

PLANNING COMMITTEE AGENDA



Wednesday 21st January 2015

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

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

1. APOLOGIES FOR ABSENCE

2. TO RECEIVE ANY DECLARATIONS OF INTEREST BY MEMBERS

3. MINUTES

3.1 To confirm the minutes of the meeting held on 17th December 2014 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2014/0527 Eskdale Road, Hartlepool

5. ITEMS FOR INFORMATION / DISCUSSION

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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



FOR INFORMATION

The Next Scheduled Meeting will be held on Wednesday 18th February 2015 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17th December 2014

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Jim Ainslie, Alan Barclay, Marjorie James, Geoff Lilley,
Ray Martin-Wells, George Morris and George Springer

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Stephen Akers-Belcher

Officers: Dave Stubbs, Chief Executive
Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Sinead Turnbull, Senior Planning Officer
Adrian Hurst, Principal Environmental Health Officer
Mike Blair, Highways, Traffic and Transportation Manager
Sarah Scarr, Landscape Planning and Conservation Manager
Brendon Colarossi, Principal Engineer (Construction)
Kieran Bostock, Senior Engineer (Environmental Engineering)
Jo Stubbs, Democratic Services Officer

Also Present: Phil Welton, Environment Agency

85. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher, Keith Dawkins and Robbie Payne.

86. Declarations of interest by members

Councillor Marjorie James declared a non-prejudicial interest in planning applications H/2014/0400 and H/2014/0516.

Councillor Jim Ainslie declared a personal interest in planning applications H/2014/0400, H/2014/0516 and H/2014/0517.

Councillor Ray Martin-Wells declared a prejudicial interest in report 4.3 (appeal at land off Valley Drive Tunstall Farm, Hartlepool) and indicated that

he would leave the meeting during consideration of this item.

87. Confirmation of the minutes of the meeting held on 5th November 2014

Confirmed

88. Confirmation of the minutes of the meeting held on 12th November 2014

Confirmed

89. Confirmation of the minutes of the meeting held on 26th November 2014

Confirmed

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

Number: H/2014/0400

Applicant: HARTLEPOOL BOROUGH COUNCIL Hartlepool Borough Council Civic Centre

Agent: HARTLEPOOL BOROUGH COUNCIL MR B COLAROSS Engineering Consultancy Hartlepool Borough Council Civic Centre

Date received: 28/08/2014

Development: 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

Location: Town Wall HARTLEPOOL

Objectors Mr Purcell and Mrs Rennie were present at the meeting. Mr Purcell addressed the committee, calling on them to defer the application until residents had been further consulted on the design and additional conditions relating to noise and disturbance had been added. He felt that the proposed solution was not the most effective way to prevent water from overtopping the wall and that the Environmental Impact Assessment which had been carried out was not sound. In terms of the proposed design the Town Wall residents were not in favour of it and no visualisations showing what impact the proposal would have had been made available to them. The Senior Engineer (Environmental Engineering) disputed this, saying that a visual representation

had been shown to residents as part of the consultation process. Members also noted that the proposals would help protect housing far beyond the Town Wall. The Senior Engineer confirmed that of 28 responses received as part of the consultation 23 had been in favour of the proposal, some of which were Town Wall residents. Mr Purcell also disputed whether climate change would lead to the increase in sea levels which was being planned for as Government reports showed sea levels would not increase in the North. Phil Welton from the Environment Agency advised that global warming was already causing sea levels to rise around the globe but in the North-East this was offset by a rise in ground levels. However there was a risk of future rises in sea levels due to storms coming from the South. Computer modelling had been carried out in 2011 and while the risk may not happen in our lifetime it was genuine. Mr Purcell also raised concerns that the risk of flooding would increase if the flood gates were open. The Senior Engineer confirmed that the flood gates would be demountable and placed in storage until a storm notification was received at which point they would be put in place by a 24 hour response team. Mr Purcell advised that the Environmental Impact Assessment included a number of mitigation measures to protect residential amenity which should be conditioned in particular reference was made to a construction management plan at 14.1. The Senior Planning Officer advised that an appropriate condition would be included.

Councillor Ainslie confirmed that Headland Parish Council had objected to this application but as Chair he had absented himself from their meeting when that decision was made and had taken no part in it. Members expressed some sympathy for residents but felt it was of paramount importance that properties be protected from flooding. They were unanimously in favour of the application.

Decision: **Planning Permission Approved subject to the following conditions**

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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 26 August 2014 (Drawing no. PR461/PASBW/1a, Footpath and Set Back Wall Details; Drawing no. PR461/PASBW/2a, Outfall Details, Drawing no. PR461/PASBW/3a, Generic Sections; Drawing no. PR461/PASBW/4, Culvert Long Section). 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.

The Committee considered representations in relation to this matter.

Number: H/2014/0516

Applicant: Mr Brendon Colarossi Hartlepool Borough Council
Engineering Consultancy Level 4 Civic Centre

Agent: Hartlepool Borough Council Mr Brendon Colarossi
Engineering Consultancy Level 4 Civic Centre

Date received: 04/11/2014

Development: Strengthening of existing coastal protection works by the construction of a new reinforced concrete wall and additional toe protection provided at critical points with the use of rock armour stone

Location: Headland Walls Marine Drive HARTLEPOOL

Decision: **Decision delegated to the Planning Services Manager in consultation with the Chairman of the Planning Committee**

Number: H/2014/0517

Applicant: Mr Neil Dallus PD Ports 1 Queen's square
MIDDLESBROUGH

Agent: Hartlepool Borough Council Mr Brendon Colarossi
Civic Centre Victoria Road HARTLEPOOL

Date received: 04/11/2014

Development: Dismantle stone parapet to the Scheduled Ancient Monument between the Ferry Landing and The Fish Quay (approximately 15 metres in length) and replace the support to the parapet before rebuilding it with the same materials.

Location: TOWN WALL HARTLEPOOL

Decision: **Planning Permission Approved subject to the following conditions and the consideration of any further representations being received prior to the expiry of the consultation period by the Planning Services Manager with the final decision being delegated to the Planning Services Manager**

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 4th November 2014 (Drawing no. RS173/001 PD Ports - Town Wall, Strengthening Footpath Structure, Existing & Proposed, RS173/002 RS173 PD Ports - Town Wall, Strengthening Footpath Structure Proposals, RS173/003 RS173 PD Ports - Town Wall, Strengthening Footpath Structure, Hartlepool Town Walls and Sandwell Gate HO27, Method Statement for Proposed Works).
For the avoidance of doubt.
3. (A) No development shall take place until a program 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 program and methodology of site investigation and recording
 2. The program 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 program 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.
4. Construction work shall only take place between 8:00am and 6:00pm Monday to Friday, 8:30am and 1:30pm on a Saturday and at no time on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.
In the interests of amenity of neighbouring property.

91. Appeal at Seaton Meadows Landfill Site, Brenda Road, Hartlepool *(Assistant Director (Regeneration))*

Members were informed that the appeal with regards to the proposed vertical extension and revised restoration of Seaton Meadows Landfill had been allowed with a partial award of costs against the Council. Copies of the appeal and costs decisions were appended to the report. The Chair expressed his disappointment at the decision but was confident that the Chief Solicitor would ensure that any costs were as minimal as possible.

Decision

That the outcome of the appeal be noted.

Councillor Ray Martin-Wells left the meeting

92. Appeal at land off Valley Drive Tunstall Farm Hartlepool *(Assistant Director (Regeneration))*

Members were advised that an appeal had been received against the committee's decision to refuse an application for a residential development off Valley Drive, contrary to officer recommendation. The appeal would be decided through the hearing procedure on 12th and 13th January 2015 and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

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

In November 2014 the committee had agreed to the updating of the list of Locally Listed Buildings. At that time a member of the committee had nominated the new memorial on the Headland, commemorating the 100th anniversary of the bombardment, for inclusion on the list. The criteria for inclusion on the list were appended to the report.

A member requested that in future whenever a planning application for a new memorial was brought to the committee that an additional report be brought at the same time for inclusion on the list of Locally Listed Buildings

Decision

That the memorial to the victims of the bombardment be included to the list of Locally Listed Buildings.

94. Member Training and Proposed Revisions to the Scheme of Delegation *(Assistant Director (Regeneration))*

Councillor Geoff Lilley left during consideration of this item

The Planning Services Manager informed members of proposed changes to mandatory and discretionary training for Planning Committee members and proposed changes to the Scheme of Delegation. It was agreed a report would be presented to Council in March 2015 seeking changes to the Planning Code of Practice and Constitution.

Training

It was proposed that 'Getting to Grips with Planning' be the only mandatory training session. This would be delivered by Planning and Legal Officers and would cover the development plan, the planning process and probity in planning. All other training sessions would be on a discretionary basis, covering a number of subject matters and would take place 30 minutes prior to the scheduled Planning Committee meetings. Members were happy with the proposed time but felt that 30 minutes might be insufficient and asked that the Planning Services Manager use his discretion regarding the start time depending on the subject matter. Further discussion took place as to whether certain training sessions, such as Sustainable Urban Drainage and Conservation and Historic Environment, should also be mandatory. The Chair commented that he was of the view that all training should be mandatory but others did not agree with this. The Planning Services Manager noted that if all training sessions were made mandatory this would put significant pressure on officers to deliver the training to Planning Committee members and possible substitutes in advance of their first meeting of the new municipal year. He suggested that the training sessions be conducted on a discretionary basis for 2015 and that if members felt they should be made mandatory this could be done for 2016. Members were happy to agree this course of action.

Scheme of Delegation

Members made the following comments on the proposed changes to the scheme of delegation:

- That 3 members are required to refer a planning application for decision by the Planning Committee rather than the current single member. Members felt that this might leave them open to accusations of prejudging if they had discussed the application with 2 other members. The proposed changes were therefore rejected however the wording would be retained though amended to one member.
- That the wording regards matters which fall significantly outside of established policy guidelines be amended to read 'any matter which

has a significant adverse impact outside of established policy guidelines’. Members were happy to approve this change.

- That the requirement for all applications submitted by the Council in respect of its own land or proposed development to automatically be referred to the committee to be deleted. The Planning Services Manager confirmed that applications where there were objections would continue to be brought to committee for consideration. Members were happy to approve this change
- That the requirement that the Chair of Planning Committee authorise the refusal of any application be deleted and that these decisions now be delegated to the Planning Services Manager. Members felt that this was inappropriate as the Chair’s involvement meant that the committee was represented in all planning decisions. Officers acknowledged that but expressed concern that some prior notification decisions had a 42 day decision window after which they were automatically granted. If they were unable to get hold of the Chair in time this could cause significant problems. Members agreed that in those situations where officers had been unable to contact the Chair and Vice-Chair then the Chief Solicitor would take the decision, possibly in conjunction with the Director of Regeneration and Neighbourhoods.

Decision

That the following be referred to Council on 26th March 2016, seeking permission from Members to make the relevant changes to the Planning Code of Practice and the Constitution respectively:

- That ‘Getting to Grips with Planning’ be made mandatory training for Planning Committee members and their substitutes
- That discretionary training sessions be delivered to Planning Committee members and their substitutes in advance of the scheduled Planning Committee meetings. The start time of the training to be determined by the Planning Services Manager depending on the subject matter.
- That the following delegation ‘In the case of any relevant application which is submitted to the Council for determination, any matter which any Member requests should be referred to the Committee for decision, such request to be received within 21 days of publication of details of the application’ be amended to ‘ In the case of an application for development which is submitted to the Council and where 1 member request for material planning considerations, should be referred to the Committee for determination and such requests have been received within 21 days of the publication of details of the application’.

- That the following delegation ‘Any matter which fall significantly outside of established policy guidelines or which would otherwise be likely to be controversial’ be amended to ‘Any matter which has a significant adverse impact outside of established policy guidelines’.
- That the following delegation ‘The Determination of applications submitted by the Council in respect of its own land or proposed development except those relating to operational development to which there is no lodged objection’ be removed.
- That the following delegation ‘The refusal of an application except with the agreement of the Chair of the Committee’ be retained with the proviso that if the Chair or Vice-Chair are unavailable and urgent action is required to be taken the determination of the application will be delegated to the Chief Solicitor and other appropriate officers.

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

Members attention was drawn to 5 ongoing issues currently being investigated.

Decision

That the report be noted

96. 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.

Minute 98 – (Planning Appeals - Update) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Minute 99 – (Sinead Turnbull)

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

Under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting for the following items of business on

the grounds that they involved the likely disclosure of exempt information as defined in the paragraphs referred to below of Part 1 of Schedule 12A of the Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006.

Minute 98 – (Planning Appeals - Update) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

- 98. AOB - Planning Appeals - Update** This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

The Planning Services Manager updated Members on the forthcoming appeals. Further information is provided in the closed section of the minutes.

Decision

That the update be noted

- 99. Sinead Turnbull**

The Chair noted that this was Sinead's final Planning Committee meeting prior to leaving the authority. He commented on the respect both officers and members had for her and wished her the best for the future.

The meeting concluded at 12:10

CHAIR

No: 1
Number: H/2014/0527
Applicant: Mr P Green St Marks Court THORNABY Stockton on Tees TS17 7QN
Agent: Jane Darbyshire And David Kendall Limited Millmount Ponteland Road NEWCASTLE UPON TYNE NE5 3AL
Date valid: 02/12/2014
Development: Erection of 16 bungalows and associated external works
Location: Eskdale Road HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL

1.2 Planning permission is sought for residential development comprising 16 bungalows (2 dwellings to meet wheelchair accessibility standards) on an area of public open space in the Owton Manor area of the town. The proposal includes the formalisation of an existing parking area at the rear of 29 to 35 Earn Walk. Vehicle access will be taken from Eaglesfield Road.

SITE CONTEXT

1.3 The site extends to 0.54 hectares and is currently grassed incidental open space. The site is located between Eaglesfield Road, Eskdale Road and Earn Walk. An underground gas pipe runs across the site, approximately north to south and a underground LV electricity cable in the north eastern part of the site.

1.4 The site is bounded by residential properties with a public house opposite the site, there are schools and shops within walking distance from the site.

PUBLICITY

1.5 The application has been advertised by way of press notice, site notices (2) and neighbour letters (46). To date, there has been 1 letter of no objection.

1.6 The period for publicity has expired.

CONSULTATIONS

1.7 The following consultation replies have been received:

HBC Engineering Consultancy: I accept that in theory flows can be attenuated on site as proposed before being discharged into surface water systems but the

discharge rate needs to be agreed with Northumbrian Water. Maintenance of the attenuation tanks needs to be addressed i.e. who will own these and take ultimate responsibility.

Can I please request a land drainage condition and a contaminated land condition to further supplement the stage 1 report that has been provided.

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 NWL have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted plan entitled "*Drainage Strategy*". This plan shows a restricted surface water discharge of 5 l/sec into the surface water sewer at manhole 8004, and also proposed foul connections at manholes 8005 and 8002.

As this plan meets our requirements for foul and surface water discharge into the public sewerage network, we would request that the *Drainage Strategy* plan forms part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

HBC Traffic & Transport: The proposed layout of the site is acceptable in highway terms. Each property has a minimum of 1 off street parking space, this level of parking is acceptable for a social housing development. An 18 space car park for the use of visitors and adjacent neighbours. The layout of this car park is acceptable. No new roads will be constructed as part of this development however it is proposed to construct a footway either side of the existing access road. The footways should be constructed in accordance with the Hartlepool Borough Council Design Guide and specification.

All new drive crossings should be constructed in accordance with the HBC Design Guide and Specification. The contractor should contact the Highways Authority prior to the commencement of the drives and footway to agree the specification and ensure the correct licences is in place.

HBC Landscape: A comprehensive landscaping scheme has been submitted in support of the application. The landscaping scheme includes the planting of 16 new

trees, as well as areas of shrubs, climbing plants and lawns to public open spaces and residential front and rear gardens.

It is considered that the proposed landscaping scheme, as it matures, will enhance the site in terms of public visual amenity, therefore I would raise no objection to the application. Standard condition J170 applies.

HBC Public Protection: No objection.

Police: I understand the developer is no longer requesting Secured by Design accreditation. I have raised my concerns from a crime prevention and community safety perspective in relation to the proposed boundaries to the rear of plots 1-8 and 11 and that the rear parking court yard is not protected by a secure gate. In addition the area to the side of plot 15 to the rear of plot 14 creates an area between the proposed boundaries that could be misused the proposed gates should be placed closer to the front building line to protect the dead space to the side of plot 15. I would also recommend that the proposed wall to the side of plot 3 is moved closer to the front building line of the dwelling to protect the space at the side of the dwelling.

PLANNING POLICY

1.8 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

1.9 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
Hsg5: Management of Housing Land Supply
Hsg9: New Residential Layout
Tra16: Car Parking Standards
Tra20: Travel Plans
Rec2: Provision for Play in New Housing Areas
GN5: Tree Planting
GN6: Protection of incidental open space

National Policy

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

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

Paragraph 002: Application of planning law

Paragraph 006: Purpose of the planning system – creation of sustainable development

Paragraph 007: Three dimensions to sustainable development

Paragraph 013: The National Planning Policy Framework constitutes guidance

Paragraph 014: Presumption in favour of sustainable development

Paragraph 017: Core planning principles

Paragraph 037: Minimise journey lengths

Paragraph 047: To boost significantly the supply of housing

Paragraph 049: Housing and the presumption in favour of sustainable development

Paragraph 050: Deliver a wide choice of homes

Paragraph 056: Design of the built environment

Paragraph 057: High quality inclusive design

Paragraph 058: Quality of development

Paragraph 060: Promotion or reinforcement of local distinctiveness

Paragraph 061: The connections between people and places

Paragraph 066: Community involvement

Paragraph 096: Minimise energy consumption

Paragraph 196: Determination in accordance with the development plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 203 – Conditions or planning obligations

Paragraph 204 – Planning Obligations

Paragraph 205 – Obligations and market conditions over time

Paragraph 206 – Planning conditions

PLANNING CONSIDERATIONS

1.11 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact upon neighbouring residents, design and impact on the character of the surrounding area, highway safety, landscaping and trees, and flooding and drainage.

Principle of Development

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

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

1.14 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Given the sites location, it is considered that the principle of development within this area would constitute sustainable development. The site is located within the main urban area of Hartlepool where residential development is acceptable in principle. It is not considered that any adverse impacts arising from the development would demonstrably and significantly outweigh the benefits of the proposal in particular the opportunity to address housing need in the Borough.

Developer Obligations

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

Taking into account the specific circumstance of the development into consideration it is considered reasonable to request contributions for the following:

- £250 per dwelling for green infrastructure (£4,000)
- £250 per dwelling for play (£4,000)
- £250 per dwelling for built sport (£4,000)

Green Infrastructure

1.16 In line with the NPPF policy Gep 9 (Developers Contributions), promotes the provision of strategically planned networks that link existing (and proposed) green spaces with green corridors running through urban, suburban, urban fringe and rural areas. Through the maintenance, enhancement and extension of these networks multi-functional benefits can be realised for local communities, businesses, visitors and the environment.

1.17 Given the importance of green infrastructure housing developments comprising of five dwellings or more will require contributions of £250 per dwelling to be spent on green infrastructure within the vicinity of the site. It is considered in this instance that the contribution would be directed towards the provision of an orchard at land to the west of Masefield Road.

Built Sport

1.18 Policy Gep 9 (Developers Contributions) requires allowance is made for the provision of leisure facilities in housing developments comprising of five dwellings or more. In the interests in ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site it would be unreasonable to suggest that the applicant provide a new built sports facility on site. However, it is necessary to secure contribution to assist in the improvement of the built sports facilities in the area which residents are likely to use. Given that built sports cannot be suitably provided on site then a contribution of £250 per dwelling would be required. It is considered in this instance that the contribution would be directed towards Brierton Sports Centre.

Provision of Play Space

1.19 In line with policy Rec2 (Provision of play in new housing areas), Gep 9 (Developers Contributions) and the draft Planning Obligations SPD, play facilities should be provided in housing developments comprising of five dwellings or more.

The site is unlikely to be home to a number of children and therefore on site play facility is not necessary. However provision must still be made for play provision to enable adults who are still mobile to be able to partake in such physical activity. It is considered in this instance that the contribution of £250 per dwelling directed to offsite facilities would be appropriate. This would be directed toward adult exercise equipment within the vicinity of the site, or in the nearest suitable park facility.

Design/Impact Upon the Character and Appearance of the Area

1.20 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.

1.21 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.

Officers consider 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 the design of the proposal is acceptable and the development would not have a detrimental impact on the character and appearance of the area.

Effect of the Proposals on Neighbouring Properties and Surrounding Area

1.23 The layout has been refined through extensive discussions. It is considered that the layout of the 16 dwellings upon the site 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. The development meets or exceeds the guideline separation distances outlined in the Hartlepool Local Plan.

1.24 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 is considered necessary to impose a condition relating to construction hours. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

Highway Safety

1.25 The Council's Traffic and Transportation Team have been consulted on the application and raised no objection to the proposal. The proposal includes the formalisation of an existing residents parking area to the rear of the site, it is understood this is welcomed by residents.

Landscaping and Trees

1.26 A comprehensive landscaping scheme has been submitted in support of the application which includes the provision of additional trees, shrubs and lawns. It is considered that the proposed landscaping scheme will enhance the site. The Council's Arborist raises no objection to the scheme.

Flooding and Drainage

1.27 The latest flood map from the Environment Agencies website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding.

1.28 Northumbrian Water raise no objection to the proposal subject to works being carried out in strict accordance with the 'Drainage Strategy' plan, this can be achieved through condition.

1.29 The Council Engineer raises no objection to the scheme but requests that land drainage and contaminated land conditions be imposed.

Other Matters

1.30 Concerns are raised from the crime prevention officer in relation to boundary treatments in particular plot 3 and the proposed wall set back from the front of the property, this has been designed this way due to electricity cabling underground and the easement required. The access gate at the side of plot 15 and rear of plot 14 has been design to take into consideration the driveway at plot 15, this design is consistent with other properties within the borough. The parking court yard at the rear of plots 1 – 11 does not include a gate, the developer feels in this instance given that the properties are for the elderly the provision of a gate would create a handling issue. The properties which back onto this parking area incorporates a low boundary which will provide some natural surveillance and openness to the area.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.32 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.

1.33 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the completion of a legal agreement to secure the following developer contributions, £250 per dwelling for green infrastructure (£4,000), £250 per dwelling for built sport (£4,000) and £250 per dwelling for play (£4,000), and the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 17 November 2014 3488/10/00 Rev A (site location plan), 3488/90/01 Rev C (Landscape Proposals), 3488/10/03 Rev D (proposed boundary treatments), 3488/20/01 Rev H (proposed house plans and elevations 1), 3488/20/02 (proposed house plans and elevations 2), 3488/10/02 Rev C (proposed roof plan), 3488/10/01 Rev F (proposed site plan).
For the avoidance of doubt.
3. No development shall commence until details of the proposed means of disposal of surface water and foul sewage arising from the development have been submitted to and approved in writing by the Local Planning Authority. The

approved development shall thereafter proceed in accordance with the details so approved.

In order to ensure that foul surface water is adequately dealt with in the interests of the amenity of the area.

4. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

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

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

5. No part of the development shall be occupied until pedestrian access, including tactile paving and appropriate level access connecting the proposed development to the public highway in accordance with the approved plans has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway safety and to ensure a satisfactory form of development.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.

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

7. A scheme to incorporate on site renewable energy generation shall be submitted to and agreed in writing by the Local Planning Authority before the construction of any of the hereby approved dwellings commences. Thereafter the scheme shall

be implemented in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

To encourage sustainable development.

8. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
9. 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 the amenities.
10. Prior to the development hereby approved being brought into use details of the formalisation of the existing car parking area at the rear of the properties on Earn Walk including surface materials and marking of bays shall be submitted to and approved in writing to the Local Planning Authority. Thereafter, the approved scheme shall be implemented in accordance with the details so approved.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

1.35 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

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

Tel: (01429) 523400

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

AUTHOR

- 1.37 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523289

E-mail: jane.tindall@hartlepool.gov.uk



ESKDALE ROAD



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

COPYRIGHT RESERVED LICENCE 1000233902013

Scale: 1:1000
Date : 8/1/15
H/2014/0570

PLANNING COMMITTEE

21 January 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 been commenced in response to a complaint raised by the Council's Public Protection Division regarding the running of a beauty salon from a residential property on Whin Meadows.
2. An investigation has commenced in response to a complaint regarding a large rear extension benefitting from planning consent currently under construction, not to the approved plans at a property on Front Street, Hart.
3. An investigation has been completed in response to a complaint regarding the erection of single storey extension to the rear of a property on Thornhill Gardens. After checking the said works it was determined they benefitted from 'permitted development' rights therefore no action is necessary.
4. An investigation been completed in response to complaints regarding the erection of a high front boundary wall at a property on Hutton Avenue. Discussions are ongoing with the property owner to reduce the height of the wall to benefit from 'permitted development' rights.
5. An investigation has been completed in response to officer monitoring noting the continued display of two 'Now Open' banners positioned on the boundary of a discount supermarket on Dunston Road. Following helpful assistance from the company they removed the banners.
6. An investigation has commenced in response to officer monitoring noting a portable site building sited on the edge of a reservoir on Coal Lane.
7. An investigation has commenced in response to an anonymous complaint regarding a garage converted to residential unit at a property on Seaton Lane.

8. An investigation has been completed in response to a complaint regarding long-standing building works to a car port and garage at a property on Castleton Road. Permitted development rights applied in the case for the enclosing in of the car port and conversion of the garage to storage/residential use and the Council's Building Control Team identified unauthorised works i.e. works carried out without Building Regulations consent. Discussions with the property owner to avoid the need to invoke prosecution are ongoing.
9. An investigation has been commenced in response to an anonymous complaint regarding the erection of an outbuilding in the rear garden of a residential property on Wilton Avenue.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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

AUTHOR

- 3.2 Paul Burgon
Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523277
E-mail: paul.burgon@hartlepool.gov.uk