Local Planning Authority on 25th August 2015. For the avoidance of doubt.
4. Prior to the commencement of development details of the hard landscaping of this site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a 'No Dig' porous surfacing for the construction and laying down of driveway, parking areas and turning areas of the site, details of which shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development and be in place prior to the first occupation of the dwelling. In the interests of visual amenity by the protecting the root systems of surrounding trees.
5. Details of trees to be retained on the site in terms of location and species shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The specified trees must be protected by the erection of protective barriers, as detailed in the Arboricultural Method Statement submitted in support of this application, and these shall remain in place during the period of construction. In order to protect the surrounding trees and in the interests of visual amenity.
6. Details of the location of the works/contractors compound, to be located outside of the root protection areas of surrounding trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
In order to maintain the amenity of the area and to protect the root system of surrounding trees.
7. The new 3m wide vehicular access to the site with footpath crossover to be formed through the boundary wall onto the highway at Queensbury Avenue; shall utilize a 'No Dig' porous surfacing and shall be constructed in accordance with the Hartlepool Borough Council Design Guide. In the interests of highway safety and to avoid damage to the root systems of nearby trees.
8. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning

Authority. 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.

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (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 preservation of protected trees and the amenities of the occupants of the adjacent residential property.
 10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.
 11. Details of all walls, fences and other means of boundary enclosure, including the new vehicular opening/gates in the wall at the entrance to the site, shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
 12. 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.
 13. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan 2006 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
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46. Appeal at Glebe Farm, Worset Lane (*Assistant Director (Regeneration)*)

Members were advised that an appeal had been submitted against the decision to refuse planning permission for the conversion of a barn to a dwelling house. The decision was made under delegated powers by the chair and the appeal would be decided by written representation. Members queried why refusal had been recommended. The Planning Team Leader (DC) advised that the application had not met the specific circumstances whereby an isolated dwelling in the countryside could be allowed.

Decision

That authority be given to contest the appeal

47. Appeal at land at Home Farm, Worset Lane (*Assistant Director (Regeneration)*)

Members were advised that an appeal had been submitted against the decision to refuse planning permission for a solar farm at land at Home Farm, Worset Lane. The decision was made under delegated powers by the chair and the appeal would be decided by written representation.

Decision

That authority be given to contest the appeal

48. Appeal at 74 Hutton Avenue (*Assistant Director (Regeneration)*)

Members were advised that this appeal for a loft conversion including rear dormer window had been dismissed. A copy of the decision was attached.

Decision

That the outcome of the appeal be noted

49. Appeal at 94 Silverbirch Road (*Assistant Director (Regeneration)*)

Members were advised that this appeal for the erection of a rear two storey extension had been allowed. A copy of the decision was attached. No costs had been awarded against the council.

Decision

That the outcome of the appeal be noted

50. Appeal at Worset Lane *(Assistant Director (Regeneration))*

Members were advised that this appeal for residential development had been allowed. A copy of the decision letter was attached. The appellant had not pursued costs against the Council.

Decision

That the outcome of the appeal be noted

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

Details were given of 12 ongoing issues currently under investigation. A Councillor requested that in future no reference be made as to whether a Councillor had made a particular complaint. The Chair confirmed that this would be amended for future reports. Councillors requested further information on items relating to a high hedges complaint in Wooler Road and a complaint regarding a change of use in St Paul's Road.

Decision

That the report be noted

52. 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.

Members were advised of a potential enforcement situation in relation to a Seaton Carew business. The views of members were sought. The Chair advised members that a special Planning Committee had been convened for 21st October at 10am to consider applications relating to the South-West extension and Wynyard. A site visit would take place at 9am.

The meeting concluded at 11:55am

CHAIR

No: 1
Number: H/2015/0256
Applicant: Hartlepool Borough Council Hartlepool Borough Council
 Civic Centre HARTLEPOOL TS24 8AY
Agent: Hartlepool Borough Council Mr B Colarossi Engineering
 Consultancy Civic Centre HARTLEPOOL TS24 8AY
Date valid: 21/07/2015
Development: Amendment to planning application H/2014/0400 for the
 construction of a reinforced concrete wall on top of the
 Ancient Monument Town Wall, including large culvert to
 control the water that overtops the wall, in order to
 relocate a pedestrian ramp approx 7m to the west of its
 original location
Location: Town Wall 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 An application was submitted on 21 February 2012 (H/2012/0636) for the erection of a reinforced concrete wall with cast iron railings and culvert incorporating drainage outfall adjacent to 33 Town Wall, flood gates and a pedestrian access ramp and footpath linking Sandwell Gate and Town Wall and alterations including the provision of reinforced concrete cladding to existing wall. This application was subsequently withdrawn.

1.3 A further application was submitted on 28 August 2014 (H/2014/0400) for the construction of a reinforced concrete wall on top of the Ancient Monument Town Wall, including large culvert to control the water that overtops the wall. The works for this application included:

- a) Construction of approximately 100m of concrete retaining wall and foundation (which will also act to strengthen the existing Town Wall below the parapet) behind the existing Town Wall, to a height of 0.7m above the current footpath level;
- b) The installation of flood gates at both ends of the wall and at an access point;
- c) The installation of a drainage culvert under the footpath with an outfall to the sea;
- d) re-construction of the concrete section of wall repaired following a breach in 1966 with the installation of a new wave return parapet;
- e) alterations to the existing pedestrian access arrangements comprising a new access ramp for disabled access and a footpath link between the new ramp and Sandwell Gate.

1.4 The above application was approved in December 2014.

PROPOSAL

1.5 This application seeks to amend the 2014 permission. In particular planning permission is sought for the amended location of a pedestrian ramp approximately 7m to the west of its original location which was approved under planning application H/2014/0400. The relocation is to relieve concerns raised from residents regarding access on to their driveways. An addendum to the original Environmental Statement was submitted with the application and has been taken into consideration in the determination of this application.

SITE CONTEXT

1.6 The application site constitutes the Town Wall on Hartlepool Headland. It is the partial remains of an early 14th Century defensive wall which surrounded the Headland to protect the harbour and town. It contains a single surviving gate, the Sandwell Gate. The Town Wall is both a Scheduled Ancient Monument and a Grade I Listed structure. It is also within the Headland Conservation Area and adjacent to a number of listed buildings.

PUBLICITY

1.7 The application has been advertised by way of 30 neighbour letters, a press notice and 2 site notices. To date, there have been 6 letters of objection and 2 letters of no objection.

1.8 The concerns raised are:

- The ramp will narrow the road by 2m
- The ramp is not needed
- The Council receive advance notice of potential storms, site should be cleared, no one will be trapped
- Moving ramp will create parking problems
- Moving ramp will restrict access to Grade II listed properties 33 to 36 Town Wall
- Enough ramps already provided
- Alterations not clear and transparent
- Alterations must not be incongruous
- This is the towns most historic area
- The revised position will create issues for oncoming traffic and residents as access to the narrow cul-de-sac will be obstructed physically and visually
- Application is flawed
- Construction not carried out as described
- Structural surveys have not been carried out by HBC
- Traffic and footpath closure/diversion has been put in place without proper orders
- The proposed change is irresponsible and flagrant waste of public funds
- Will impact on appearance of historical landmark
- Highway safety issues

- The wall is totally unnecessary if any floods the water can run down Sandgate Arch or the docks
- New ramp is a danger to traffic

Copy Letters **B**

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

Marine Management Organisation: No comments offered

Teesmouth Birds Club: No comments offered

Tees Valley Wildlife Trust: No comments offered

Headland Parish Council: No comments offered.

Northern Powergrid: No objection

Northern Gas Networks: No objection

Tees Archaeology: Previous comments stand - As a result of the archaeological evaluation the designs for the scheme were altered to limit the depth of excavation required for the proposed box culvert to minimise direct impact on archaeological deposits associated with the wall. The plans submitted conform to the redesign.

Although the works have been designed to minimise the impact on archaeological deposits there will still be some disturbance. Further archaeological mitigation work will be required to advance understanding of those parts of the monument where deposits will be removed. This must be controlled by a suitably worded planning condition.

Northumbrian Water: No comments to make

Natural England: This application is in close proximity to the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest Site of Special Scientific Interest (SSSI). The Tees and Hartlepool Foreshore and Wetlands SSSI forms part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Wetland of International Importance under the Ramsar Convention (Ramsar Site).

Natural England advises your authority that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast has been classified.

Natural England therefore advises that your Authority is not required to undertake an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives. In addition, Natural England is satisfied that the proposed

development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest SSSIs has been notified.

Historic England: Historic England supports the proposals outlined in the original planning application and does not feel it necessary to repeat those views. Historic England supports the proposals outlined in the planning application. In accordance with the requirements of the previously granted permission, a full programme of archaeological investigation should be carried out before the construction of the ramp. This is a condition of the original scheduled monument consent, as well as the variation.

Environment Agency: The Environment Agency have worked closely with Hartlepool Borough Council over the last few years regarding this proposal and, although the development lies in Flood Zones 2 & 3, we are satisfied that the scheme will reduce the risk of coastal flooding in the area. We therefore have no objections to the proposal as submitted.

HBC Traffic and Transportation: There are no highway or traffic concerns.

HBC Public Protection: No objection subject to working hour's condition.

HBC Parks and Countryside: There are a number of national and locally promoted routes that run along the top of the Town Wall and Promenade, which run around the perimeter of The Headland.

One such route - The England Coast Path - is a National Trail and as such is a legally registered right of way. It is not a Public Right of Way but a coastal right of way. As such it requires that it is not obstructed at any time and that no materials, equipment and or vehicles are placed on it to cause such an obstruction. If there is a need to consider a temporary diversion of the route then the applicant must contact the Council's Parks and Countryside Section.

HBC Conservation: Previous comments on the original application stand - The setting of the listed buildings will be altered; this will be apparent when standing in the vicinity of the wall from both the pavement and adjacent to the wall and the roadway. Similar to experiencing the conservation area, the views will be obstructed by the new wall.

The harm that will be caused to the listed building will be less than significant. This harm will be minimised by the use of a common pallet of materials found within this area. This should result in the new development linking to the old.

Whilst there will be harm to both the conservation area and the listed building this harm will be off set by the public benefits that will be derived from the scheme as a whole. The scheme will provide an opportunity for further interpretation of the Town Wall and result in a greater understanding of the structure itself. Further to this the long term impact will be the protection of the built and historic environment in this area as a whole. It is considered that the proposed amendments to the scheme

would not significantly alter the impact of the proposed scheme which was granted consent – No objection.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

HE1: Protection and Enhancement of Conservation Areas

HE8: Works to Listed Buildings (including Partial Demolition)

Rec9 Recreational Routes

National Policy

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

Paragraph 6 – Purpose of the planning system

Paragraph 7 – Three dimensions to sustainable development

Paragraph 9 – Sustainable development

Paragraph 11 – Planning law and development plan

Paragraph 12 – Statutory status of development plan

Paragraph 13 – NPPF is a material consideration

Paragraph 14 – Presumption in favour of sustainable development

Paragraph 17 – Core planning principles

Paragraph 107 – Coastal Change Management Area

Paragraph 131 – Determining heritage planning applications

Paragraph 132 – Impact on the significance of a designated heritage asset

Paragraph 133 – Substantial harm to a heritage asset

Paragraph 141 – Recording of the significance of heritage assets

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.14 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic heritage and visual amenity, neighbour amenity, ecology and highways.

Principle of Development

1.15 The Town Wall is a Scheduled Monument of national heritage importance however it is prone to ongoing deterioration and damage. A major area of concern was addressed in 2012 when, during Phase 1 work, to protect the wall toe from undermining, repairs to the existing groynes were undertaken to help prevent further coastal erosion. A residual risk of the wall collapsing and/ or being overtopped still remains. Any sudden failure of the wall would pose a health and safety risk to the general public and would lead to coastal erosion and flooding of residential properties. The Town Wall provides flood protection to 230 households on the Headland, from wave overtopping. The standard of protection is currently 1:20 years (5% chance of occurrence) but this decreases significantly as the condition of the wall parapet deteriorates and sea levels rise.

1.16 Initial studies into the flooding and erosion problems on the Town Wall commenced in 2008 and concluded in 2011 with the Environment Agency approving the proposed scheme on a Technical, Environmental and Financial level to the value of £1.3 million. Since this approval Phase 1 of the works has been completed and the works proposed in this application form Phase 2 of that Environment Agency approval.

1.17 It is considered that the proposal outlined above will provide a substantially greater standard of protection 1:100 year (1% chance of occurrence) over the design life of the scheme- when compared to the present day.

1.18 Alternative options were explored with the set back wall option being selected as the preferred option as it provides a sustainable management approach which directly addresses the problems being experienced. The preferred options for the drainage system were taken forward on the basis of improved hydraulic performance and ease of installation in comparison to the alternatives.

1.19 The preferred option for the location of the culvert outlet through the Town Wall has been considered in terms of its impact on the historic Town Wall. The preferred option involves the construction of a sloping concrete revetment for a length of approximately 15m between the two existing concrete abutments where the wall has previously failed and been repaired. This section of the Town Wall is currently in a

poor state of repair, and the replacement of this section would improve the condition and long term stability of the wall.

1.20 The Shoreline Management Plan 2 (SMP2) is the second generation of management plans which reviewed both the SMP1 and Coastal Strategy policies. The SMP2 recommended a 'Hold the Line' policy for the frontage between the Heugh Breakwater and Newburn Bridge (including the application area) for the entire duration of the Shoreline Management Plan (up to 2105). The SMP2 confirmed the recommendations of the Hartlepool Coastal Strategy; to provide improved protection for the Town Wall. The SMP2 was fully approved in 2009.

1.21 The proposals in this application were included in the "Review of the Long Term Coastal Management Strategy Covering the Frontage from Crimdon to Newburn Bridge" which was adopted by Hartlepool Borough Council Cabinet in May 2013 and the Environment Agency in September 2014.

1.22 The proposed scheme will impact significantly on an important heritage asset however the principle of the development has been established by way of granting planning permission (H/2015/0400) which considered that the development would be acceptable due to imperative reasons of public interest. It is not considered that the amendment to the original scheme by way of relocating the access ramp would have a significant impact on the previous considerations. It is considered that the applicant has arrived at the most appropriate option in terms of protecting properties from coastal flooding and minimising detrimental impacts to the historic Town Wall. The impact on the historic heritage of the site and the surrounding area is discussed in detail below.

1.23 The proposed development is considered to be acceptable in principle.

Impact on historic heritage and visual amenity

1.24 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay "*special attention...to the desirability of preserving or enhancing the character or appearance of that area*".

1.25 The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). Para 129 of the NPPF states "*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal*".

1.26 Hartlepool Town Wall has significance because of its evidential (archaeological), historical, aesthetic and communal values as discussed below and as set out in the Heritage Statement that accompanies this planning application. The Headland Conservation Area has significance because it contains the remains of the

seventh century Anglo-Saxon Monastery of St Hilda and because the medieval street pattern is preserved in the modern street plan. The proposed works have the potential to cause harm to both the significance and the setting of the monument and the character of the Conservation Area. They will also impact upon the setting of several Grade II Listed Buildings on the Headland. This is, however, a highly exceptional case. English Heritage believes that the proposed works offer the most viable and least harmful solution to the potential problems to be caused by future wave overtopping and the subsequent flooding of the land behind the Town Wall, while at the same time, ultimately strengthening the monument, and ensuring the long term future of both the Monument and the Conservation Area.

1.27 Historic England appreciates the need for the proposed works as they are an essential part of the enhanced coastal defence scheme for the Hartlepool Headland and they will help to mitigate the impact of the more frequent storm surges and increasingly high tide events that are predicted in light of recent climatic trends. They will protect people and property (around 230 houses to the rear of the Town Wall), a designated Conservation Area and several listed buildings from flooding. Failure to implement the scheme could lead to serious problems from overtopping that would pose a clear danger to individuals and their homes.

1.28 The applicant's mitigation strategy includes a full programme of archaeological investigation along the line of the Wall, in the area that will be disturbed by the construction of the setback wall and the box culvert drain, and also an archaeological watching brief on the works to be carried out in the carriageway behind the monument. Historic England consider that the location of the pedestrian access ramp 7m to the west of its original location will have an impact on the outward appearance of the Town Wall, but consider that the impact has already been deemed acceptable by the granting of the previous planning permission (H2014/0400). A variation to the Scheduled Monument Consent has been applied for and granted by the Secretary of State, on advice from Historic England. Historic England fully endorses the assessment of the significance of the monument set out in the Heritage Statement that accompanies the planning application. Historic England supports the proposals outlined above. However in accordance with the requirements of the previous permission, a full programme of archaeological investigation should be carried out before construction of the ramp, this can be secured by condition.

1.29 The Town Wall has potential to provide archaeological insights into both its own development and the development of the Hartlepool Headland in general. The most recent archaeological evaluation carried out 2012 -2013 has demonstrated the complex nature of the Wall's structure and its association with well stratified, undisturbed, Medieval archaeological deposits. The trenches have cast significant light on the main characteristics of the Wall. The excavations have clearly demonstrated how the Wall is different along its length. This difference is subtle in that the components of the two faces and a fill are always present but the manner of the Wall's construction is often different. This probably reflects two activities namely: different campaigns of constructing the original Wall and periodic repair to the monument over 600 years. The Town Wall is a special place for the inhabitants of the Headland, it is an important public amenity and both archaeologically and historically it is clearly of national importance.

1.30 The main character of the Headland Conservation Area derives from the fact that it contains the Anglo-Saxon Monastery of St Hilda as well as preserving the medieval street pattern of the area. As the Heritage Statement points out the area of the Headland immediately to the rear of the Town Wall, especially that part to the North of Sandwell Gate, forms the original core of the medieval town. The area between 2 and 29 Town Wall and Southgate forms an area of medieval land reclamation.

1.31 Historic England has had a long involvement with the development of this project their specialist engineers and architects have commented on the proposals through several iterations, and in December 2012 - January 2013, on Historic England advice, Hartlepool Borough Council commissioned an archaeological evaluation of the Town Wall. This demonstrated that significant archaeological deposits are contained within the core of the Town Wall, in the area of the proposed drainage culvert.

1.32 These findings, along with Historic England engineering advice, have informed the final design of the proposed culvert. The depth of the culvert has been significantly reduced to take account of the sensitive archaeological material and minimise the scale of its loss.

1.33 The set back wall would be a major addition to the structure of the Town Wall and would change its appearance significantly. The wall and culvert will be constructed over, and to the rear of, the scheduled monument, with a drainage outfall constructed through the existing concrete section of the wall opposite No. 33 Town Wall (formed as a repair to a breach in 1966) to minimise the disturbance to the archaeology of the historic sections of the Wall. The sense of openness, currently enjoyed by people walking along the Town Wall, created by the existing railings, will be replaced with an enclosed space.

1.34 Though the proposed scheme would, undoubtedly, alter the outward appearance of the Town Wall, and impact upon the character of the Conservation Area, the works, once completed, will add strength to the top of the structure through the creation of a single cast element with its own integrity. The construction of this feature would tie the current parapet (which has suffered serious damage in the past) to the bulk of the wall. It would reduce the danger of water ingress into the top of the Town Wall, thus reducing the risk of it being further weakened. As the Heritage Statement indicates, tying the parapet back to the roadway behind would also improve the stability of the top of the Wall.

1.35 Construction of the box culvert would necessitate removal of the existing pavement and excavation to a maximum depth of 760mm. An archaeological evaluation, carried out as part of the pre-application process, encountered archaeological deposits at 300mm below the present ground level in some locations. The proposed work, would, therefore, also lead to a loss of archaeological information relating to the, history, development and construction of the Town Wall. Given the nature of the essential works proposed this is unavoidable but the overall impact can be mitigated by a full programme of archaeological excavation and investigation, as outlined in the Heritage Statement and the Environmental

Statement.

1.36 Historic England is mindful of the fact that a balance has to be struck in this case between the preservation of the scheduled monument and the protection of the whole of the Headland (including the Conservation Area) which forms the historical and current context for the Town Wall. English Heritage is of the opinion that the proposed scheme is the best compromise that could be arrived at, given the Council's informed choice of preferred option and the nature of the problem being addressed.

1.37 The Heritage Statement, in conjunction with the Environmental Statement - Non Technical Summary and the Note on Development of Detailed Drainage Design outlines the development of the project and indicates the range of alternative solutions to the problems caused by wave overtopping that were examined in detail, and the reasons for their rejection. It also gives a clear justification for the adoption of the preferred solution of the set back wall and box culvert. All the documentation acknowledges the exceptional nature of the proposed project and makes the clear case that the substantial public benefits of the proposed works will outweigh the impact of the harm to the monument.

1.38 Natural England appreciates that the Town Wall is a rare example of a functioning scheduled monument. It remains the cornerstone of the Headland's sea defences, and the current proposals stem from a growing awareness that the Town Wall, in its current condition, is becoming unfit for this purpose. The proposed works are an essential part of the enhanced coastal defence scheme for the Hartlepool Headland being developed by the Borough Council, in conjunction with the Environment Agency, Natural England and other agencies. The proposals will help to mitigate the impact of the more frequent storm surges and increasingly high tide events that are predicted in light of recent climatic trends. They will protect people and property (around 230 houses to the rear of the Town Wall) and the Headland Conservation Area from flooding. Failure to implement the scheme could lead to serious problems from overtopping that would pose a clear danger to individuals and their homes.

1.39 In considering the impact on the wider conservation area the peninsular form of the land means that views from the sea, and more distance points such as York Place looking towards Town Wall, are significant. The proposed height of the new wall is lower than the existing Town Wall which means that these views should, for the most part, be unchanged with the wall continuing to be the dominant feature.

1.40 The impact of the set back wall on the conservation area will be most significant when experiencing the wall from Town Wall itself and when walking along the footpath adjacent to the wall. The experience of walking along the footpath adjacent to the wall will change with the path bounded on both sides by a wall. It will still be possible to look over the top of the wall and see the listed buildings and wider conservation area however the feeling of space provided by the railing installed at the moment will be eliminated and replaced with a clear sense of enclosure.

1.41 The significance of the conservation area lies in the wider character of the area. It is the original settlement of Hartlepool with its unique character. The proposed changes will cause harm within this part of the conservation area.

1.42 The setting of the listed buildings will be altered. This will be apparent when standing in the vicinity of the wall from both the pavement and adjacent to the wall and the roadway. Similar to experiencing the conservation area, the views will be obstructed by the new wall.

1.43 The harm that will be caused to the listed building will be less than significant. This harm will be minimised by the use of a common pallet of materials found within this area. This should result in the new development linking to the old.

1.44 Whilst there will be harm to both the conservation area and the listed building this harm will be off set by the public benefits that will be derived from the scheme as a whole. The scheme will provide an opportunity for further interpretation of the Town Wall and result in a greater understanding of the structure itself. Further to this the long term impact will be the protection of the built and historic environment in this area as a whole.

1.45 It is considered for the reasons discussed in this report the works proposed are necessary. The proposal is considered to be in accordance with paragraph 133 of the NPPF as it can be demonstrated that the harm to the Town Wall is necessary to achieve substantial public benefits that outweigh that harm.

Neighbour Amenity

1.46 The proposed development will cause some disruption to neighbouring residents during the construction period. It is therefore considered appropriate to condition hours of work to control the level of disruption to neighbouring residents.

Ecology

1.47 The application site is in close proximity to the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest Site of Special Scientific Interest (SSSI). The Tees and Hartlepool Foreshore and Wetlands SSSI forms part of the Teesmouth and Cleveland Coast Special Protection Area (SPA), Wetland of International Importance under the Ramsar Convention (Ramsar Site).

1.48 Natural England have advised that the proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which Teesmouth and Cleveland Coast has been classified.

1.49 Natural England has also advised that an Appropriate Assessment to assess the implications of this proposal on the site's conservation objectives is not required. In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Tees and Hartlepool Foreshore and Wetlands; and Hartlepool Submerged Forest SSSIs has been notified.

1.50 As the location of the proposed set back wall would not be adjacent to the Teesmouth & Cleveland Coast SPA and would be screened from it by the Pilot Pier it is considered that disturbance to the birds which form the interest feature of the SPA is very unlikely. Small numbers of such birds use the foreshore at Fish Sands in front of the Town Wall but again works are unlikely to disturb those birds as the works on the seaward of the Town Wall are limited.

1.51 Given the location it is very unlikely that the proposed works would affect any breeding birds. The submitted Environmental Statement states that a pre-construction walkover survey will be undertaken in order to determine the presence of any bird nests within the study area within 48 hours of works commencing. This shall be a condition of any planning permission granted for the development. In ecological terms the proposal is considered acceptable.

Highways

1.52 The construction work will involve a risk of disruption to the residents with road closures and access restrictions. However, these will be controlled and mitigated by effective construction planning and sequencing and appropriate advanced consultation between the applicant and HBC Traffic & Transportation.

1.53 The length of highway between the existing 'build out' at Sandwell Gate and No. 36A Town Wall will be approximately 2m narrower to allow for the pedestrian access ramp and footpath link. The carriageway is 7.2m wide at its narrowest point in this location and the traffic direction is one way. As a result of the proposed alterations the minimum width of highway would reduce to 5.2m. This is deemed wide enough to cater for vehicles parked outside of the dwellings and also for other vehicles to safely pass.

1.54 The Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed scheme. The proposal is therefore considered to be in accordance with policy GEP1 of the Hartlepool Borough Council Local Plan 2006.

Conclusion

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

EQUALITY AND DIVERSITY CONSIDERATIONS

1.56 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.57 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.

1.58 There are no Section 17 implications.

REASON FOR DECISION

1.59 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 18th December 2014.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17 June 2015 Drawing No(s): PR461/PASBW/1b (Footpath and Set Back Wall Details), PR461/PASBW/2b (Outfall Details), PR461/PASBW/3b (Generic Sections) and PR461/PASBW/Z (Existing and Proposed Ramp Locations) and Drawing No: PR461/PASBW/4 (Culvert Long Section) received 5 October 2015.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Prior to the commencement of the development a sample panel of the proposed wall using the approved finishing materials shall be erected on site and approved in writing by the Local Planning Authority. The wall shall thereafter be constructed in accordance with the sample panel so approved. The sample panel shall be retained for reference on site throughout construction.
In the interests of visual amenity.
5. (A) No development shall take place 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 planning condition will remain active 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.
In the interests of historic heritage.

6. Prior to the commencement of development a pre-construction walkover survey will be undertaken in order to determine the presence of any bird nests within the study area. The pre-construction walkover survey should take place within 48 hours of works commencing and be carried out in consultation with the Council's ecologist. Should nesting birds be present a mitigation strategy shall be submitted to and agreed in writing with the Local Planning Authority.
In the interests of protected species.
7. Operations associated with the construction phase of the development hereby approved shall only be carried out within the hours of:- Monday to Friday (08:00 to 18:00) Saturday (08:00 to 13:30) No construction works shall be carried out on Bank Holidays and Sundays.
In the interests of residential amenity.
8. Prior to the commencement of development a Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority. The Construction Management Plan shall be broadly in accordance with the construction mitigation measures set out in table 14.1 of the submitted Environmental Impact Assessment. The scheme shall be carried out in accordance with the details so approved.
In the interests of residential amenity.

BACKGROUND PAPERS

1.60 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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TOWN WALL



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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H/2015/0209
Scale: 1:1000
Date : 08/10/15

No: 2
Number: H/2015/0318
Applicant: Mr Tim Dear 152 Grange Road HARTLEPOOL TS26 8JL
Agent: SJR Architectural & Interior Designers Mr David Johnson Suite 104 The Innovation Centre HARTLEPOOL TS25 5TG
Date valid: 03/09/2015
Development: Outline planning application for the erection of 1no. two-storey dwellinghouse with associated access, landscaping matters reserved
Location: Rear of 138 Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND (relevant planning history)

2.2 The host property (138 Elwick Road) was historically subject to planning approvals for a single storey extension to provide a breakfast room and a single storey lounge extension to the side (H/FUL/0255/88) and for the provision of 3 new access ramps (H/FUL/0200/00).

2.3 Planning permission was recently granted on 02/10/2013 for a change of use from a care home to a single residential dwelling (H/2013/0397).

2.4 Two recent applications for a sub-division of the care home to 2 dwellings (H/2015/0135) and an outline application the erection of a single dwelling house (H/2015/0134) were both withdrawn in May 2015. During the assessment of this application, it was considered necessary to formally protect a number of trees along the eastern and northern boundaries.

2.5 Most recently, planning permission was granted in July 2015 for a revised application (H/2015/0219) consisting of the sub-division of the former care home to form two separate dwellings including a number of extensions and alterations. It is understood that the permission has not been implemented to date.

PROPOSAL

2.6 This application seeks outline planning permission for the erection of a two-storey, 3-bed dwellinghouse with associated access. Details of the appearance, layout and scale are also provided (landscaping matters are 'reserved').

2.7 The proposed dwelling would be sited on a parcel of land to the rear of the host property (138 Elwick Road) with the land to be sub-divided to create a plot for the proposed dwelling, measuring approximately 26m x 14.5m. The proposed dwelling would front onto Eldon Grove and would measure approximately 9.5m x 5.5m (the two storey element) with an adjoined single storey garage/study/utility room element which would measure approximately 6m x 5.5m. The two storey element would measure approximately 9m in height (5.5m to eaves) with a double hipped end roof design and the attached single storey element would measure approximately 4.5m in height with a hipped end roof (2.8m to eaves).

2.8 The proposal would feature windows and doors in the front (east) and rear (west) elevations with a first floor window in the north side elevation (serving an en-suite) with no windows in the south side elevations. The proposal would be served by a vehicle access which would consist of the opening of the existing boundary treatment and removal of planting (works which have been undertaken). An original dropped vehicle crossing is already in place.

2.9 The submitted application is accompanied by arboricultural impact and method statements which will be considered in further detail below.

2.10 The application has been referred to Planning Committee as more than 2 objections have been received.

SITE CONTEXT

2.11 The application site relates to land to the rear of 138 Elwick Road (also known as "Lancastria") which is a former/vacant care home, located along Elwick Road.

2.12 The host property is a large, two storey, detached building, set within a large plot that fronts onto Elwick Road (south) with Eldon Grove to the east. No 140 Elwick Road is present to the west with other residential properties beyond. A children's day care centre (Ready Steady Grow) is present beyond the highway to the front with Eldon Grove Primary School present beyond the highway to the east. The host property is served by a large rear garden with No 48 Eldon Grove present beyond the northern boundary.

2.13 A group of trees are present along the rear boundaries, a number of which were recently formally protected under a group Tree Preservation Order (TPO).

PUBLICITY

2.14 The application has been advertised by way of neighbour letters and a site notice. To date, 3 objections have been received which are summarised as follows;

- impact on amenity and privacy (including outlook) of surrounding neighbouring properties owing to minimal distances and removal of boundary planting
- Contrary to policy- 'backland development'
- New development out of keeping with character of surrounding area
- disruption during construction works

- the proposal would result in a loss of light to dwellings and garden areas
- siting of proposed access adjacent to school drop off area
- additional vehicular traffic in an existing busy area and impact on highway and pedestrian safety (in particular adjacent primary school)
- Conflict of delivery of building materials/vehicles during construction
- Impact on adjacent bus stop along Eldon Grove
- The proposal may damage foundations of garage of 48 Eldon Grove
- impact upon/removal of trees and shrubs
- impact on wildlife
- Impact on 'right to privacy' of neighbouring properties
- Property de-valuation

Copy Letters C

2.15 The period for publicity has expired.

CONSULTATIONS

2.16 The following consultation replies have been received:

HBC Traffic and Transportation: There are no highway or traffic concerns.

Additional comments in respect of the existing bus stop adjacent to the proposed vehicular entrance;

I can confirm I'm satisfied with the existing crossing and the location of the highway sign is of a sufficient distance away from the drive crossing and will not require relocation.

HBC Public Protection: No objections

HBC Environmental Engineering: No drainage details have been provided with this application so I would need to request a surface water condition please.

HBC Arboricultural Officer: A comprehensive arboricultural impact assessment has been submitted in support of the application. The assessment provides information on the impact of the proposed development upon the existing trees at the site, a number of which are afforded legal protection by way of tree preservation order.

A total of 14 individual trees and five sections of conifer hedge have been included in the assessment. It is proposed to remove five trees for reasons relating to their condition, as well as three trees (one of which is included in the TPO) and two sections of conifer hedge to facilitate the development.

It is considered that the removal of sections of evergreen hedge may have a positive impact on the appearance of the site, and that due to their size and location the removal of two of the three individual trees would have little if any effect on public visual amenity. The proposed removal of one of the trees that is included in the tree preservation order, a mature Cherry, is considered regrettable. However, given the tree's slightly impaired condition, and that its removal is necessary in order to

achieve an acceptable site layout design, it is considered prudent in the circumstances to agree to its removal. On balance then, it is considered that the proposed tree removals are acceptable.

An arboricultural method statement has also been submitted in support of the application. The method statement provides details of the physical measures necessary to prevent damage to retained trees during construction works. The measures comprise a combination of the erection temporary barriers around root protection areas along with an area of 'tree friendly', no-dig driveway construction. I would consider the submitted details acceptable. It is important that the development is carried out in strict accordance with these details in order to avoid irreversible damage to the retained trees.

Due to the retention of most of the tree cover at the site, the provision of additional landscaping is not considered necessary.

Further comments received in respect of any shadowing issues from the retained trees;

The trees will create shade to the front of the proposed new dwelling. This will affect the property during the early part of the day, however from mid-morning onward the sun will be over the house and therefore the rear of the property should benefit from good levels of daylight and sunlight through to the evening time.

I don't think we can fully predict a future occupier's attitude toward the trees, but given the proposed layout I would not consider that the retained trees would cause an unreasonable degree of shading to the property as a whole.

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 I can confirm that at this stage we would have no comments to make.

PLANNING POLICY

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

National Policy

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

environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires Local Planning Authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision making, 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. It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

2.19 The following paragraphs in the NPPF are particularly relevant to this outline application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

Local Policy

2.20 The following saved policies are relevant to this application:

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards

Supplementary note 4; Guidelines for house extensions.**PLANNING CONSIDERATIONS**

2.21 The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the surrounding area, the impact on landscape features, the impact on the amenity and privacy of neighbouring properties and highway and pedestrian safety.

PRINCIPLE OF DEVELOPMENT

2.22 As set out above, the application site currently forms part of the curtilage of an existing dwelling house and is located within the limits to development. The NPPF (2012) reclassified such residential curtilage as 'greenfield' land and not 'previously developed land'. Notwithstanding this, it may still be possible to build dwellings in rear gardens if the proposal complies with the principals set out in the saved policies of the Hartlepool Local Plan 2006.

2.23 Saved Policy Hsg9 advises that proposals for new residential development will be allowed provided amongst other things that the location of the new development is such that there are no significant detrimental effect on the occupiers of both the new and existing development, and that the scale of development is appropriate. Similarly, saved Policy GEP1 advises that in determining planning applications, regard should be had to the effect on the amenities of neighbouring properties.

2.24 Consideration is given to the site's location within the development limits and its proximity to shops, services and public transport links/routes. In view of the above, it is considered that the proposal represents a sustainable form of development and that the principle of development is acceptable in this instance subject to the scheme satisfying other material planning considerations as set out below.

CHARACTER AND APPEARANCE OF SURROUNDING AREA

2.25 When considering development of garden plots within relatively urban areas it is considered that the scale of the development is of paramount importance as to how it fits with its surroundings. Where properties have a road frontage then their scale should normally be similar to that of the surrounding developments.

2.26 The immediate surrounding area consists of large, detached two storey dwellings (No 48 Eldon Grove to the north and 138 and 140 Eldon Grove to the south) that are set within comfortable sized plots. Semi-detached properties characterise the wider area along both Elwick Road and Eldon Grove. The design, scale and appearance of these properties vary. The proposed dwelling would be of a similar scale and appearance to the adjacent property of 48 Eldon Grove (north). The proposal will result in the retention of the majority of the protected trees that front along Eldon Grove and it is considered that this will assist in softening the visual impact of the proposal and assimilating the development into the street scene. The proposal in this context is not considered to introduce an incongruous feature into the surrounding area.

2.27 The proposed dwelling would be located approximately 10m from the adjacent properties to the north (48 Eldon Grove) and the rear of the host property, retaining a similar building line/frontage to the properties along Eldon Grove. Taking these separation distances into account, it is considered that the proposed layout provides adequate spacing between the proposed dwelling and these adjacent properties and is therefore in keeping with characteristics of the properties within the surrounding area in terms of its layout.

2.28 It is considered that the overall design, scale and proportion of the proposed dwelling in relation to the application site and the surrounding area would not unduly dominate the host property(s) or result in a development that would unduly dominate and detrimentally affect the character of the surrounding area such as to warrant a reason for the refusal of the application.

2.29 The final external finishing materials can be secured by a planning condition to ensure a satisfactory form of development.

IMPACT ON LANDSCAPE FEATURES

2.30 As set out above, the site features a number of trees recently protected through a tree preservation order (TPO). The submitted arboricultural impact assessment indicates the requirement for the removal of a number of non-protected trees and hedges, and 1 formally protected tree, located along the northern boundary to No 48 Eldon Grove.

2.31 This has been assessed by the Council's Arboricultural Officer who considers that *"the removal of sections of evergreen hedge may have a positive impact on the appearance of the site, and that due to their size and location the removal of two of the three individual trees would have little if any effect on public visual amenity"*.

2.32 With respect to the removal of one of the protected trees, the Officer has considered the tree's slightly impaired condition and acknowledges that its removal is necessary in order to achieve an acceptable site layout design. Taking the above into account, the Officer concludes that on balance, the proposed tree removals are acceptable in this instance.

2.33 The submitted method statement provides details for protective measures of the retained trees and hedges, and the provision of a no-dig construction method at the proposed site entrance/driveway, which should be implemented prior to construction of the dwelling house itself. The implementation of these protective measures can be secured by separate planning conditions.

2.34 Subject to the above, it is considered that on balance, the proposal will not result in significant adverse effect on landscape features or the character and appearance of the surrounding area.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS (AND FUTURE OCCUPIERS OF PROPOSED DWELLING)

Impact on host property (138 Elwick Road)

2.35 The proposal would achieve the requisite, minimum separation distances (more than 10m) between the gable side elevation of the two storey element of the proposed dwelling and the existing rear elevation of the host property (and the proposed, extended rear elevation of the property that benefits from planning permission to be sub-divided into two separate dwellings). It is considered that no direct views would be achievable between the windows and doors in the front and rear elevations of the proposed dwelling and windows in the rear elevation of the host property(s).

2.36 Whilst the proposed dwelling would be situated within close proximity to the rear garden boundary(s) of the host property(s), it is considered that on balance, the proposal would not result in such an unacceptable loss of amenity (in terms of outlook, overbearing and overshadowing) or privacy (in terms of overlooking) for existing and future occupiers of the host property(s) as to warrant a reason for the refusal of the application.

Amenity of future occupiers of proposed dwelling

2.37 The proposed dwelling would be served by adequate private amenity spaces to the front and rear. As set out above, the scheme includes the retention of a number of mature, protected trees along the front/eastern boundary. When considering the impacts of such development, it is important to ensure that such proposals would not place an undue pressure for the future removal of the trees, in particular protected ones as a result of the overshadowing of windows/garden areas.

2.38 The Council's Arboricultural Officer has acknowledged that the retained trees will create shade to the front of the proposed new dwelling, affecting the property during the early part of the day, however from mid-morning onward the sun will be over the house and therefore the rear of the property should benefit from good levels of daylight and sunlight through to the evening time. The Officer concludes that the retained trees would not cause an unreasonable degree of shading to the property as a whole. The scheme is therefore considered to be acceptable in this respect and it is considered that the proposal would achieve satisfactory amenity and privacy levels for future occupants.

Impact on 140 Elwick Road (south west)

2.39 The rear elevation of the proposed dwelling would be set off from the adjacent rear boundary (west) to No 140 Elwick Road by approximately 9.5m with the two storey element of the proposed dwelling located at an oblique separation distance of approximately 19.5m from the rear elevation of No 140 Elwick Road. The proposed scheme will require the removal of 2 non-protected trees along this adjacent boundary and whilst it is acknowledged that the proposal would result in a degree of overlooking towards the far end of the rear garden of No 140 (which as a whole benefits from a large rear garden, measuring approximately 25m in length), it is considered that only limited oblique views would be achievable from windows in the elevations of the proposed dwelling and windows in the rear elevation of No 140.

2.40 In view of the above, it is considered that the proposal will not result in an adverse loss of amenity and privacy for existing and future occupiers of the neighbouring property as to warrant a reason for the refusal of the application.

Impact on No 48 Eldon Grove (north)

2.41 The adjacent neighbouring property of 48 Eldon Grove features a number of habitable room windows in the ground and first floor side/south elevation of this property (which fronts onto the site).

2.42 The side/north elevation of the proposed dwelling would achieve the requisite minimum separation distance of 10m to the side elevation of 48 Eldon Grove and would therefore accord with the recommended separation distance as set out in supplementary note 4 (guidelines for house extensions). The proposed dwelling would also retain a similar building line as the front and rear elevations of the neighbouring property.

2.43 The proposal would feature 1 window in the first floor side elevation (north) which would serve a non-habitable room. A planning condition is secured to ensure that this is fixed and obscurely glazed. It is further considered that no direct views would be achievable between windows in the front and rear elevations of the proposed dwelling and windows in the front, side and rear elevations, and immediate garden areas serving No 48 Eldon Grove.

2.44 It is acknowledged that the occupiers of the adjacent property have benefitted from an outlook over the site, primarily consisting of mature planting. However, in view of the above considerations and taking into account that the site relates to a predominantly residential area within the defined limits, it is considered that on balance, the proposed scheme will not result in such an unacceptable loss of amenity (in terms of outlook, overbearing and overshadowing) or privacy (in terms of overlooking) for existing and future occupiers of No 48 Eldon Grove as to warrant a reason for the refusal of the application.

Surrounding properties to front/east and to the south.

2.45 The proposal would primarily front onto Eldon Grove with the presence of a primary school located over 20m (approx.) to the east with the presence of a highway and retained mature planting in between. The host property would primarily screen views of the proposed dwelling from properties beyond the southern boundary of the site along Elwick Road. In view of the above, it is considered that the proposal will not result in an adverse loss of amenity and privacy for these other surrounding properties.

2.46 Objections have raised concerns regarding noise disruption during construction works. The Council's Public Protection team has raised no objections to the scheme. A planning condition can ensure that hours of construction and delivery times are restricted to standard hours/days.

HIGHWAY AND PEDESTRIAN SAFETY

2.47 As set out above, a number of concerns have been received in respect to the proposal's potential impact on the surrounding highways and any resultant impacts on pedestrians, including the adjacent primary school.

2.48 The Council's Traffic and Transport section has assessed the proposal and has raised no objections to the scheme. In respect of the siting of a nearby bus stop, they have commented that a satisfactory separation distance would be retained between the proposed access and the bus stop.

2.49 In view of the above, it is considered that the proposal would not adversely affect highway and pedestrian safety.

RESIDUAL MATTERS

2.50 With respect to matters of surface water drainage, Northumbrian Water has raised no objections to the scheme. The Council's Environmental Engineering section has however requested further details be submitted, which can be secured by way of a planning condition. The scheme is considered to be acceptable in this respect.

2.51 The provision of 1 dwelling falls below the threshold for requiring/securing any planning obligations. The scheme is considered to be acceptable in this respect.

2.52 With regard to the suggested impact on wildlife owing to the loss of the trees, whilst these comments are noted, the application site is neither a protected site or area and having considered the proposal through Natural England's standing advice, a species survey would not be required. Nonetheless, a suitably worded planning condition can ensure that any landscaping clearance is undertaken outside of the bird nesting season. The proposal is considered to be acceptable in ecological terms.

2.53 With regard to damage to property and property devaluation, these are not material planning considerations.

2.54 Objections have made reference to the loss of light; the 'Right to Light' and 'Right to a view', which operate separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

2.55 The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgment in the implementation of policies that have been adopted in the interests of the community

and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity and privacy of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

2.56 The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

2.57 The site is located within a residential area, within the defined limits of development and as such the principle of residential development is considered to be acceptable. The proposed development is considered to be of an appropriate scale for its setting and achieves adequate spacing from surrounding properties and is therefore considered to not result in any unacceptable impacts on privacy or amenity associated with other dwellings. Adequate provision for access and parking has been made.

2.58 In view of the above it is considered that the proposal accords with the identified saved Policies of the Local Plan, and the provisions of the NPPF and it is recommended that the application be approved with conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.59 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.61 There are no Section 17 implications.

REASON FOR DECISION

2.62 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. Application for the approval of the reserved matters 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 (herein after called the "reserved matters") shall be obtained in writing from the Local Planning Authority.

To clarify the period for which the permission is valid.
3. The development hereby approved shall be carried out in accordance with plans 200 (Existing Site Location Plan), 201 (Proposed Site Plan), 202 REV A (Proposed Floor Plans & Front & Rear Elevations), 203 REV A (Proposed Elevations), 204 (Existing & Proposed Street Scene Elevation), 07 REV A (Existing Site Plan) all plans date received by the Local Planning Authority 3rd September 2015 and plans AMS TPP (Tree Protection Plan), AIA EXI (Existing Trees) and AIA TPP (Retained Trees) all plans date received by the Local Planning Authority on 27th July 2015 unless otherwise agreed in writing by the Local Planning Authority.

For the avoidance of doubt.
4. Notwithstanding the submitted information, the proposed driveway/surfacing to serve the dwellinghouse hereby approved shall be constructed in accordance with the agreed 'no dig' constriction measures, working methods and materials as stipulated within chapter 4.2 of the submitted 'All About Trees' Arboricultural Method Statement and on plan AMS TPP (Tree Protection Plan, date received 27.07.2015). The driveway/surfacing shall be completed to the satisfaction of the Local Planning Authority prior to any construction of the dwellinghouse hereby approved unless otherwise agreed in writing with the Local Planning Authority.

In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of an amenity value.
5. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the dwelling hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area and protected trees.
6. Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the dwelling has been approved in writing by the Local Planning Authority. The materials shall be in accordance with the details approved.

To enable the Local Planning Authority to control details of the proposed development.

7. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the building to be erected, any proposed mounding and or earth retention measures and levels of the adjacent properties/boundaries shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and impact on adjacent properties.
8. No development shall take place until the agreed scheme for the protection during construction works of all trees within and adjacent to the site has been completed in accordance with the measures stipulated within the 'All About Trees' Arboricultural Method Statement (date received 27th July 2015). The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed (other than those permitted within the Arboricultural Impact Assessment, date received 27.07.2015), seriously damaged or die as a result of the site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of a amenity value.
9. Notwithstanding the submitted information, no development shall commence until details of the proposed methods for the disposal of foul and surface water arising from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.
To prevent pollution of the water environment and in order to ensure that the site is adequately drained.
10. Notwithstanding the submitted information, a scheme for means of enclosure shall be submitted to and approved by the Local Planning Authority before the dwelling hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of the dwelling hereby approved.
In the interests of the amenity of proposed occupiers of the dwelling and that of surrounding neighbouring properties.
11. Notwithstanding the submitted information and prior to the occupation of the dwelling hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.
12. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no

breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In order to avoid harm to birds.

13. Notwithstanding the submitted details shown on plans 202 REV A and 203 REV A, the 1no. window to be installed within the first floor side elevation (north, serving an en suite) of the proposed dwelling facing onto the adjacent northern boundary, shall be fixed and obscurely glazed using a minimum of type 4 opaque glass, details of which shall be first submitted to and agreed in writing with the Local Planning Authority prior to the installation of the window. The agreed scheme shall be implemented thereafter and shall remain for lifetime of the development hereby approved.
In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.
14. Notwithstanding the provisions of Classes A, B, C, D, E and F of Part of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling hereby approved shall not be extended or altered in any way (including the provision of any additional windows in the side elevations of the dwelling), nor any means of enclosure erected or additional areas of hard standing/surfacing created (other than those approved) within the curtilage without the written approval 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 properties and protected trees.
15. The development hereby approved shall be used as a single dwellinghouse as defined by Class C3 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking or re-enacting that Order with or without modification.
For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.
16. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

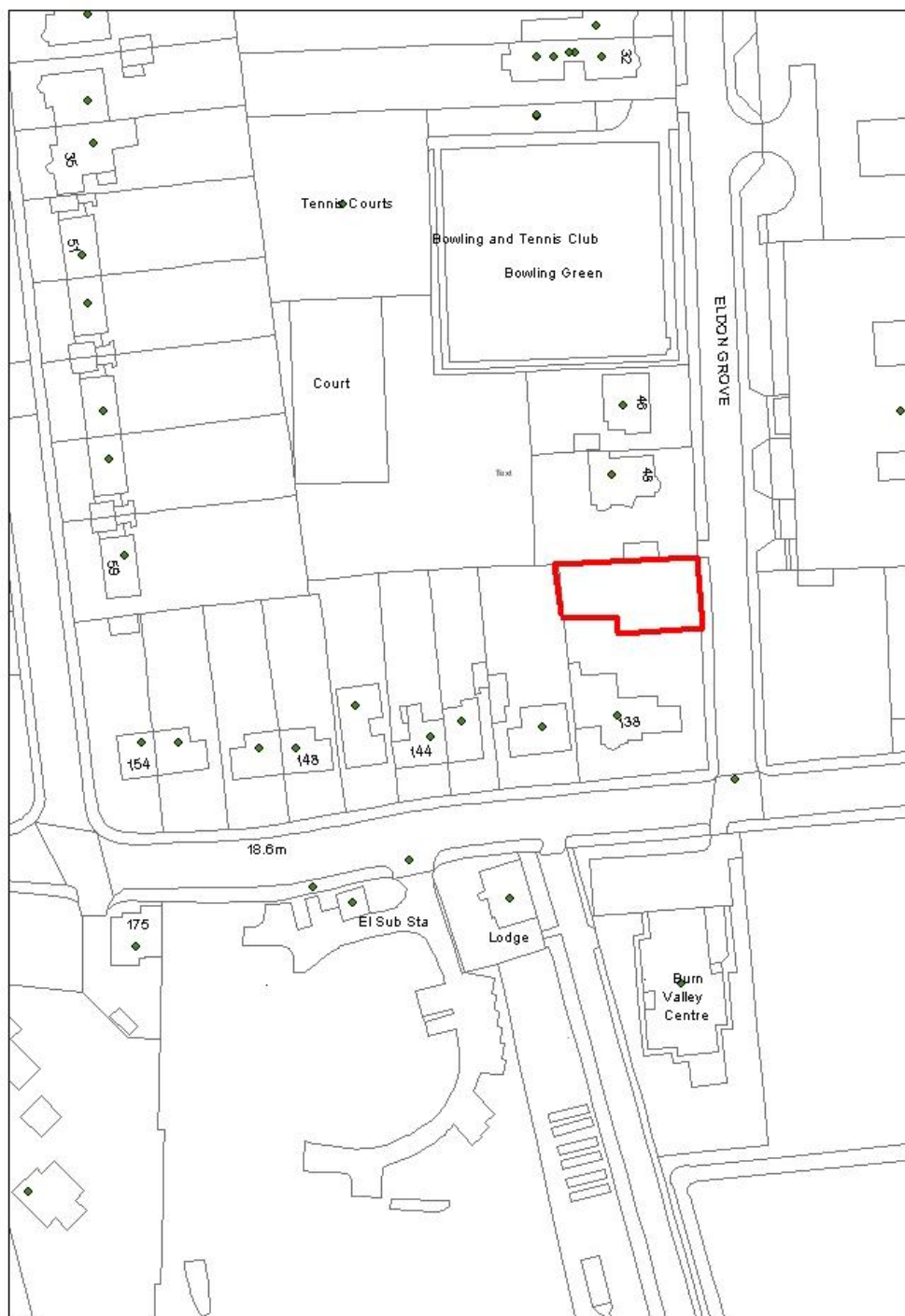
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REAR OF 138 ELWICK ROAD



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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H/2015/0318
Scale: 1:1000
Date : 08/10/15

No: 3
Number: H/2015/0345
Applicant: Mr Giles Mount c/o LaSalle Investment Management One
 Curzon Street LONDON W1J 5HD
Agent: JLL Miss Heather Muddiman One Piccadilly Gardens
 MANCHESTER M1 1RG
Date valid: 20/08/2015
Development: Change of use of part ground floor, first and second floors
 from Class A1 (Shops) to Class D2 (Assembly & Leisure)
Location: UNIT 140 MIDDLETON GRANGE SHOPPING CENTRE
 (FORMER MARKS & SPENCER)

PURPOSE OF REPORT

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

BACKGROUND

3.2 The following applications are of relevance:

H/2015/0051- Alterations to rear facade including new shop front openings, new fascia and minor alterations to adjacent ground levels and new railings to match.

PROPOSAL

3.3 This application seeks planning permission for a change of use of part ground floor, first and second floors from retail (A1) to assembly & leisure (D2). No external alterations are proposed under this application. It is noted in the supporting letter that negotiations are currently ongoing with a gym operator. The application form states that opening hours are unknown. It is stated in the supporting documentation that it is anticipated that the gym could stay open later than midnight. The proposal would result in the creation of a separate unit (140a) and the ground floor will remain as use class A1.

3.4 The application has been referred to the Planning Committee under the Council's Planning Delegation Scheme due to the number of objections received.

SITE CONTEXT

3.5 The application site relates to Unit 140 Middleton Grange Shopping Centre. The unit is currently vacant. It was formally occupied by Marks & Spencer but was vacated in June 2015 following their relocation to Anchor Retail Park. The unit is in the eastern sector of the shopping centre and is adjacent to Stockton Road. Hartlepool College is located to the east.

PUBLICITY

3.6 The application has been advertised by way of neighbour letters (28) and two site notices. To date, there have been 6 letters of objection.

3.7 These objections/concerns can be summarised as follows:

- Within a 1 mile radius there are 6 gyms / leisure facilities
- Large commercial cheap gyms will have an adverse impact on small independently run gyms in the area. It is the smaller gyms which tackle issues of health and obesity via education on nutrition, larger commercial gyms do not.
- The application is flawed as it has not assessed what the town needs and it will not benefit the local community.
- There is an over provision of gyms and leisure facilities in the immediate area and across the borough. Locally owned gyms are struggling to maintain their customers.
- The possibility of the gym being open past midnight, will attract the wrong type of attention due to the location in the middle of the town, surrounded by the night time economy. Additional pressure will be placed on the Police Force.
- Hartlepool needs sustainable employment and specifically in Middleton Grange.
- The space would be better used by a store or business which will attract all of Hartlepool's residents in the town and not just a percentage who are interested in health and fitness.
- There are other leisure uses, other than a gym, which would appeal to residents.

Copy Letters D

3.8 The applicant's agent has submitted a rebuttle to the objections received. Please see below:

JLL would like to confirm that the potential tenant of Unit 140 will be a mainstream gym operator which will offer a range of services including classes, sports therapy, injury rehabilitation, nutrition advice and strength and conditioning alongside the traditional gym equipment. A list of health and fitness facilities within the town centre and further out of town has been provided as part of one of the objections. After careful review, the majority of the establishments which have been highlighted are independent fitness centres which concentrate on offering a specialised service. In addition, the majority of the fitness centres listed are located outside of the Town Centre boundary.

Unit 140 is located within the Primary Shopping Area of the defined Town Centre boundary. The proposed leisure use is also defined as a 'Main Town Centre Use' under Policy Com9 of the Hartlepool Local Plan. Paragraph 24 of the National Planning Policy Framework (NPPF) requires 'that applications for town centre uses

are to be located in town centres'. As the proposed change of use is a town centre use proposed within the town centre, there is no requirement to demonstrate impact or need or indeed undertake a sequential assessment.

Unit 140 is a large unit comprising 3 floors and a single tenant could not be secured to occupy the whole of the unit. Indeed, the last tenant, Marks and Spencer did not occupy all available floors as it was not economically viable. A high covenant tenant has been secured for the ground floor to secure an active frontage within the Primary Shopping Area. It would not be viable for an additional A1 user to occupy the higher floors as they would prefer to occupy a prominent position on ground floor level. Therefore, the proposed change of use on the upper floors will make best use of the remaining space bringing in extra footfall within the Primary Shopping Area of the town centre and contributing to the economic and social needs of Hartlepool town centre.

The proposed change of use will support the viability and vitality of the town centre and will contribute to promoting a competitive town centre. Paragraph, 14 of the NPPF states that 'for decision-taking this means: approving development proposals that accord with the development plan without delay'. It is considered that the proposed change of use is compliant with national and local planning policy and on this basis; there are no planning grounds to refuse the application.

3.9 The period for publicity has expired.

CONSULTATIONS

3.10 The following consultation replies have been received:

HBC Economic Development – Support. The provision of mixed use within shopping centres has proven to be successful in attracting more shoppers/visitors.

HBC Engineering Consultancy – No comments.

HBC Conservation – No comments received.

HBC Waste Management – No comments received.

HBC Public Protection – No objections.

HBC Traffic & Transportation – No objections. There are no highway or traffic concerns.

Northumbrian Water – No comments.

Cleveland Police – No concerns. I am not aware of these types of premises causing any increase in crime or disorder incidents.

PLANNING POLICY

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

Local Policy

3.12 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
Com1 Development of the town centre
Com2 Primary shopping area
Com9 Main town centre uses
Rec13 Late night uses
Rec14 Major leisure developments

National Policy

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

Paragraph 2 – NPPF is a material consideration in planning applications
Paragraph 11 – Determination in accordance with the development plan
Paragraph 12 – Development that accords with up to date development plan
Paragraph 14 – Presumption in favour of sustainable development
Paragraph 23 – Range of suitable sites in town centres, including leisure
Paragraph 196 – Primacy of the Development Plan
Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

Plan, the principle of development and the impact on visual amenity, neighbour amenity, a listed building and highways.

PRINCIPLE OF DEVELOPMENT

3.15 NPPF paragraph 23 encourages leisure developments in town centres as part of a range of measures to ensure town centre viability. Local Plan policy Com1 identifies the town centre as suitable for a range of commercial and mixed use developments. Policy Com1 also seeks to secure the re-use of vacant commercial properties within the town centre. Local Plan policy Com2 states that proposals for leisure uses (Use Class D2) will only be approved where they:

- Do not impact on the retail function of the primary shopping area;
- Do not adversely affect the character and amenity of the surrounding area, and
- Accord with policy Rec13

3.16 Local Plan policy Rec13 states that proposals for development which will operate between midnight and 7 a.m. will only be permitted within the Church Street area or south west area of the Marina.

3.17 Local Plan policy Rec14 states that major leisure developments likely to attract large numbers of visitors should be located within the defined town centre.

3.18 In principle policies in the adopted Local Plan support the development of leisure uses within the town centre, and Middleton Grange is located within the defined town centre as shown on the Local Plan proposals map. Leisure uses within the town centre are widely accessible by public transport and add to the vitality of the centre.

3.19 A key policy consideration, set out in Local Plan policy Com2, is to ensure that leisure uses such as this proposal do not impact on the retail function of the primary shopping area. The application proposes that only a small area of the ground floor of the unit will be used for non-retail, to allow customers to gain access to the gym facilities on the first and second floors. The remainder of the ground floor will be retained as class A1. Therefore as this proposal still retains the majority of the ground floor of the retail unit for A1 retail use it is considered that the proposal accords with that part of policy Com2.

3.20 The supporting information provided with the application does state that it is anticipated that the gym could stay open later than midnight. It is noted however that the application form indicates that the hours of opening are not known. As it is Local Plan policy, through policy Rec13, to restrict uses that stay open later than midnight only to the Church Street area and parts of the Marina, any approval should be conditioned to prevent opening beyond midnight.

3.21 It is considered that this proposal accords with the Local Plan policy for appropriate uses in the defined town centre subject to retaining the majority of the ground floor of the unit in A1 (shops) use, and restricting the opening hours of the gym beyond midnight.

3.22 Consideration is also given to the three strands of sustainable development as set out in the NPPF, namely, economic, environmental and social progress for current and future generations. The proposal would have clear economic benefits in terms of bringing a proportion of a large, vacant commercial unit back into use.

3.23 In view of the above, it is considered that the proposal constitutes sustainable development and the principle of the development is acceptable.

VISUAL AMENITY AND IMPACT ON A LISTED BUILDING

3.24 No external alterations are proposed as part of the application. Consequently there will be no impact on the character of the host building or the surrounding area.

3.25 Sections 16 and 66 of the Planning (Listed Building and Conservation Areas Act) 1990 require the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess. Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the NPPF which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. To the north of the site is Wilkinson's formerly Binns department store, Victoria Road which is grade II listed. As outlined above no external alterations are proposed to the host building and there is a substantial distance between the application site and the listed building. For these reasons it is considered that the proposed change of use will not have an adverse impact on the listed building or its setting.

NEIGHBOUR AMENITY

3.26 Policy GEP1 of the Hartlepool Local Plan states that in determining planning applications the Council will have take account of the effect on the amenities of occupiers of adjoining or nearby properties by for example, general disturbance, noise, smell or light pollution. The application site is adjacent to retail uses at Middleton Grange Shopping centre. To the east is Hartlepool College. It is considered that these uses are not particularly sensitive. There are no residential properties in close proximity to the site. The Council's Public Protection section have been consulted on the application and no concerns have been raised.

3.27 In view of the above, it is considered that the proposal will not have a significant adverse impact on the amenity of nearby properties in terms of noise or general disturbance.

HIGHWAYS

3.28 The Council's Traffic & Transportation section were consulted on the application. No highway or traffic concerns were raised. It is considered that the proposal is acceptable in terms of the impact on parking and highways.

RESIDUAL MATTERS

3.29 One of the main concerns raised was the potential impact of the proposed use on smaller independent gyms in the borough. It should be noted that business competition is not a material planning consideration. It was also stated that there is an over provision of gyms/leisure facilities in the borough and another facility is not needed/required. Policy Rec14 does state that all large scale proposals for leisure developments should be accompanied by a statement justifying the need for the development. This section of the policy is not in accordance with the NPPF and is therefore not applicable in the determination of this planning application. There is no longer a requirement in national policy (NPPF) to demonstrate a need for leisure developments.

3.30 Concerns were also raised due to the opening hours of the use and the possibility that this would attract the wrong type of attention / lead to anti social behaviour due to the location of the site within the town centre and adjacent to areas which support the night time economy. Issues such as anti social behaviour can often be based on assumptions rather than being supported by evidence. There is no evidence in this case linking anti social behaviour to a leisure use of this type. Furthermore, Cleveland Police have been consulted on the application and have raised no objections to the scheme, commenting that they are not aware of these types of premises causing any increase in crime or disorder incidents. Whilst there is no evidence linking such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement and would not be a reason to warrant refusal of the application.

3.31 It was mentioned by objectors that another type of employment or retail use should be proposed in the unit. The Council is only able to determine the proposal applied for alternative schemes cannot be considered. It should also be noted that a retail use is largely retained on the ground floor of the unit.

CONCLUSION

3.32 It is considered that in relation to the relevant policies as stated above, and in relation to the principle of the development and the impact on visual amenity, neighbour amenity, a listed building and highways, the proposal is considered acceptable and is therefore recommended for approval subject to the conditions set out below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.34 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.

3.35 There are no Section 17 implications.

REASON FOR DECISION

3.36 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

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 (location plan dwg no SK(140A)001, proposed ground floor mall level plan - unit 140a dwg no SK(140Aa)005, proposed first floor service road level plan - unit 140a dwg no SK(140a)006, proposed second floor plan - unit 140a dwg no SK(140a)007) and details received by the Local Planning Authority at the time the application was valid on 20/08/2015 .
For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 07:00 - 00:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
4. The premises shall be used as a Gymnasium (Class D2 use) and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the vitality and viability of the town centre and the occupants of neighbouring properties.
5. This permission relates only to the change of use of the first and second floor of the premises and part of the ground floor (for access only) as indicated by the red line on drawings SK(140a)006, SK(140a)007 and SK(140a)005 respectively.
For the avoidance of doubt.

BACKGROUND PAPERS

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

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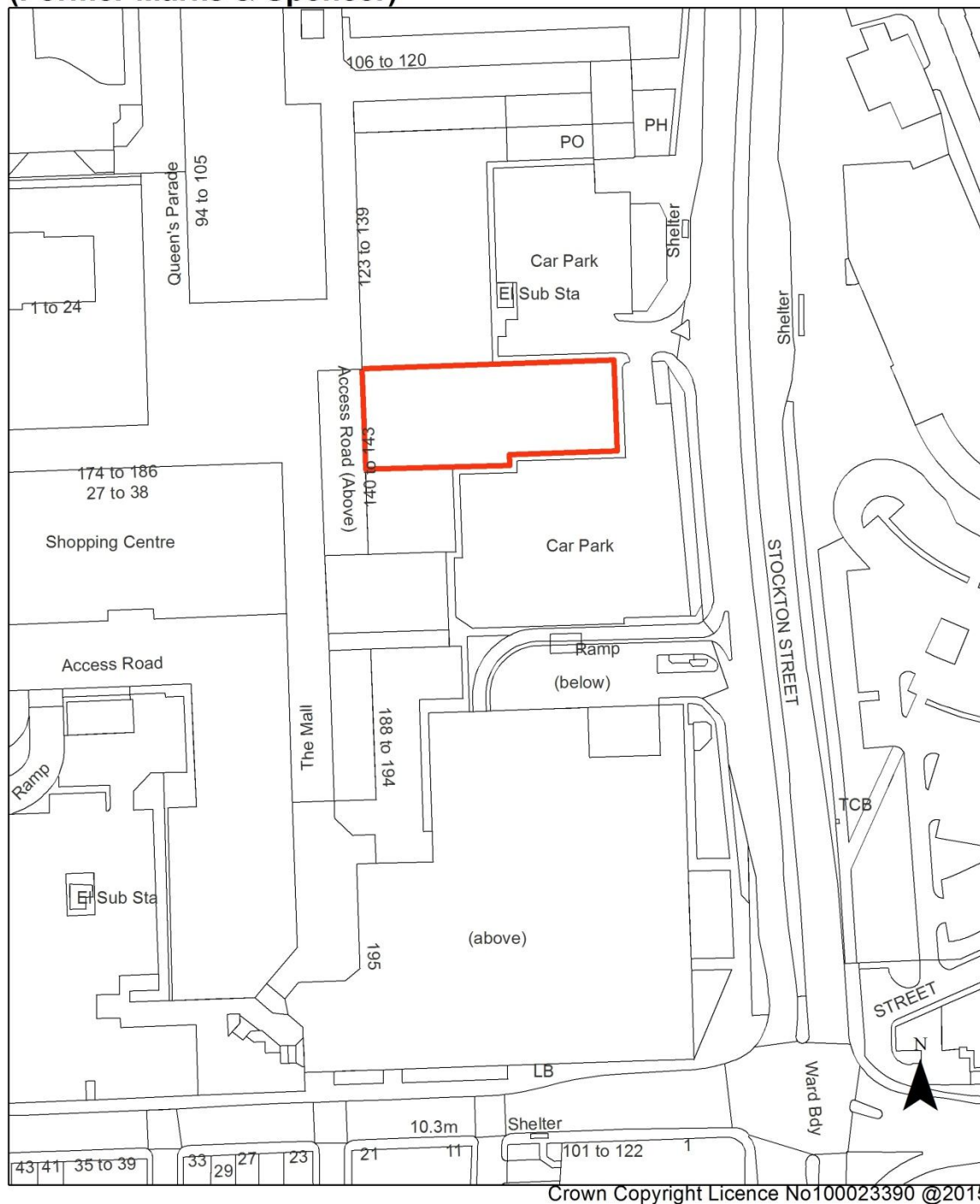
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Unit 140 Middleton Grange Shopping Centre (Former Marks & Spencer)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL
Level 1 Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

H/2015/0345
Scale : 1:1250
Date : 15/10/2015

No: 4
Number: H/2015/0310
Applicant: Mrs W Kipling Hall Drive BURLEY IN WHARFDALE W
 Yorks LS29 7LP
Agent: Mrs W Kipling 58 Hall Drive BURLEY IN WHARFDALE
 LS29 7LP
Date valid: 12/08/2015
Development: Change of use from dwellinghouse to purposes falling
 within self contained apartments or Class 4 (house in
 multiple occupation)
Location: 41 Grange Road HARTLEPOOL 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 Though there is no recent relevant planning permissions in respect of the change of use of this building from residential to a house in multiple occupation (HMO), the Council has received indications from both Building Control and neighbour observations that some internal repair works to the building may already be in progress

4.3 Additional information provided to this Authority on 14th October 2015, states that the applicant currently resides at the property as an owner occupier and is employed in a professional capacity by an organisation located within the Borough. The applicant intends to continue living at the property, occupying one of the bedsits. All tenants would be vetted by the applicant personally and a cleaner employed who will take care of the inside of the house.

4.4 The applicant maintains that there is limited housing stock available for professionals who need to work in the area and therefore intends to provide, by way of this application, for professionals like herself with cost effective affordable accommodation

4.5 The application is reported to committee for consideration at the request of a Councillor and, on the basis of six (6) letters of objection being received from local residents.

PROPOSAL

4.6 This application seeks consent to change the use of the building from a single dwellinghouse (Use Class C3) to a House in Multiple Occupation (Use Class C4)

consisting of a one bedroom living unit located on the ground floor; two bedsits located on the first floor and a self contained one bedroom living unit located within the roofspace. No external alterations are proposed to this building located within the Grange Conservation Area.

4.7 Internal alterations to facilitate the use of the building as an HMO would utilize a floor plan configuration that reflects the layout of the original dwelling. A single main doorway located on the ground floor would provide for the communal entrance to the premises from the front elevation.

4.8 Accommodation and facilities would consist of:

1. Ground Floor
A single bedsit consisting of two conjoined rooms with a separate bathroom and kitchenette. In addition, communal rooms are to be located on this floor consisting of a kitchen, and laundry room. Communal access would be provided to a rear yard with bin store and further access onto the rear lane
2. First Floor
Two separate bedsits with communal shower room and WC
3. Second Floor (Roof Space)
A single one bedroom flat with living room, bathroom and kitchenette. Access is available via a rear window to an external fire escape ladder.

4.9 As an HMO the Council's Housing Services section would issue the premises its mandatory Licence to operate as an HMO under the Housing Act 2004. Also the following would be required under the licence:

- The installation of suitable, properly installed & maintained automatic fire detection and warning system in accordance with the LACoRS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing (July 2008);
- The provision of an adequately protected escape route in the event of a fire having regard to the above LACoRS Housing – Fire Safety (July 2008) and; also;
- Adequate provision made for the storage and disposal of refuse.

4.10 Noise insulation to the party walls with 39 and 43 Grange Avenue, adequate to protect the residential amenity of these dwellings, would also need to be installed.

SITE CONTEXT

4.11 The site consists of a two storey terrace Victorian dwelling with potential to provide accommodation in the roof-space and two storey rear addition positioned in a terrace of similar dwellings located on the southern side of Grange Road. In common with its neighbours, the building has a small front curtilage facing onto Grange Road with high walled enclosed yard backing on to a rear lane that serves the rear of the dwellings of both Grange Road and the properties on Hutton Avenue.

PUBLICITY

4.12 The application has been advertised by way of seven (7) neighbour letters and a site notice. To date, there have been six (6) letters of objection and one (1) letter of support from local residents:

4.13 The concerns raised in the letters of objection are:

- Reduction in housing stock as houses are broken down into smaller units;
- Use as an HMO cannot be deemed as commensurate with the character of the conservation area
- Concern over the introduction of problem residents;
- Exacerbation of existing on-street parking problems
- An increase in noise and inter-personal pollution locally;
- Devaluation of quality of life enjoyed by existing residents;
- 'Fait-accompli' with most of the internal works already carried out.

4.14 One detailed letter of support has been received. The writer raises the following points:

- Every application should be reviewed individually based on their individual benefits to the community in line with the Hartlepool Housing Strategy 2015-2020 and not be linked to other applications. It is therefore requested that this application be treated on its own merits and not be linked to any other. ie The Tankerville Hostel
- The proposal would comply with Priority 1: of the Housing Strategy in delivering suitable new homes, including affordable homes and older person accommodation. 41 Grange Road provides a building that is able, structurally, to be converted with no change made to any external features with rooms already lend themselves to shared accommodation which will provide high quality all inclusive fully furnished affordable living accommodation.
- Hartlepool has a growing number of professionals needing high quality low cost accommodation in Hartlepool. Currently no one is providing a solution.
- The Economic Regeneration Strategy 2011-2021 sets out a vision of how we can achieve a shared ambition of moving the Borough towards a more inclusive, prosperous and resilient economy. If this vision is to be achieved, we must continue to enhance the unique partnership arrangements that already exist, maximise new opportunities and capitalise on emerging growth sectors.
- In future, HMOs / shared houses will give the town and the wider region the opportunity to capitalise on a new housing market that is currently spreading across the country. It offers the potential for high quality all inclusive accommodation to a range of people that want to build a better life for themselves. A major key fact is that there are no hidden costs associated with renting this type of accommodation.

4.15 The period for publicity has expired.

Copy letters **A**

CONSULTATIONS

4.16 The following consultation replies have been received:

HBC Heritage and Conservation: The main issue for consideration is the impact that the conversion will have on the character and appearance of the conservation area which is outlined in the Appraisal document dated 2009. The use itself will not change the appearance of the property and therefore the building will appear as a single dwelling which is the predominant building use within this area. The proposal will not, therefore, harm the character of the Grange Conservation Area. No objections.

Traffic and Transportation: The existing terraced property does not provide any off street parking facilities, the Hartlepool Borough Council Design Guide and Specification recommends that flatted developments provide 1.5 spaces per property. On street residents permit parking is available on Grange Road and the surrounding streets; this is based on a first come first served basis. The provision of 4 flats would potentially increase parking demand in the area, however it is anticipated that that car ownership would be low. Due to the small number of flats involved and the anticipated low car usage it would not be tenable to sustain an objection on parking grounds.

HBC Housing

- On the face of it there would be adequate facilities for the preparation and cooking of food and bathing, this is based on the assumption that each bedsit/flat would be for a single occupant. Should the applicant intend that each unit accommodates more than one person, then further information will be required on the facilities provided within each bathroom and the habitable space available in each unit.
- The fire detection and alarm system shown (grade D: LD3 coverage – shared house standard) is not consistent with the LACoRS Housing – Fire Safety Guidance on fire safety provisions for certain types of existing housing. There should be a mixed system provided: Grade A: LD2 coverage in the common areas and heat detectors in bedsits (interlinked) and Grade D smoke alarms in each bedsit (non-interlinked).
- The bedroom, lounge and bathroom to the second floor are considered to be inner rooms and may pose a risk to occupiers should a fire break out in the kitchen. Whilst there is an escape window shown to the rear bedroom this will only be considered satisfactory (ref LACoRS guidance in point 2 above) if the floor level is no more than 4.5m above ground. The window should have an unobstructed opening area of 0.33m², minimum 450mm wide by 450mm high. In addition, there are strict requirements regarding the secondary means of escape which are detailed in the LACoRS guidance. Fixed or removal vertical ladders, pull-down ladders and unconventional devices (such as lowering lines and cradles) are not suitable as secondary means of escape.
- As the building is 3 storeys high, it may need to be licensed under part 2 of the Housing Act 2004 if there are 5 or more occupiers. If it is intended to be a licensable HMO, we would determine the actual number of occupiers in consultation with the proposed licence holder.

- There must be adequate provision made for the storage and disposal of refuse.

HBC Public Protection: No objections to this application subject to a sound insulation condition to the party walls of 39 and 43 Grange Road.

Crime Prevention Officer (Cleveland Police): It is understood that the owner of this premises may chose to reside on the premises. This would help to ensure the proposed accommodation has some form of management in place. The key to this development though will be the type of residents that are accommodated. It is recommended that there is secure access control to the main entrance of the premises and any replacement internal flat doors should be certified to PAS24 -2012 and fitted with a door viewer any glazing to these doors should be laminated to a minimum of 6.4mm. Any replacement ground floor windows and easily accessible 1st floor windows certified to PAS24- 2012.

HBC Community Safety The property in Grange Road is within the same ward boundary used in respect of the recent application for an HMO at 19-21 Tankerville Street (H/2015/0277). Due to this, the same information previously provided should also be used to inform this application:

Details submitted in respect of the Victoria Ward Boundary that includes 41 Grange Road:

1. Anti-social Behaviour Unit records finds that the Unit has dealt with 4 Anti Social Behaviour (ASB) complaints in the local area. (2 noise, 1 street drinking, 1 rowdy behaviour) The Community Safety CCTV Service has also monitored 3 suspicious incidents, 3 violent incidents, and 1 missing person in the local area. In May 2015 a CCTV tasking was put in place for the area CCTV camera with CCTV operators giving the area extra monitoring. This was due to intelligence received by the Police that behaviour linked to hate may be occurring in the area. This was not witnessed/proven and no further reports were received.

ASB complaints – streets checked:

- Albany Court
- Alma Street
- Lynnfield School
- Milton Road
- Sherriff Street
- Tankerville Street

2. There is a Public Space CCTV Camera located in the street at the junction of Tankerville Street and Milton Road. This camera is operated by the Council's Community Safety CCTV Service and is monitored at the towns Community Monitoring Centre.

3. ASB and Crime analysis carried out by the Units Community Safety Research Officer finds that over the previous 24 months (13.08.13 – 13.08.15) there have been 128 incidents of ASB and 103 Crimes recorded in the area by Cleveland Police. (See attached research document and below table for further details) Due to this the Unit

would consider the area to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town.

4. Analysis carried out by the Units Community Safety Research Officer into the geographical distribution of crime and ASB across Hartlepool Borough wards for the annual Safer Hartlepool Partnership Strategic Assessment 2014 shows that the Victoria Ward (which includes Tankerville Street) is one of the top five wards with the highest rates of crime and ASB per 1000 population.

5. Due to the short response time the Unit has not had time to conduct any Vulnerable Localities Index research for the development location in question. However due to the above crime figures and employment, income and educational information contained in the Victoria Ward Profile the Unit would consider it likely that the Tankerville Street area would be identified as a Vulnerable Locality. (see below)

Vulnerable Localities Index Information

The Vulnerable Localities Index (VLI) is a research method which can help to identify residential neighbourhoods that may require prioritised attention from a community safety perspective. The VLI integrates data collected at the neighbourhood level to form an overall composite index value of vulnerability for a locality. It is calculated using six variables, and can be applied in any country where access to reliable data on these variables exists. The variables (measured at the same geographical units) are as follows:

- Counts of burglary dwelling
- Counts of criminal damage to a dwelling
- Income deprivation score
- Employment deprivation score
- Count of 15-24 year olds
- Educational attainment

Victoria Ward

- has a number of active community / resident groups working with Ward Councillors and service providers to improve the local community - one of these groups is the towns Asylum Seekers and Refugees Group.
- has a number of Third Party Reporting Centres where hate crime/incidents can be reported should they occur.
- is Hartlepool's most diverse ward with 6% of the 8660 population being from BME communities.

Councillor: Maintains that the application is in contradiction of the recently full Council approved Housing Strategy which states:

Our Strategy has been developed around the following five priority outcomes:

- *Delivering suitable new homes, including affordable homes and older persons accommodation;*

- *Making the best use of existing homes; improving quality conditions and the environment;*
- *Bringing long-term empty homes back into use;*
- *Improving health and wellbeing; promoting sustainability by supporting people with specific housing needs;*
- *Preventing homelessness and providing options.*

Whilst the proposal may bring a long-term property back into use he does not believe a HMO will improve quality, conditions and improve the environment. The Councillor also believe there are other options for addressing options for single bed accommodation that will improve the health and wellbeing of new and existing residents who have such a need. Our housing strategy needs to be considered in its overall context and not as isolated component parts identified within our priorities.

The second point the Councillor wishes to make is, in law, Landlords are not solely responsible for Anti-Social Behaviour and has provided some recent statistics outlining prevalence of Anti-Social Behaviour in the Victoria Ward, which can be corroborated by the Safer Hartlepool Partnership. Crime is a material planning consideration, as is fear of crime and it is the Councillors opinion that the application may exacerbate an already identified problem in the area. He notes that at a recent meeting of the Safer Hartlepool Partnership members were informed of the upward trend in crime in this area. The burden of addressing further Anti-Social Behaviour would impose even more pressure on the Council and Cleveland police at a time of diminishing budgets.

Historically the Council has always had ambition to drive up the standard of Private Sector Housing in Hartlepool evident in previous bids for funding i.e. to the former Office of the Deputy Prime Minister. The Councillor therefore does not believe the proposal is a strategic fit with the Council's ambition and would have a negative impact in an area, which needs multi-agency support to protect residents in the longer term.

PLANNING POLICY

4.17 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

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

HE1: Protection and Enhancement of Conservation Areas

National Policy

4.19 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 making, 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 are of particular relevance to this application.

Paragraph 13 - The National Planning policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

Paragraph 23 – Vitality of Town Centres

Paragraph 38 – Promoting sustainable transport

Paragraph 49 - Housing and the presumption in favour of sustainable development

Paragraph 50 – Identifying and bringing back into use empty housing and buildings

Paragraph 56 - Design of the built environment and its contribution to sustainable development

Paragraph 57 - High quality inclusive design

Paragraph 60 - Promotion or reinforcement of local distinctiveness

Paragraph 61 - The connections between people and places

Paragraph 64 - Improving the character and quality of an area

Paragraph 66 - Community involvement

Paragraph 96 - Minimise energy consumption

Paragraph 137 – New development within Conservation Areas.

Paragraph 186 – Approach decision making in a positive way to foster sustainable development

Paragraph 187 – LPAs should look for solutions rather than problems

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 – Presumption in favour of sustainable development

Planning Policy: There are no Planning Policy concerns regarding this application.

The proposal is for a residential use within a residential area that is within close proximity to the town centre and thus has access to a variety of shops, services, places of employment and sustainable transport links. The site is within the Grange Conservation area therefore Planning Policy trust that the Heritage and Countryside Manager has been consulted and has assessed the proposal with regard to any impacts upon the heritage assets in and around the area.

Policy Hsg7 is a saved policy within the 2016 Local Plan and therefore must be applied to this proposal, however the policy should not be relied upon in decision making as it is considered that the policy is not currently compliant with the NPPF.

PLANNING CONSIDERATIONS

4.19 The main issues for consideration in this instance are the appropriateness of the proposal in principle in terms of the policies and proposals held within the Development Plan, highways, design and layout, anti social behaviour, impact on the amenity of neighbouring properties and the locality, and the character of the Conservation Area.

PRINCIPLE OF DEVELOPMENT

4.20 A Councillor has raised the issue that the Housing Strategy, as recently agreed by the Full Council, should now be material to the determination of this application in that it reflects the current aims and goals of the Council in terms of the Borough's housing need. Whilst this strategic document with its aims to improve the supply quality and location of the Districts Housing supply, including affordable housing, has been agreed in principle by the Full Council, its means of delivery, namely an up to date local plan with specific housing policies, does not yet exist. As such the council has no means to deliver the aims of the Housing Strategy in terms of planning policy.

4.21 To date, there have been no changes to the 2006 Local Plan policies and policies can only be amended through a local plan review. This is currently underway but the Council have yet to publish any draft policies. The review, when it is undertaken, must have regard to the Housing Strategy as it is the most up to date document that reflects the current housing desires and intentions for the borough.

4.22 However, the Council does not yet have any Policy documents that enable the implementation of the Housing Strategy and, given the absence of an up to date plan and the absence of a five year housing land supply, saved Policy Hsg7 of the Hartlepool Local Plan is not considered to be compliant with the NPPF. As such This Authority can only rely upon Policies GEP 1 – 3 of the Local Plan (2006) and any relevant sections of the NPPF.

4.23 This development would however, be compliant with the guidance contained within paragraph 50 of the NPPF in delivering affordable forms of housing and offering a wide choice of homes, of different tenure, type and range. Within walking distance of the town centre, essential services and public transport routes, the proposed use of the site is capable of playing a part in supporting the requirements of Section 2 of the NPPF (paragraph 23) in ensuring the vitality of the town centre by encouraging residential development in appropriate sites. On balance, the utilisation of the building as an HMO would demonstrate many of the sustainable elements in its favour and, as such, be able to serve the needs of its residents without necessity or dependence on car borne journeys in compliance with Para 14 of NPPF. In principle the proposed use is considered acceptable in this location.

HIGHWAYS

4.24 The site is located within a terrace along a mixed residential street that serves as a main access route into the town. Off street parking is restricted to some of the rear curtilages accessed off the gated back lanes with limited on-street parking along this Part of Grange Road.

4.25 In respect of multiple occupancy conversions, the Councils Design Guide for Parking Standards (April 2011) indicates a minimum provision of 1.5 spaces per dwelling. However, this guidance does allow some latitude for parking provision to be further reduced particularly in areas readily accessible to local facilities by public transport, by cycling or by foot.

4.26 In this respect, the site is located within short walking distance to the town centre; is served by nearby good public transport links and; is in close proximity to other local services such as schools, local shops and doctors surgeries. Also, car ownership of residents is expected to be low. Therefore the circumstances of the site would allow for members to consider a relaxation of parking requirements to be exercised in the re-use of this building and for no off street parking to be provided in common with the majority of other dwellings within the street and the wider locality.

4.27 The proposal would, on balance, comply with many of the requirements of Section 4 of the NPPF (Promoting Sustainable Transport) particularly (paragraph 38) in providing a residential development where key facilities such as schools and shops are within walking distance and allow for the continued use of the building for residential use within an already residential street in accordance with the guidance contained in paragraph 50 of the NPPF. It is noted that whilst acknowledging that anticipated car ownership is likely to be low and there may still be potential for the development to create parking issues, no objections have been raised by HBC Traffic & Transportation.

4.28 In light of the above it is considered that it would be difficult to sustain an objection on highway grounds.

DESIGN AND LAYOUT

4.29 No external alterations to the building have been proposed which would retain its single bay Victorian frontage with access facing over the small front curtilage onto the street. To the rear, the adjoining two storey addition would remain in place within its setting of a small walled courtyard. No additional window or door openings are proposed and details of any changes to the external finishes to the building can be conditioned to any planning approval that may be granted.

4.30 Internally, existing room configurations would be maintained with few alterations to provide for the four living units. Refuse bin provision would be provided, as indicated, in the back yard in common with most other dwellings within the terrace. The practicalities of the provision of fire doors, security doors and windows, suitable locks and alarmed emergency fire escapes would all be under the aegis of the HMO Licence that would need to be issued prior to first use by HBC Housing.

IMPACT UPON AMENITY OF NEIGHBOURING PROPERTIES AND LOCALITY

4.31 The location in Grange Road consists mainly of Victorian terraces where there is already an existing mixture of housing tenures ranging from home ownership and flats and a small number of houses in multiple occupation such as those at 50 and 92 – 96 Grange Road.

4.32 The premises are, in effect, fully capable of providing HMO accommodation without any discernible changes to the buildings or the character of the area. Subject to a noise insulation condition, no objections have been received from HBC Public Protection. It is therefore considered that the proposal, with the provision of acceptable levels of noise insulation with adjoining properties, would avoid having any detrimental impact on the amenity nearby of neighbouring properties or the wider character of the street.

4.33 Though local residents have indicated their concerns that the presence of an HMO would encourage anti-social behaviour, there is no evidence submitted to support this assertion.

IMPACT UPON THE CONSERVATION AREA

4.34 Paragraph 137 of the NPPF advises Local Planning Authorities to look for opportunities for new development within Conservation Areas. Proposals that preserve elements of the character and setting that make a positive contribution to the heritage asset should be treated favourably.

4.35 As already indicated above, there would be no discernible external alterations to the building resulting in the historic character and appearance of the building being maintained within the Grange Conservation Area. The use would remain as residential providing the benefit of a small increase in the supply of affordable accommodation within the borough. Any alterations to convert to an HMO would be contained within the interior of the building. As such, the proposal would be in accordance with guidance contained within paragraph 137 of the NPPF and the requirements of saved Policy HE1 of the Hartlepool Local Plan

ISSUES OF COMMUNITY SAFETY

4.36 No objections to the proposal have been raised by Cleveland Police or HBC Community Safety.

4.37 Though the Councils Community Safety Team has correctly identified the wider Victoria Ward, as an area that experiences a higher than usual level of crime, it carefully avoided any assumption that the crime itself was generated by local residents. Instead, the Vulnerable Localities Index (VLI) is used as a research tool to identify residential neighbourhoods, such as this, that may require prioritised attention from a community safety perspective. There is no rationale put forward to indicate that the introduction of an HMO on this site, in itself, would result in any increase in crime or indeed fear of crime to local residents. As such, it is considered that no objection on the grounds of crime, fear of crime or antisocial behaviour could be sustained for a small HMO within a mainly residential street.

4.38 The building is the applicant's main residence and she has indicated to this Authority that she would continue to reside there in one of the bedsit units and personally vet the other tenants. Though this arrangement would concur with the Crime Prevention Officer's view that owner residency & management and resident choice would be the key to this application, the Planning Authority is unable to determine the social or character profile of future residents of an HMO, this being beyond the remit of the Planning Acts.

CONCLUSION

4.39 Though HMO accommodation is not usually counted toward the housing figures, it does provide for a definite need within the housing market.

4.40 The National Planning Policy Framework already contains guidance supporting the principle of the utilisation of buildings to provide residential accommodation, including multiple occupation where it can be demonstrated that the development would be sustainable with no significant detrimental impacts upon the amenities of nearby properties or, upon the character of the area.

4.41 The development would also support the requirements of Section 2 of the NPPF (paragraph 23) in ensuring the vitality of town centre by encouraging residential development in appropriate sites. The site has many sustainable elements in its favour in being within walking distance from the centre, and close to essential services shops and public transport. As such, the site would be able to serve the needs of its residents without necessity or dependant on car borne journeys in compliance with Para 14 of NPPF.

4.42 In maintaining a building in residential use, the proposal would comply with guidance contained in paragraph 50 of the NPPF in the provision of a wide choice of quality homes particularly where there is an identified need for additional housing in the area and, that there are no strong economic reasons why such development should be considered as inappropriate.

4.43 The character and setting of the Grange Conservation Area would be maintained in accordance with policy guidance contained within paragraph 137 of the NPPF and saved Policy HE1 of the Hartlepool Local Plan.

4.44 On balance it is considered that the proposed use of the premises as an HMO would not have a detrimental impact upon the residential amenity, highway safety and the character of the street or the conservation area.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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. These matters are considered within the report.

REASON FOR DECISION

4.46 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 drawing 577-2/RevA, Site Location Plan, Heritage Statement and other details received by the Local Planning Authority on 6th August 2015, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
3. Details of any proposed external finishes to the building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the works
In order to maintain visual amenity.
4. The use hereby approved shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented.
In the interests of the amenities of the occupants of neighbouring properties.
5. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures on the party walls with 29 and 43 Grange Road, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the property and neighbouring properties. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter.
In the interests of the amenities of the occupants of neighbouring properties.
6. The internal layout of the building shall be retained as indicated in the approved drawing 577-2/RevA to accommodate three bedsits with communal rooms and facilities on the ground floor and the first floor of the building and a one bedroom flat located in the second floor roof-space.
In order to maintain the amenity of residents in the street.

BACKGROUND PAPERS

4.47 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, and 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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41 GRANGE ROAD



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HARTLEPOOL BOROUGH COUNCIL
 Level 1, Civic Centre, Hartlepool TS24 8AY
 Department of Regeneration and Planning

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H/2015/0310
Scale: 1:1000
Date : 13/10/15

No: 5
Number: H/2015/0351
Applicant: C/O Agent
Agent: Signet Planning Mr John Wyatt 26 Apex Business Village
Annitsford NEWCASTLE UPON TYNE NE23 7BF
Date valid: 21/08/2015
Development: Reserved matters application in relation to planning
permission H/2014/0215 for means of pedestrian access
and internal highway layout, appearance, landscaping,
layout and scale of residential development
Location: Land at Quarry Farm Elwick Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 An outline planning application for the construction of 81 dwellings (H/2014/0215) was submitted on 12th May 2014 which was subsequently refused by Members for reasons relating to highway safety and crime/anti social behaviour. The applicant appealed against the decision and a Public Inquiry was held on 22 and 23 January 2015. The appeal was allowed.

5.3 The application was made in outline with all matters reserved for subsequent approval, with the exception of access. At the Inquiry the appellants submitted a Section 106 Agreement which included developer contribution including an off site Affordable Housing contribution.

PROPOSAL

5.4 This reserved matters application seeks consent for the pedestrian access and internal highway layout, appearance, landscaping, layout and scale of the development.

5.5 The development proposes 81 residential properties, which includes a mix of 3 and 4 bedroom two storey detached properties and 4 detached dormer bungalows. Access to the development will be taken from the southern boundary, off Elwick Road and will include a segregated right hand turn into the development.

5.6 The development includes two proposed pedestrian links within the site, one on the north east which links to the existing public right of way (PROW) which runs to the rear of properties on Naisberry Park and runs from Elwick Road to Worset Lane. The second link is for the formation of a new PROW at the north west point of the development which will create a pathway running north.

5.7 The proposal includes a 5m wide buffer zone and comprehensive landscaping, there are areas of open space and play area provided within the site.

SITE CONTEXT

5.8 The application site is an area of approximately 4.12 hectares of agricultural land on the edge of Naisberry Park which is currently located outside the defined limits to development. The site is adjacent to Elwick Road to the south from which access is proposed to be taken. To the east of the site is a woodland strip and public footpath beyond which are the rear boundaries of residential properties within Naisberry Park which is a residential area. The existing woodland strip extends along the full length of the eastern boundary and continues to the north (where it incorporates a network of informal footpaths) and along the southern boundary of the site adjacent to Elwick Road.

5.9 The woodland strip to the east includes a recreational footpath which links Naisberry Park to the wider footpath network and open countryside.

5.10 The land slopes downwards to the north where there is a gully, the fields beyond slope back up towards the north. There is a disused quarry to the west beyond which are agricultural fields.

PUBLICITY

5.11 The application has been advertised by way of 753 neighbour letters, press notice and 2 site notices. To date, there have been 25 letters of objection, 1 letter of comment and 4 letters of no objection.

The concerns raised are:

- Traffic will increase
- Drainage maybe affected
- Value of property will decrease
- Neighbourhood won't be quiet
- Too many houses being built at this end of the town
- School won't cope with more pupils
- Little consideration taken into account of additional traffic
- Not right type of housing that is needed
- Loss of Green belt
- Additional volume of traffic will endanger pedestrian access especially that of school children
- Increase congestion particularly at peak times outside school
- Plenty of brown field sites yet to be developed without going further into green belt
- Planned road entrance onto very busy road – total madness
- Already enough new housing going ahead in town
- Destruction of the environment
- Increase in traffic accessing the A19

- Potential and real danger of accident at junctions with A19 at Elwick and Dalton
- Increased danger to existing properties and persons as result of new footpaths running parallel to Elwick Road there have been two fires started deliberately in fences
- The constant disturbance by the building works and the noise and pollution
- Introduction of link paths
- Too much traffic
- Narrow roads no access
- Lack of school places
- No safe access to development
- Concerns with flooding
- Traffic build up on Elwick Road
- Object to any development outside urban boundary and involves destruction of agricultural land
- Roadway flooding and drainage problems.

Copy Letters E

5.12 The period for publicity has expired.

CONSULTATIONS

5.13 The following consultation replies have been received:

HBC Landscape - Documents have been provided and emphasise that the applicant is incorporating additional landscaping within the site and protection to the existing landscape buffer to the East.

Further details are needed on the above where landscaping and tree protection are concerned and these have been mentioned within the applicants Reserved Matters Statement. No objection subject to relevant conditions securing landscape.

Northumbrian Water – Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make on the appearance, landscaping, layout and scale of the development.

Northern Gas - It is confirmed that the high pressure pipeline runs in the field on the opposite side of Elwick Road and so is clear of this proposed development. A medium pressure gas main does cross the development site. This gas main will be protected with an easement. In the application documents the developer refers to this gas main and states that they would be looking to divert the main to run along the new site roads.

HBC Engineering Consultancy – No further comments to make on this application, original conditions will still apply.

Tees Archaeology – The developer has previously provided the results of an archaeological field evaluation. This suggests that the site has a low archaeological potential.

HBC Public Protection – No objection

HBC Traffic & Transport – The proposed internal layout is acceptable in Highways terms. The roads and paving should be constructed in accordance with the Hartlepool Borough Council Design Guide and Specification, and under a Section 38 Agreement with view to adoption.

HBC Ecology – No objections subject to previous conditions.

Environment Agency – No objection.

HBC Countryside Access Officer - I am satisfied that the developer is fully committed to the creation of the two new public rights of way, linking the development, at two points, to the existing rights of way network to the east and north.

PLANNING POLICY

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

Local Policy

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

GEP1 - General Environmental Principles
GEP2 - Access for All
GEP3 - Crime Prevention by Planning and Design
GEP9 – Developer Contributions
GEP12 - Trees, Hedgerows and Development
GN5 - Tree Planting
Hsg9 - New Residential Layout
Rec2 – Provision for Play in New Housing Areas
RUR7 – Development in the Countryside
RUR18 – Rights of Way
Tra16 – Car Parking Standards
Tra20 – Travel Plans

National Policy

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

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

Paragraph 02: Application of planning law (development plan and material considerations)

Paragraph 06: Purpose of the planning system – creation of sustainable development

Paragraph 07: Three dimensions to sustainable development

Paragraph 13: The National Planning Policy Framework constitutes guidance

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core planning principles

Paragraph 36: Travel Plan requirements

Paragraph 37: Minimise journey lengths

Paragraph 47: To boost significantly the supply of housing

Paragraph 49: Housing and the presumption in favour of sustainable development

Paragraph 50: Deliver a wide choice of homes

Paragraph 56: Design of the built environment and its contribution to sustainable development.

Paragraph 57: High quality inclusive design

Paragraph 58: Quality of development

Paragraph 60: Innovation and originality of design and promotion and reinforcement of local distinctiveness.

Paragraph 61: The connections between people and places

Paragraph 64: Improving the character and quality of an area

Paragraph 66: Community involvement

Paragraph 93: Reduction in greenhouse gas emissions

Paragraph 96: Minimise energy consumption

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 203-206 – Planning Obligations

PLANNING CONSIDERATIONS

5.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of development, residential amenity, design, highways, developer obligations.

PRINCIPLE OF DEVELOPMENT

5.18 The principle of residential development on the site has been established by virtue of the original outline consent (H/2014/0215).

IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

5.19 There have been some public objections to the development relating to the impact upon the area and existing properties. The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

5.20 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

5.21 Officers consider that the character and appearance of the area is varied, consisting of a mixture of house types. Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties and area, in terms of both scale and design, it is considered that the design, scale and massing of the proposed dwellings are acceptable and will not have a detrimental impact upon the character and appearance of the area.

5.22 It is considered that the density of the site is acceptable and is reflective of the surrounding area. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. It is considered that a development can be brought forward that would not have a detrimental impact on the character and appearance of the area.

EFFECT OF THE PROPOSALS ON NEIGHBOURING PROPERTIES AND SURROUNDING AREA

5.23 The layout has been designed in such a way as to limit the impact upon the amenity of the neighbouring properties close to the site and overlooking it.

5.24 It is considered that the relationships between the properties are acceptable. The separation distances, between all the properties proposed and in respect to neighbouring properties comply with the guidance outlined in the Hartlepool Local Plan 2006 and is therefore considered acceptable. The site will be substantially screened from neighbours by existing and proposed boundary treatments. It is not considered that the proposed dwellings will appear overly dominant or oppressive

upon the outlook and living conditions of any of the neighbouring properties adjoining the site.

5.25 It is not considered that the additional disturbance arising from traffic associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of neighbouring residents. No objections have been received from the Head of Public Protection. Owing to the scale of the development and proximity to residential properties, it was considered necessary to impose a condition relating to construction hours, this was imposed through the outline application which was approved at Public Inquiry. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

IMPACT UPON HIGHWAY SAFETY

5.26 The Council's Traffic and Transportation Team have been consulted on the application and raise no objection to the proposal.

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

5.28 The impact of the development on the highway network was considered at the Public Inquiry where it was concluded that the proposal would not unduly harm highway safety.

DEVELOPER CONTRIBUTIONS

5.29 Planning Obligations have been secured through a Legal Agreement which was completed in connection with the outline approval (H/2014/0215). These include:

- off site Affordable Housing Contribution of £748,560.00
- Education Contribution of £138,391.50
- Green Infrastructure Contribution of £250 per dwelling (£20,250.00)
- Ecological Enhancement Contribution of £20,000.00
- Built Sports Contribution of £250 per dwelling (£20,250.00).

RESIDUAL MATTERS

5.30 Concerns have been raised from residents with regard to the public footway links proposed connecting the site to the existing rights of way network and the potential for antisocial behaviour. This issue was addressed at the Public Inquiry where the Inspector concluded that through the creation of formal paths the development would substantially reduce opportunities for crime and antisocial behaviour in the vicinity of the site. It is not considered these concerns could be defended at appeal and the proposal is considered acceptable.

5.31 Issues in relation to drainage were addressed at the outline stage when conditions relating to the approval of the details of foul and surface water were imposed.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.32 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.34 Section 17 implications are discussed in the section on Residual Matters above.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with Dwg No(s) 513-BEL-14-028P01 (Proposed Site Layout), 513-BEL-14-028E01 (OS Location Plan), A-PIN STD/00 (Pine House Type), A-RED STD/00 (Redwood House Type Elevation), A-RED STD/00 (Redwood House Type Layout), A-ROW STD/00 (Rowan House Type), A-PLA STD/00 (Plane House Type), A-1880-V5/00/01 (Standard House Type 1880 Layouts Variant 5), A-1880-V5/00/02 (Standard House Type 1880 Elevations Variant 5), A-ACA STD/00 (Acacia House Type), A-ALD STD/00 (Alder House Type), A-ASP STD/00 (Aspen House Type), A-BAY STD/00 (Bay House Type), A-965-V5/00/01 (Standard House Type 965 Layouts Variant 5), A-965-V5/00/02 (Standard House Type 965 Elevations Variant 5), A-LIM STD/00 (Lime House Type) and A-MAP STD/00 (Maple House Type) received by the Local Planning Authority on 21 August 2015 and Dwg No: 513-BEL-14-028 P03 (Proposed Boundary Treatment) received by the Local Planning Authority 12 October 2015.
For the avoidance of doubt.
2. Details of all external finishing materials of the houses, garages, paths, roads, drives and hardstandings 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. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of

works.

In the interests of visual amenity.

4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
5. No development shall take place until details of earthworks have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing levels together with the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform. Development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
6. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).

BACKGROUND PAPERS

5.36 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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QUARRY FARM



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HARTLEPOOL BOROUGH COUNCIL
Level 1, Civic Centre, Hartlepool TS24 8AY
Department of Regeneration and Planning

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H/2015/0351
Scale: 1:5000
Date : 08/10/15

PLANNING COMMITTEE

28 October 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT : 19 -21 Tankerville Street, Hartlepool
APPEAL REF: APP/H0724/W/15/3135357
Change of use and internal alterations to create
HMO(House in Multiple Occupation) for up to 20
residents The Tankerville Hostel, 19 - 21 Tankerville
Street, HARTLEPOOL TS26 8EY

1. PURPOSE OF REPORT

- 1.1 To advise Members of a planning appeal submitted against the decision of the Committee to refuse planning permission for a change of use and internal alterations at 19-21 Tankerville Street to create a HMO for up to 20 residents. A claim for costs has also been made.
- 1.2 The appeal is to be determined by written representation and the authority is therefore requested to contest the appeal.

2. RECOMMENDATION

- 2.1 That Members authorise Officers to contest the appeal.

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PLANNING COMMITTEE

28TH OCTOBER 2015



Report of: Assistant Director (Regeneration)

Subject: PROPOSED PARTIAL STOPPING-UP OF PUBLIC FOOTPATH No 25, CONISCLIFFE ROAD, HARTLEPOOL

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 Non-Key decision required by Planning Committee

2. PURPOSE OF REPORT

2.1 This report seeks the approval for the partial stopping-up of the southernmost five metres of Public Footpath No 25, Duchy Road, Hartlepool (as shown in the plan, placed at the end of this report), in accordance with section 257 of the Town and Country Planning Act 1990 and to implement the making of the order and its subsequent confirmation

3. BACKGROUND

3.1 On the 29th June 2015 the Highway Authority, known as Hartlepool Borough Council, received an application to partially stop-up a section of the Public Footpath No. 25, Hartlepool that runs to the south west of the West Park Primary School, Duchy Road/Coniscliffe Road, Hartlepool. The plan submitted as part of the application is shown in **Appendix 1**.

3.2 The application was made by Prism Planning, on behalf of Tunstall Homes on the grounds that the diversion was necessary to enable the housing development to the south west of West Park Primary School, Duchy Road/Coniscliffe Road, Hartlepool.

4. PROPOSALS

4.1 The proposal, shown in the attached plan, is to partially stop-up:

- The southern-most 5 metre section of Public Footpath No. 25 so as to allow for the construction and adoption of new highway from Coniscliffe Road, into the development site

5. RISK IMPLICATIONS

- 5.1 There are no risk implications attached to this report

6. FINANCIAL CONSIDERATIONS

- 6.1 The cost of diversion to Prism Planning/Tunstall Homes Limited will be approximately £2,500.00, covering the full costs associated with a partial stopping-up order and confirmation. Indemnities for these costs have been received from Prism Planning, on behalf of Tunstall Homes Limited
- 6.2 Hartlepool Borough Council have considered and concluded that Prism Planning, on behalf of Tunstall Homes Limited, will pay for the full cost, as quoted to them in 2015.

7. LEGAL CONSIDERATIONS

- 7.1 An order under Section 257 of the Town and Country Planning Act 1990 may, if the competent authority are satisfied that it should do so, provide:
- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
 - for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- 7.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:
- 7.3 Landowner/Public Interest
- 7.2 The application was made by Prism Planning, acting in the interest of the landowner, Tunstall Homes Limited. The partial stopping-up of the southernmost section of the path needs to be carried out so as to allow for the creation and adoption of new highway to allow the continuance of the

existing adopted road (Coniscliffe Road) into the new housing development site

7.4 Termination Points

The partial stopping-up of the public footpath does change; by five (5) metres further north, the termination point of the path, to allow the development of the housing site and the creation of new adopted highway into the site.

7.5 Consideration of the order to partially stop-up.

When considering the order to partially stop-up, the Council may consider that the order is satisfactory and works (creation of a purpose built car park for the primary school) providing a positive addition to the rights of way users and network being in the interests of the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

7.6 Consideration of the Rights of Way Improvement Plan

When looking at the legal considerations for this partial stopping-up with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management upon the conclusion of the making and confirmation of the order.

8. **CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications attached to this report

9. **EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no Diversity issues or constraints in relation to the partial stopping-up of the Public Footpath No. 25 that runs to the south west of West Park Primary School, Coniscliffe Road, Hartlepool.

10. **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

- 10.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.
- 10.2 Section 17 states:
- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of*

those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.

- 10.3 The Community Safety Implications, in respect of the partial stopping-up of the public footpath at Tunstall Homes housing development, Coniscliffe Road, Hartlepool, have been taken into account and that all has been reasonably done to prevent crime and disorder.

11. STAFF CONSIDERATIONS

- 11.1 There are no staff considerations attached to this report.

12. ASSET MANAGEMENT CONSIDERATIONS

- 12.1 There are no asset management considerations attached to this report.

13. RECOMMENDATIONS

- 13.1 That the Planning Committee:
- approves the partial stopping-up of the Public Footpath No. 25 that runs to the south west of West Park Primary School, Duchy Road, Hartlepool., in accordance with section 257 of the Town and Country Planning Act 1990 and the implementation of the making of the order and its subsequent confirmation as shown in the plan, placed at the end of this report;
 - If no objections to the partial stopping-up order are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,
 - If any objections to the partial stopping-up order are received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation

14. REASONS FOR RECOMMENDATIONS

- 14.1 Town and Country Planning Act 1990 section 257 requires a competent authority to consider the authorisation of a partial stopping-up order of a public footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out
- 14.2 The public footpath is designated as Public Footpath No.25, Hartlepool and runs from the northern entrance to High Tunstall Farm, Elwick Road, southwards, through the farm, exiting the farm and continuing southwards

along Duchy Road, to where it terminates at the junction of Duchy Road and Coniscliffe Road, Hartlepool.

15. BACKGROUND PAPERS

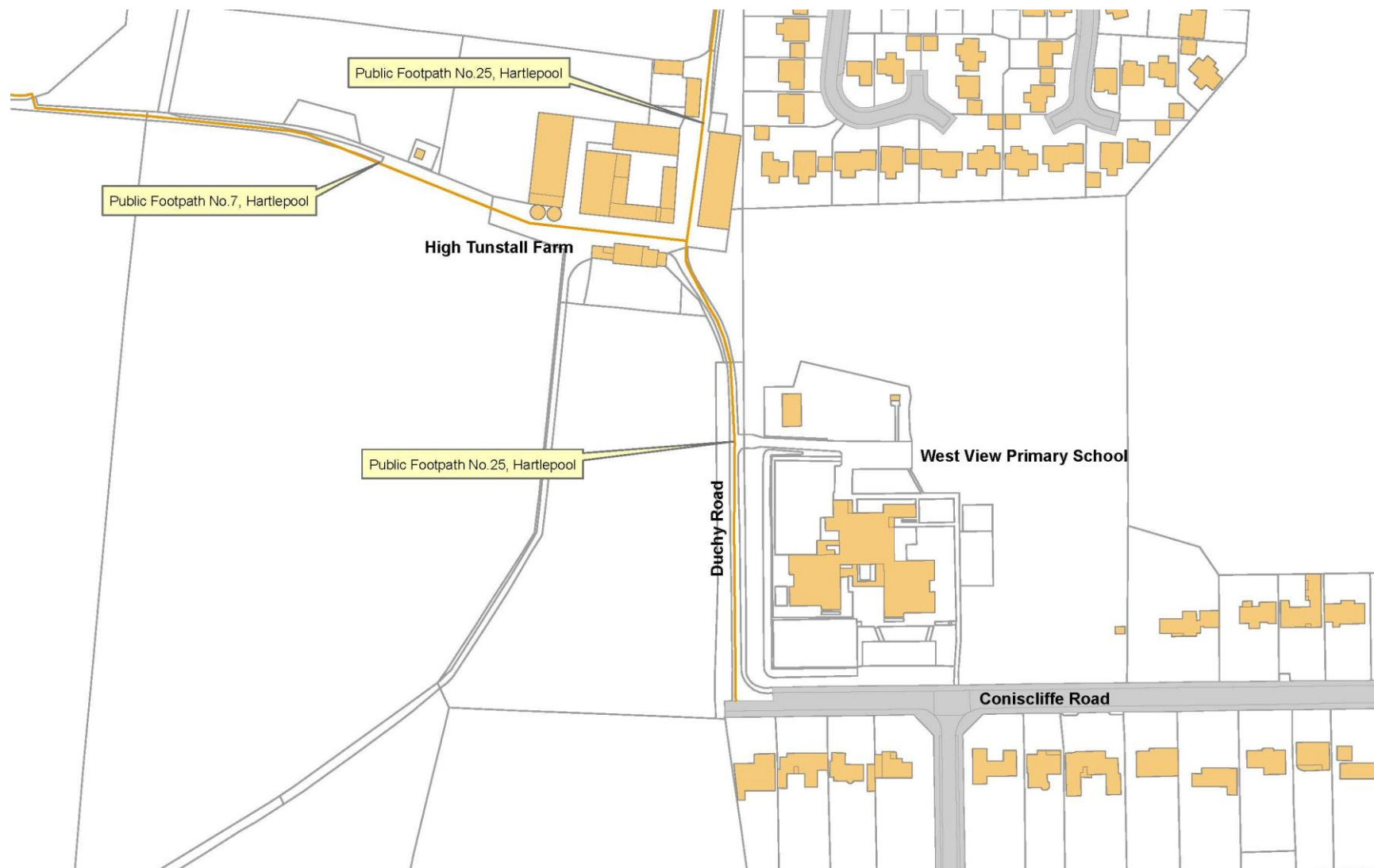
- 15.1 There are no background papers related to this report

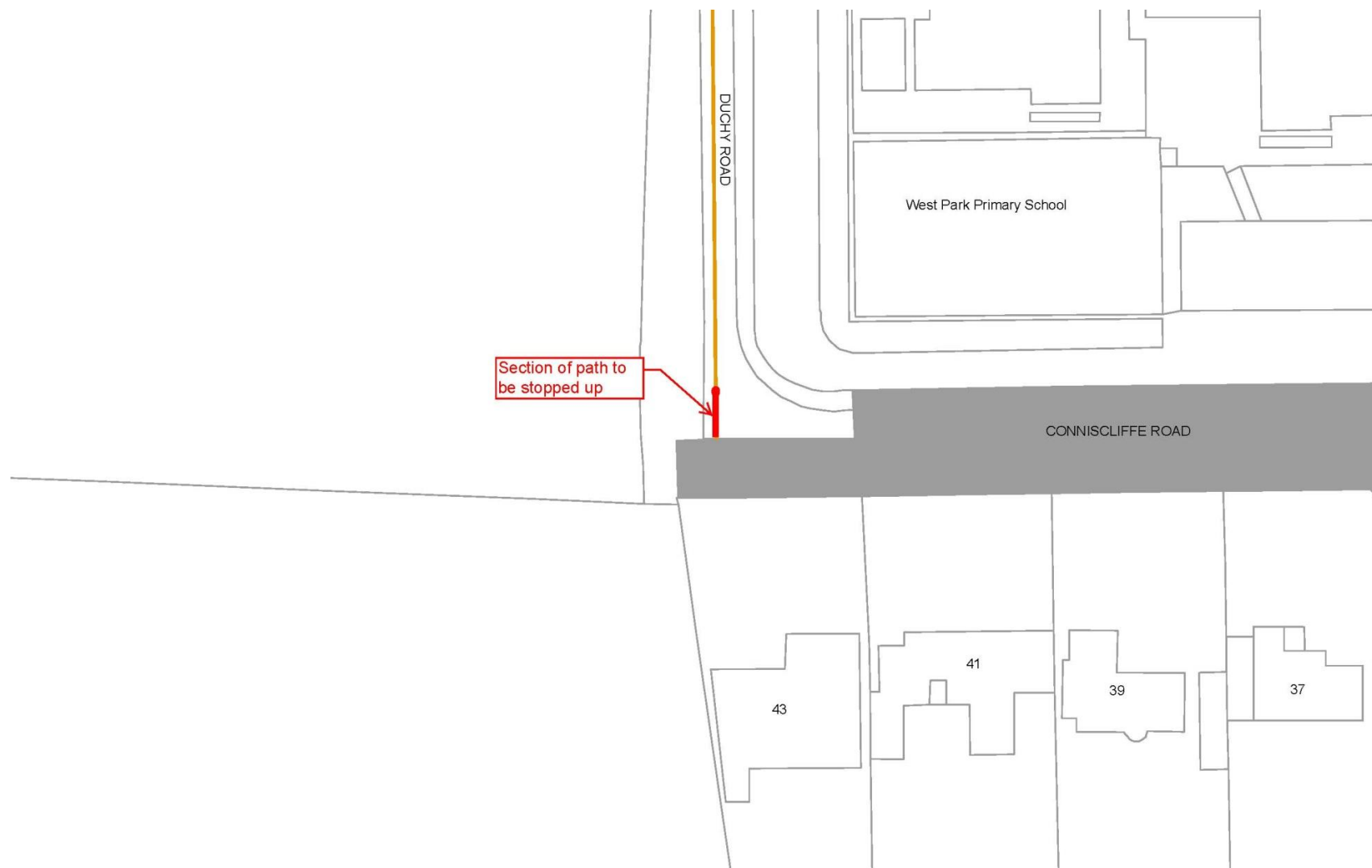
16. CONTACT OFFICER

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Appendix 2 – Public Footpath No.25, Tunstall Homes, Hartlepool

List of Consultees during consultation 2015

Ward Members: Councillor B Loynes
 Councillor G Morris
 Councillor R Martin-Wells

Ramblers Association

Hartlepool Borough Council Services:

Planning

Apparatus and Street Lighting

Property Services

Planning

Utilities:

Hartlepool Water Authority

National Grid

Northern Gas Networks

Northern Power Grid: Middlesbrough and National Offices

Northumbrian Water Authority

Telecom Open Reach (BT)

Virgin Media

Impact Assessment – Partial stopping-up of Public Footpath No.25, Hartlepool

Department	Division	Section	Owner/Officer			
Regeneration & Neighbourhoods	Regeneration	Heritage & Countryside	Chris Scaife			
Function/Service	Countryside Access and Public Rights of Way Management					
Information Available	Highways, Rights of Way and Town & Country Planning legislation and all documents relating to this application					
Relevance <i>Identify which strands are relevant or may be affected by what you are reviewing or changing</i>	Age		N/A			
	Disability		N/A			
	Gender Re-assignment		N/A			
	Race		N/A			
	Religion		N/A			
	Gender		N/A			
	Sexual Orientation		N/A			
	Marriage & Civil Partnership		N/A			
	Pregnancy & Maternity		N/A			
Information Gaps	None					
What is the Impact	It is considered that there will be no negative impact relating to the making and confirmation of this order as the stopped-up section of this public footpath is being replaced by a new adopted highway, as part of the associated housing development. See 9.1 of report					
Addressing the impact	1. No Impact- No Major Change - It is clear that there is no potential for discrimination or adverse impact on the above Protected Characteristics. All opportunities to promote Equality have been taken and no further analysis or action is required.					
	2. Adjust/Change Policy – N/A					
	3. Adverse Impact but Continue – N/A					
	4. Stop/Remove Policy/Proposal – N/A					
Actions						
Post-confirmation of this order and post-development of the associated housing						
Action identified	Responsible Officer	By When	How will this be evaluated?			

PLANNING COMMITTEE

28 October 2015



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding overgrown vegetation in the rear garden of a property on Broomhill Gardens.
2. An investigation commenced in response to a high replacement boundary fence erected in the rear garden of a property on Front Street, Hart.
3. An investigation has commenced in response to a complaint regarding a new boundary fence erected to the front of a property on Redstart Close. The property is located within an open plan estate enforced by a condition linked to the housing development planning consent.
4. An investigation has commenced in response to a complaint regarding the use of a first floor vacant residential flat as site office on Owton Manor Lane.
5. An investigation has commenced in response to a complaint regarding the occupation of shop unit and rear premises by a memorial stone mason on Park Road.
6. An investigation has commenced in response to a complaint regarding non – compliance with a tree planting condition linked to a planning approval for a new housing development on Tanfield Road.
7. An investigation has commenced in response to an anonymous complaint regarding the construction of an outbuilding in the rear garden of a property on Bilsdale Road.

8. An investigation has commenced in response to an anonymous complaint regarding the construction of a boundary fence at a residential property on Stockton Road.
9. An investigation has commenced in response to officer monitoring regarding a non-compliance with a means of enclosure condition of a planning consent for the sub –division of a vacant commercial dwelling into two residential dwellings on Elwick Road.
10. An investigation has been completed in response to the Council's Trading Standards Team sharing information with the Council's Enforcement Officer regarding the construction of a porch outside the front door of a property on Caledonian Road. Permitted development rights applied in this case. No action necessary.
11. An investigation has commenced in response to a complaint regarding the parking of vehicles on a piece of grassed area of land owned by the Council on the side of a property on Hill View, Greatham.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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