

# PLANNING COMMITTEE AGENDA



**Wednesday 5 August 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 8 July 2015 (*to follow*)

### 4. **ITEMS REQUIRING DECISION**

- 4.1 Planning Applications – *Assistant Director (Regeneration)*
- 1 H/2015/0235 Land to the rear of 42 Bilsdale Road (*page 1*)
  - 2 H/2014/0557 Benknowle Farm, Benknowle Lane, Elwick (*page 19*)
  - 3 H/2014/0579 North Farm, The Green, Elwick (*page 31*)
- 4.2 Appeal at 94 Silverbirch Road, Hartlepool – *Assistant Director (Regeneration)*
- 4.3 Appeal at Crookfoot Farm, Elwick - *Assistant Director (Regeneration)*
- 4.4 Appeal at 74 Hutton Avenue, Hartlepool - *Assistant Director (Regeneration)*



**5. ITEMS FOR INFORMATION**

5.1 Update on current complaints – *Assistant Director (Regeneration)*

**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, Bilsdale Road – *Assistant Director (Regeneration)*  
(Paras 5 and 6)

**9. 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 2<sup>nd</sup> September 2015



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

8<sup>th</sup> July 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,  
George Morris, Carl Richardson and George Springer

Officers: Peter Devlin, Chief Solicitor  
Andrew Carter, Planning Services Manager  
Mike Blair, Highways, Traffic and Transportation Manager  
Antony Steinberg, Economic Regeneration Manager  
Jim Ferguson, Planning Team Leader (DC)  
Adrian Hurst, Principal Environmental Health Officer  
Daniel James, Senior Planning Officer  
Fiona Stanforth, Planning Policy Officer  
Ryan Cowley, Planning Assistant  
Marley Wise, Modern Apprentice  
Jo Stubbs, Democratic Services Officer

### **13. Apologies for Absence**

Apologies were submitted by Councillor Brenda Loynes

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

Councillor Ray Martin-Wells declared a personal interest in planning application H/2015/0147 (Temporary School – Land at Wynyard Woods)

Councillor Jim Ainslie declared a personal interest in item 5.3 (Request to set aside planning obligations relating to Morrison Memorial Hall)

Councillor Stephen Akers-Belcher declared a non-prejudicial interest in planning application H/2015/0186 (Temporary change of use to event/festival site – Jacksons Landing) (Minute 16 refers)

The Chair declared a personal interest in item 5.3 (Request to set aside planning obligations relating to Morrison Memorial Hall) (Minute 19 refers)

## 15. Confirmation of the minutes of the meeting held on 10<sup>th</sup> June 2015

Approved

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

**Number:** H/2015/0147

**Applicant:** Mr Jeremy Fitt Church House St John's Terrace  
NORTH SHIELDS

**Agent:** Jacobs Mr Michael Locke 1 City Walk LEEDS

**Date received:** 11/05/2015

**Development:** Proposed siting of a temporary school for a period of up to two years, consisting of a single storey classroom block and a single storey administration building, associated soft play and tarmac play areas, access and car parking areas, and 1.8m high boundary fence and gates

**Location:** Land at Wynyard Woods Wynyard Billingham

Stuart Bain, Paul Machins, Paul Rickard and Kerry Stevenson attended in support of the application. A member queried whether they could give an assurance that the development would be temporary. Mr Machins advised that they had already been given permission by the Department for Education to build a permanent school within the next 12 months. Discussions had taken place with Stockton Borough Council regarding the agreed layout and they had every intention to complete the project within the next 2 years.

Members were happy to approve the application, feeling it would be an asset to the site and improve traffic movement along the A689. They were sympathetic to residents' concerns but felt that Wynyard had been a building site and would be for some time as it developed. The application was approved unanimously.

**Decision:** Planning Permission Approved

### CONDITIONS AND REASONS

1. The development hereby permitted shall be carried out in accordance with plan L(01)001 (General layout) - received by the Local Planning Authority on 13th April 2015; plans L(00)001 REV B (Proposed site layout), L(00)002 REV A (Location plan), L(00)003 REV A (Detailed

- site layout), L(02)001 REV B (Proposed elevations), L(02)002 REV A (Proposed elevations), L(02)003 (Proposed elevations), L(90)001 (Typical fence elevation) - all plans date received by the Local Planning Authority on 27th April 2015; and plans 6APFS000/09 REV 1 (Typical vehicle gate elevation), 6APFS000/10 REV 0 (Typical vehicle gate elevation) and 6APFS000/11 REV 0 (Typical pedestrian gate elevation) - all plans date received by the Local Planning Authority on 7th May 2015 unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt.
2. Notwithstanding any description of the materials in the application no development shall be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development.
  3. 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 adjacent properties (No's 2 and 4 Black Wood). 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 and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents.
  4. Prior to the occupation of the building(s) hereby approved, details of an acoustic fence to be erected along the adjacent boundary to No 2 Black Wood shall be submitted to and agreed in writing with the local planning authority. The scheme shall include technical details of the acoustic qualities of the fence, the finishing colour and location. The development shall be implemented in accordance with the agreed details prior to the occupation of the building(s) and shall remain in place for the lifetime of the development hereby approved. In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
  5. Notwithstanding the submitted information and the indicated location of the proposed 'waste storage area', and prior to the development hereby approved being brought into use, 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.
  6. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the occupation of the building(s) hereby approved, details of proposed hard landscaping and surface finishes 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. 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.
7. Notwithstanding the submitted plans details of access gates and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and amenity of surrounding neighbouring properties.
  8. Prior to the development hereby approved being brought into use, details of secure and covered cycle parking shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented before the school is brought into use. To ensure a satisfactory and sustainable form of development.
  9. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment; light colour, luminance of buildings facades and external areas of the site, including parking areas, shall be submitted to and agreed in writing by the Local Planning Authority. The agreed the lighting shall be implemented wholly in accordance with the agreed scheme. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
  10. The scheme for surface water drainage shall be implemented in accordance with plan L(00)001 REV B (date received 27th April 2015) unless otherwise agreed in writing with the Local Planning Authority. To ensure a satisfactory form of development.
  11. The temporary school buildings, associated structures and hard standing areas hereby approved shall be removed from the site, the use shall cease and the land restored to its former condition on or before 1st September 2017 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period. The buildings, structures and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of other applications relating to the site.
  12. The development hereby approved shall operate solely in accordance with the working layout as set out on plan L(00)001 REV B (date received 27th April 2015) including the proposed external play areas, car parking and access/egress to/from the site. In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of saved Local Plan Policy GE1.
  13. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order

- revoking or re-enacting that order), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided. To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.
14. 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 building(s) and structures hereby approved shall not be extended or altered 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.
  15. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than sixty (60) children at any one time. In the interests of highway and pedestrian safety.
  16. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only). In the interests of residential amenity.
  17. 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. To avoid excessive noise and disturbance to the occupants of nearby properties.
  18. Prior to the school hereby approved being brought into use, a scheme of highway measures shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of appropriate signage, lining/markings on the highway and the erection of safety railings. The agreed scheme shall be implemented prior to the opening/occupation of the school. The works shall be retained for the duration of the use authorised by this permission and shall be removed and the highway restored to its former condition, to the satisfaction of the Local Planning Authority on or before 1st September 2017. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

The Committee considered representations in relation to this matter.

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**Number:** H/2015/0153

**Applicant:** Mr M Henson Claremont Drive HARTLEPOOL

**Agent:** Mr M Henson 7 Claremont Drive HARTLEPOOL

**Date received:** 06/05/2015

**Development:** Erection of a two storey side and single storey rear extension

**Location:** 7 Claremont Drive HARTLEPOOL

Michelle Howard spoke on behalf of the applicant. The extension was to give additional living space to their daughters and they had made every effort in the design to minimise the effect on their neighbours, often at cost to themselves. With respect to drainage concerns they had been informed by professional experts that their plans would improve drainage in the area.

Yasmin Green spoke against the application. She raised a number of concerns including design, the overbearing nature of the extension, overshadowing, reduced light and loss of privacy for neighbours. She suggested that members visit the site in order to see these problems for themselves.

A site visit was moved but rejected by a majority of members. The application was approved by a majority.

**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 details received by the Local Planning Authority at the time the application was made valid on 06/05/15 as amended by the amended plans received by the Local Planning Authority on 12/05/15 (Location Plan), 01/06/15 (Sheet 10 Revision no. B, Proposed Ground Floor Plan; Sheet 11 Revision no. B, Proposed First Floor Plan; Sheet 14 Revision no. B, Proposed West Elevation; Sheet 15 Revision no. B, Proposed East Elevation and Section; Sheet 16 Revision no. B, Section A, Section C), 02/06/15 (Sheet 12 Revision no. D, Proposed Roof Plan) and 25/06/15 (Sheet 13 Revision no. B, Proposed South and North Elevation). 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. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted in the elevations of the



extensions facing 5 or 9 Claremont Drive without the prior written consent of the Local Planning Authority. To prevent overlooking.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2015/0186
<b>Applicant:</b>	Mr Antony Steinberg Planning and Regeneration Hartlepool Enterprise Centre Brougham Terrace HARTLEPOOL
<b>Agent:</b>	Planning and Regeneration Mr Antony Steinberg Hartlepool Enterprise Centre Brougham Terrace HARTLEPOOL
<b>Date received:</b>	14/05/2015
<b>Development:</b>	Temporary change of use from retail to event/festival site
<b>Location:</b>	Jacksons Landing The Highlight HARTLEPOOL

Councillor Stephen Akers-Belcher declared a non-prejudicial interest in this application in his capacity as Vice-Chair of Regeneration Services Committee.

Members queried whether there had been any previous complaints relating to noise on the site, specifically in relation to fairgrounds or the Tall Ships. The Principal Environmental Health Officer reported that there had not. Members were supportive of the proposal which would bring Jacksons Landing back into use and aid in redevelopment of the Marina area. This demonstrated that the 'Vision' was encouraging developers to invest in Hartlepool. A member requested an assurance that future events would be policed appropriately to prevent any undue impact on the neighbourhood. The Economic Regeneration Manager confirmed that the police had placed conditions on the licences which the organisers had happily signed up to.

The application was approved unanimously.

**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 details and plans (location plan), date received by the Local Planning Authority 13th May 2015. For the avoidance of doubt.

3. Prior to any individual event/festival taking place, a scheme for the temporary signing and a strategy for parking of vehicles of persons visiting the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed strategy shall be implemented as agreed prior to the commencement of any event taking place and be adhered to throughout the event. In the interests of highway and pedestrian safety.
4. Prior to any individual event/festival taking place, a scheme for noise controls (including details of noise levels), and details of any external lighting applicable to the event shall be submitted to and agreed in writing by the Local Planning Authority. The agreed controls, noise levels and lighting shall be implemented as agreed prior to the commencement of any event taking place and be adhered to throughout the event.  
In the interests of the amenities of the occupants of neighbouring properties.
5. The use hereby approved shall be discontinued and the land restored to its former condition on or before December 31st 2016 unless the prior written consent of the Local Planning Authority has been obtained to an extension of this period. For the avoidance of doubt the use shall thereafter revert to its lawful use prior to the granting of this permission. To enable the Local Planning Authority to assess the use in the light of experience.
6. The development hereby approved shall be limited to no more than six (6) events/festivals that would require amplified music within the approved 18 month period up to December 31st 2016. Any event shall be limited to no more than two (2) consecutive days. In the interests of the amenities of the occupants of neighbouring properties.
7. The premises and associated curtilage shall only be open to the public between the hours of 0900 - 2330 hours, seven days a week. In the interests of the amenities of the occupants of neighbouring properties.

The Committee considered representations in relation to this matter.

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## 17. Planning Obligations Supplementary Planning Document *(Assistant Director (Regeneration))*

A request had been made by the Regeneration Services Committee that the views of Planning Committee be sought on the content of the Planning Obligations Supplementary Planning Document (SPD). Background on the purpose of the SPD was given along with details of the consultation and subsequent responses to it. The main changes and amendments to the previous SPD were also highlighted. The final version was due to be endorsed by Regeneration Services Committee prior to adoption by full Council.

Member raised serious concerns at the proposed affordable housing target of 44% on all new housing developments as they felt this level would deter

developers from coming to Hartlepool. The previous target was 27.5% and they queried why the decision had been made to increase in this case. The Planning Services Manager advised that this target had been based on housing need now and for the next 15 years as evidenced by the recent Strategic Housing Market Assessment which was endorsed by Regeneration Services Committee in March 2015. Officers did not expect to achieve 44% affordable housing but it was a starting point for negotiations and this flexibility is built into the SPD by means of viability testing. A member suggested a minimum of 15% affordable housing be proposed but the Planning Services Manager felt that this could lead to developers being reluctant to contribute more. In terms of whether developers had been dissuaded from investing in Hartlepool by the recommended level of affordable housing he had seen no evidence of this. A member asked that a report be brought back to committee with alternative suggestions however the Chief Solicitor suggested that in this case a presentation might be more beneficial and which could cover all of the options available to members as part of this consultation exercise. Members were happy to proceed in this way. The Chair requested that this take place following the next scheduled planning committee on Wednesday 5<sup>th</sup> August.

### **Decision**

That a presentation on this matter be given to Planning Committee members following the next scheduled meeting on 5<sup>th</sup> August.

## **18. Appeal at 90-92 Ashgrove Avenue, Hartlepool** (*Assistant Director (Regeneration)*)

Members were advised that an appeal had been submitted against the refusal by Planning Committee for the change of use from bakery and shop to 4 residential flats. The refusal, which had been against officer recommendation, would be decided by written representation.

Members referred to recent discussions with the owners as to the possibility of the Council buying the property. The Planning Team Leader confirmed that given the current state of negotiations a request had been made to estates that the developer be asked to withdraw their appeal. However until this was confirmed officers would have to proceed. A member urged estates and the developer to work together to improve the quality of life of the residents.

### **Decision**

That authority be given to officers to contest the appeal should it be required.

## **19. Request to set aside planning obligations, Morison Memorial Hall** *(Assistant Director (Regeneration))*

**The Chair declared a personal interest in this item.**

Members were advised that a request had been received to set aside planning obligations in relation to a change of use development to provide 8 self-contained apartments at Morison Hall. The Committee had granted planning permission in September 2014 subject to developer contributions of £6 thousand to be split equally between green infrastructure, play and sports facilities. The applicant had subsequently requested that these contributions be set aside. Planning Officers were of the opinion that these contributions could render the scheme unviable. Were this to happen the benefits in terms of bringing Morison Hall back into use as quickly as possible would be lost. However after some debate members resolved to decline the request.

### **Decision**

That the planning obligations secured in relation to H/2013/0566 remain in place and the applicant request that they be set aside be refused.

## **20. Appeal at Scallywags Nursery, Warrior Drive, Hartlepool** *(Assistant Director (Regeneration))*

Members were advised that an appeal against the refusal of the planning authority for the erection of a detached single storey building to create additional facilities for Scallywags nursery had been dismissed by the planning inspector. A copy of the decision letter was appended to the report.

### **Decision**

That the decision be noted.

## **21. Update on current complaints** *(Assistant Director (Regeneration))*

Details were given of 8 ongoing issues which were currently being investigated.

### **Decision**

That the report be noted

## **22. 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 reminded that a site visit to Wynyard and the South-West extension would take place on Thursday 16<sup>th</sup> July at 1.30pm. The Chair urged all members to attend.

The meeting concluded at 11:35am.

CHAIR

**No:** 1  
**Number:** H/2015/0235  
**Applicant:** Mr T Horwood C/O Agent  
**Agent:** Prism Planning Ltd Mr Jonathan Helmn 1st Floor 11 High Row DARLINGTON DL3 7QQ  
**Date valid:** 10/06/2015  
**Development:** Part-retrospective application for the creation of a new dwelling on land off Bilsdale Road  
**Location:** Land to the rear of 42 Bilsdale Road HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

1.2 The site has a detailed planning history including a history of refusals and dismissed appeals for residential development.

1.3 In April 2004 planning permission for the demolition of 42 Bilsdale and the erection of 5 dwellings and associated garages and a private way was refused (H/FUL/0108/04). The subsequent appeal was dismissed in April 2005 (appeal ref APP/H0724/A/04/1153768).

1.4 In June 2005 planning permission was approved for the incorporation of an area of land to the rear into the curtilage of 42 Bilsdale Road, subject to a number of planning conditions (H/2005/5334). These conditions included a condition requiring the approval of means of boundary enclosure (2), a condition removing permitted development rights for outbuildings and hard standing (3), a condition removing permitted development rights for the erection of fences, gates or other means of enclosure (4), and a condition removing rights to form a vehicular access onto Blackberry Lane (5). The applicant subsequently appealed against the imposition of conditions 3, 4 and 5 and the appeal was allowed (appeal ref; APP/H0724/A/05/1187827, decision dated 28.11.2005). Consequently permitted development rights were not removed from the approved curtilage extension.

1.5 In September 2005 planning permission was granted for the erection of a garden shed in the north east corner of the site (H/2005/5613).

1.6 In November 2005 planning permission was refused for the erection of 4 dwellings with detached garages on the site (H/2005/5833). In February 2006 planning permission was refused for the erection of 2 dwellings with detached garages and a private driveway on the site (H/2005/5997). A subsequent appeal was dismissed in December 2006 for both applications, following an appeal hearing (appeal refs APP/H0724/A/06/2007707 + APP/H0724/A/06/2010866 respectively).

The Inspector concluded that *“the need to protect the amenity of nearby residents should take precedence and that the amount of noise and disturbance experienced by neighbouring residents would cross the boundary into unacceptability and would conflict with the objectives of GEP1”*.

1.7 In March 2007 an application for the erection of a detached bungalow and detached double garage, and a single detached garage including alterations to access was refused (H/2007/0006). A subsequent appeal was dismissed (app ref; APP/H0724/A/07/2039591, decision dated 20.11.2007), the Inspector concluding that the proposal *“would be an undesirable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of 42 Bilsdale Road in relation to noise and disturbance associated with the proposed drive. As such it would be contrary to Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan”*.

1.8 In May 2010 an application for a certificate of Lawfulness for a proposed development comprising erection of a detached double garage, associated driveway and front and rear walls was submitted and the proposals determined as being permitted development not requiring planning permission (H/2010/0038).

1.9 In August 2010 an application for the erection of a detached single storey dwelling for use in association with the existing dwellinghouse was received (ref; H/2010/0448). A report with a recommendation of refusal was prepared to the October 2010 meeting of the Planning Committee but the application was withdrawn before it was considered.

1.10 In March 2011 an application for the erection of a detached single storey dwelling house for use in conjunction with existing dwelling house was refused on 17.06.2011 (ref; H/2011/0176). The subsequent appeal was dismissed by the Planning Inspectorate (appeal ref; APP/H0724/A/11/2156050). This appeal decision is appended as **Appendix A** to this report will be discussed in further detail below.

1.11 In January 2013, an application for a certificate of Lawfulness for a proposed development comprising the erection of a single storey building to provide snooker room, gym, garden store for ride on lawnmower and wc was submitted. On the basis of the information provided, the Council took the view that the development was permitted development (H/2012/0570) and so did not require planning permission. This development will be referred to as the proposed ‘snooker room’ building for the purposes of this report.

1.12 In 2013, an Informal enquiry was submitted to the Local Planning Authority (LPA) with respect to the erection of an ‘open’ canopy to adjoin the detached garage and the snooker room building. The Local Planning Authority confirmed that the works would require planning permission.

1.13 P/2015/0004 – Prior Notification (for a larger household extension) was granted in May 2015 for the erection of a single storey extension to the rear of the host property (No 42 Bilsdale).

## PROPOSAL

1.14 This application seeks part-retrospective permission for a new dwelling on land to the rear of 42 Bilsdale Road.

1.15 As set out above, the site benefited from Certificates of Lawfulness for proposed developments for both i) a proposed detached double garage in the north west corner of the application site, under ref H/2010/0038 and ii) the erection of a single storey building to provide a snooker room, gym, garden store for ride on lawnmower and wc, under ref H/2012/0570. It was accepted at the time, on the basis of the details submitted that planning permission was not required for these developments.

1.16 It is understood that the detached garage was erected initially followed more recently by the single storey 'snooker room' building, albeit this building does not appear to have been built in accordance with the plans submitted with the Certificate of Lawfulness application H/2012/0570. The main structure being sited closer to the detached garage as opposed to being built closer to the immediate rear boundary of No 42. The main element of the proposed dwelling (i.e. the 'snooker room' building) has a larger footprint and different internal floor area and layout to the footprint and layout shown on the plans submitted under the Certificate of Lawfulness application (H/2012/0570). In effect, both structures, the garage and snooker room, have been attached through a single storey link extension to form the proposed dwelling. As noted above, the applicant previously enquired about erecting an 'open' canopy to adjoin the structures, however the applicant has constructed a solid, link extension to adjoin both buildings.

1.17 The proposed dwelling therefore forms an 'L' shape design and measures approximately 15.1m in length x 18.2m in width (at its widest point) x 4.1m in height with dual pitched roofs. The converted double garage forms a bedroom with walk in wardrobe and this element is served by 2 sets of French doors in the front/east elevation (in place of the garage doors). The larger element of the building consists of a large, open plan lounge with kitchen and dining areas, in addition to further 2 bedrooms, bathroom and en-suite rooms. This element is served by bi-fold doors in the south elevation in addition to a number of windows in the north, south and east elevations. The two main elements are adjoined by the single storey link extension which creates a hall, store and wet room. This element is served by access doors in the front/east elevation.

1.18 Following the case officer's site visits, it was noted that a number of internal works had been undertaken with respect to the layout of the proposed dwelling, with a number of rooms appearing to be served by a number of utility services. In view of the above works that have been commenced/completed to date, the application will be considered as part-retrospective.

1.19 The submitted proposed site plan indicates the provision of 5 car parking spaces along the northern boundary, adjacent to the rear garden boundary to No 38. The plan also details the erection of a 1.8m high acoustic fence to the rear of No 42, the removal of existing stores and the erection of a greenhouse. Following the case officer's site visit, it was noted that the stores had been removed and that a



greenhouse was in place. A set of access gates are in place at the entrance to the proposed site which are located in line with the rear garden boundaries to 40 and 42.

1.20 The submitted plans ('existing' and 'proposed') detail an access to the rear of the site, which is already in place and does not form part of the current application.

## **SITE CONTEXT**

1.21 The application site relates to a parcel of land to the rear of a semi-detached dwellinghouse with associated access and curtilage. It lies on the west side of Bilsdale Road. To the north and south are other residential properties and their associated gardens. To the west is a public right of way beyond which is a railway line and embankment.

1.22 The host dwelling (No 42) is located towards the front (east) side of the site and is adjoined to no 44 (south). To the rear is a relatively large parcel of land, largely laid to grass/top soil which was incorporated into the curtilage of number 42 under the provisions of a planning permission in 2005 (H/2005/5334). A paved access has subsequently been constructed under permitted development rights, which connects this land to Bilsdale Road. The access passes between 42 and 40 Bilsdale Road and their associated rear gardens. Walls have also been constructed to enclose the sides of the gardens to the front and rear of number 42, in addition to a set of access gates at the vehicular access to the rear of the site.

## **PUBLICITY**

1.23 The application has been advertised by neighbour notification (14) and site notice.

1.24 To date, three objections have been received to date, which can be summarised as follows:

- Approval of the application would set an undesirable precedent within surrounding area for similar developments
- Why is the access required from the rear lane, which is a public right of way
- Such developments would increase traffic/congestion problems
- The amount of car parking indicated is excessive and unnecessary
- The development has circumnavigated the planning and building control system
- Impact on amenity of neighbouring properties.

1.25 Four letters of no objection/support have been received, which can be summarised as follows:

- The proposal will improve the area and offer additional security to other residents

1.26 A representation has been received indicating that the development will not result in a lot of traffic in the area and the site benefits from permission for a detached garage to the rear.

## **Copy Letters A**

1.27 The period for publicity has expired.

## CONSULTATIONS

1.28 The following consultation replies have been received:

**Head of Public Protection-** Two similar applications for residential development on this site in 2007 and 2011 were dismissed on appeal on the grounds of the noise impact from the driveway on the neighbouring properties at 40 and 42 Bilsdale Road. As the driveway to this property does not differ substantially from the previous applications I am of the opinion that this application should be resisted on the same grounds.

**Traffic & Transportation** – I have no highway or traffic concerns with this application. The drive access is relatively narrow but meets our minimum requirement of 3.7 metres. The access onto the highway and sight lines are acceptable. The proposed parking is acceptable.

**Parks & Countryside** - There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, or affected by the proposed development of this site. Public Footpath No.4, Seaton runs in a north-south alignment to the west and rear of this application site.

**Heritage and Countryside** - There are no ecology or building conservation issues with this proposal.

**HBC Arboricultural Officer** - No objections.

**Environmental Engineering** - I would not be able to comment on this application due the lack of information provided. Ideally I would have some indication of surface water proposals prior to approval with a condition for the detailed design.

**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

1.29 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

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

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

GEP3: States that in considering applications, regard will be given to the need for the design and layout to incorporate measures to reduce crime and the fear of crime.

GEP7: States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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

## National Policy

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

Paragraph 14 presumption in favour of sustainable development

Paragraph 17 12 planning principles

Paragraph 19 support sustainable economic growth

Paragraph 49 Housing applications should be considered in the context of the presumption in favour of sustainable development.

Paragraph 56 Good design

Paragraph 57 high quality and inclusive design for all development

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

1.32 The main planning considerations are the principle of development, the impact on the amenity of neighbouring properties and character and appearance of the surrounding area, and highway safety matters. These and any residual matters are discussed below;

### **Principle of development**

1.33 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 policies of the Hartlepool Local Plan 2006.

1.34 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. It advises that tandem development will not be allowed. Similarly, saved Policy GEP1 advises that in determining planning applications, regard should be had to the effect on the amenities of neighbouring properties.

1.35 A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF maintains the requirement for local planning authorities to demonstrate a 5-year supply of deliverable housing land. The five year supply of deliverable and available housing land is a fundamental requirement of the planning system with the NPPF requiring local planning authorities to ‘boost significantly the supply of housing’ through a number of means.

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

1.37 Furthermore, Para 14 of the NPPF states that there is a presumption in favour of sustainable development and for decision making this means approving

development proposals that accord with the development plan unless any material planning considerations indicate otherwise.

1.38 It is considered that in this case there are material planning considerations that would outweigh the provisions of the NPPF and would warrant a refusal of the application. For the reasons considered below it is considered that the development would have a significant detrimental effect on the occupiers of existing adjacent properties. The proposal is therefore considered to be contrary to the provisions of local planning policies and the principle of development is therefore not supported.

### **Impact on amenity of neighbouring properties (existing and future occupiers)**

1.39 Given the design, location and separation distances of the proposed dwellinghouse and adjacent neighbouring properties, it is not considered that it would significantly affect the amenity of neighbours in terms of loss of light, privacy, outlook, or in terms of any overbearing effect.

1.40 However the access to the property will pass between the host property (no 42, which is within the applicant's ownership) and the neighbouring property of no 40. It will pass the gable ends of these properties and down the length of the side boundary of their rear gardens, which are enclosed by a various boundary walls and fencing.

1.41 As set out above, the application site has been subject to a number of refused planning applications and associated dismissed appeal decisions for residential development to the rear. Whilst the layout of the previously refused schemes is not instantly comparable to the siting of the proposed dwelling, the proposed access point and resultant impacts are considered to be comparable for the reasons set out below.

1.42 Within the dismissed appeal decision in 2007 for the erection of a single bungalow and garages (appeal ref APP/H0724/A/07/2039591), the Inspector detailed the site context, noting that *"apart from the occasional sound of trains on the adjacent railway the area of back gardens is quiet. The introduction of the noise of vehicles into this setting would be noticeable and uncharacteristic"*. The Inspector was primarily concerned with the impact on No 42, commenting that *"the effect on No. 42 would be unacceptable. The significantly reduced width of this plot would bring vehicles close to the rear windows of the property and the remaining narrow garden area. Whilst acoustic fencing would reduce noise at ground level it would not be eliminated. It could break through or come over the fence, or be reflected from neighbouring structures. It would be unpredictable in timing and volume and could occur at unsocial hours."*

1.43 Within the dismissed appeal decision in 2011 for the erection of a detached bungalow to be used in conjunction with the main dwelling (ref; H/2011/0176), the Inspector outlined concerns regarding noise from the coming and going of vehicles and pedestrians, commenting that this *"is likely to be readily apparent in the rear garden of the property, and through upstairs windows, especially if open. Vehicular traffic would consist of private cars belonging to the occupants of both No 42 and the new dwelling, together with delivery vehicles servicing the proposed bungalow. The*

*latter is likely given the significant length of the driveway from the public highway. Vehicles would also be likely to have to stop either side of the metal gateway that has been erected to prevent unauthorised access and the noise from doors opening and closing, together with the possibility of additional noise from radios, would be audible”.*

1.44 The Inspector also disagreed with the previous Inspectors’ findings (for appeal APP/H0724/A/07/2039591), commenting that the proposal would result in an unacceptable impact on the amenity of occupiers of both 40 and 42 Bilsdale Road. In assessing the proposed scheme, the Inspector commented that the proposal would *“cause disturbance which would harm the living conditions of occupiers of No 40 Bilsdale Road, particularly the quiet enjoyment of their rear garden”*. The Inspector further commented that *“the harmful effects I have identified above would be liable to occur to a lesser extent in respect of occupiers of No 42 because of the 1.8m-high brick wall that has been built alongside the driveway on its southern side. However, noise could still be apparent through rear windows when open, particularly those serving a first-floor bedroom”*. The Inspector concluded that the scheme *“would materially harm the living conditions of neighbouring occupiers of Nos 40 and 42 Bilsdale Road, through noise and general disturbance, contrary to the relevant provisions of the HLP”*.

1.45 As part of the local planning authority’s (LPA’s) assessment for the refused application for an annex dwelling in 2011 (ref H/2011/0176), the LPA acknowledged that the application site benefited from a certificate of lawfulness for proposed development consisting of a driveway/access and a detached garage. In 2012 a further certificate of lawfulness for proposed development was issued for a detached, single storey snooker room building. The above works could be undertaken under permitted development rights without the necessity of first obtaining planning permission.

1.46 It is acknowledged that the driveway, garage and snooker room building would result in some movement, associated with the existing dwelling house, between the properties. However it is considered that the above uses would be likely to be far less intense than the additional activities, detailed within the appeal decisions, which would be associated with the proposed dwellinghouse, that this application seeks part-retrospective permission for.

1.47 With respect to the indicated provision of acoustic fencing, and the existing boundary enclosures, as detailed above within the previous appeal decisions, the Planning Inspector concluded that *“noise could still be apparent through rear windows when open, particularly those serving a first-floor bedroom”*.

Notwithstanding the fact that the applicant has erected walls to the side gardens front and rear of number 42 and the plans indicate the provision of acoustic fencing to the rear of No 42, it is considered that the development will result in an unacceptable degree of disturbance to the occupiers of both existing and future occupiers of No’s 40 and 42 Bilsdale Road.

1.48 Concerns are also raised with respect to the level of car parking provision (5 car parking spaces) that is to be sited along the adjacent rear boundary to No 38 (north). Notwithstanding the permitted development rights for the provision of hard standing

within the curtilage of a dwelling house, it is considered that the proposed layout would exacerbate the concerns detailed above in respect of the comings and goings to the site.

1.49 The gates in the side of the rear gardens of the neighbouring properties onto the drive mean that those leaving the gardens could step out into the path of approaching vehicles. Whilst this would not happen frequently it would be a dangerous situation which reinforces the view that the development is unsatisfactory.

1.50 In view of the above, it is considered that the development would be an unacceptable form of tandem development which would have a significant adverse effect on the living conditions of the occupiers of both existing and future occupiers of neighbouring properties in relation to noise and disturbance arising from the comings and goings to the site that would warrant a reason for the refusal of the application. This view is also supported by the Council's Public Protection Manager who objects to the development.

1.51 As such, it is considered that there are no material planning considerations that would outweigh the identified impacts and the proposal is therefore considered to be contrary to saved Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan.

### **Impact on visual amenity of surrounding area**

1.52 The footprint of the proposed dwelling as built is considered to be out of keeping with the general form, layout and character of the surrounding area (primarily the rear gardens of the adjacent properties). The scheme would also be served by an uninterrupted vehicular access/driveway and access gates, and would also result in an increase in vehicular/pedestrian traffic to the site, thereby highlighting the perception of residential development to the rear of the site.

1.53 Notwithstanding the above, the erected building/proposed dwelling is set back approximately 22m from the highway to the front of the site. Owing to the building's orientation, single storey scale and set back from the highway, it is considered that only limited views are achievable from wider areas. Further consideration is given to the 'fall back' position of the previously issued Certificates of Lawfulness for proposed development consisting of the detached garage, drive and boundary walls, and the snooker room building, in terms of the visual impact only (given that the snooker room building has been built in a different location and to a larger footprint than indicated in the plans submitted with the Certificate of Lawfulness and is adjoined to the converted garage). Taking the above considerations into account, it is considered that on balance, the proposed development will not introduce a significant incongruous feature into the surrounding area or result in an adverse loss of visual amenity as to warrant a second reason for the refusal of the application.

### **Highway matters**

1.54 The Traffic and Transportation section have raised no objection to the proposal in terms of access, visibility and car parking. The application is therefore considered to be acceptable in this respect and is not considered to result in an adverse loss of highway and pedestrian safety or an increase in on street car parking.

## Residual Matters

1.55 It is noted that three letters of no objection/support have been received from the occupiers of No's 40, 42 and 44 Bilsdale Road. It is noted from the previous appeal, that the Inspector commented *“lack of objection, or even support for a proposal, may be a mitigating factor in some cases, but the proper planning of an area requires that living conditions of both existing and future residents are taken into account. Policy Hsg9 prohibits tandem development because it normally results in harmful effects of the type mentioned above. I consider that this would apply in this case”*. The requirement to protect the amenity of existing and proposed occupiers of properties has been reaffirmed as a core planning principle of the National Planning Policy Framework (2012) which states that planning should *“always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings”* (para. 17). Furthermore, it is noted that objections have been received from neighbouring properties to the application (in addition to letters of support/no objection).

1.56 With respect to matters of drainage, the Council's Environmental Engineering section has requested more information, with respect to being satisfied over matters of surface water drainage and foul drainage. The applicant has indicated that foul and surface water will be to the main sewer. It is noted that Northumbrian Water has raised no objections to the scheme. With respect to surface water and flooding, it is noted that the site falls outside of Flood Zones 2 and 3 and outside of the requirements for a Flood Risk Assessment.

1.57 No objections have been received from technical consults in respect of ecology, conservation and the scheme adversely affecting the integrity of a public right of way.

1.58 With respect to precedent, each application should be assessed on its own individual merits.

## CONCLUSION

1.59 It is recommended that the application be refused for the reasons set out in this report.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.60 There is no evidence of equality or diversity implications.

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

1.61 There are no Section 17 implications.



## REASON FOR DECISION

1.62 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reasons

1. In the opinion of the Local Planning Authority the proposed development would be detrimental to the amenities of neighbouring residential properties by virtue of noise and disturbance associated with comings and goings to the site contrary to saved Policies GEP1 and Hsg9 of the adopted Hartlepool Local Plan 2006 and paragraph 17 of the National Planning Policy Framework (2012).

## BACKGROUND PAPERS

1.63 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.

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## **APPENDIX A**

In March 2011 an application for the erection of a detached single storey dwelling house for use in conjunction with existing dwelling house was refused on 17/06/20112 (ref: H/2011/0176). The subsequent appeal was dismissed by the Planning Inspectorate (appeal ref: APP/H0724/A/11/2156050).



The Planning  
Inspectorate

Appendix A

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## Appeal Decision

Site visit made on 18 October 2011

**by Martin Joyce DipTP MRTPI**

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

**Decision date: 4 November 2011**

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**Appeal Ref: APP/H0724/A/11/2156050**

**42 Bilsdale Road, Hartlepool, Cleveland TS25 2AH**

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr T Horwood against the decision of the Hartlepool Borough Council.
  - The application, Ref: H/2011/0176, dated 26 March 2011, was refused by notice dated 17 June 2011.
  - The development proposed is the erection of a detached single storey dwelling for use in association with the existing dwelling house.
- 

### Decision

1. The appeal is dismissed.

### Applications for costs

2. Applications for costs have been made by the appellant against the Council and by the Council against the appellant. These applications are the subject of separate Decisions.

### Main Issues

3. The main issues in this appeal are:
  - a. the effect of the proposed development on the living conditions of neighbouring residents at Nos 40 and 42 Bilsdale Road in respect of noise and general disturbance; and,
  - b. the effect of the proposal on the Council's policy relating to the provision of ancillary residential accommodation.

### Reasoning

#### ***Effect on Living Conditions***

4. On the first issue, the proposed dwelling would be sited on land to the rear of No 42 Bilsdale Road, within land purchased by the appellant some years ago and used as an extension to the garden of that dwelling. The land extends either side of No 42, and the resultant curtilage of the appeal property, as shown on the application plans, would extend to the rear of Nos 40, 44, and 46 as well as the existing dwelling.
5. Several applications have been made for various forms of residential development on the appeal site in the past, and four previous appeals have

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[www.planningportal.gov.uk/planninginspectorate](http://www.planningportal.gov.uk/planninginspectorate)

Appeal Decision APP/H0724/A/11/2156050

been dismissed. The most recent case was in November 2007<sup>1</sup> when a proposal for a detached bungalow, single garage and new private drive was dismissed. The Inspector in that appeal considered a single main issue in respect of the effect of noise and disturbance from the use of the proposed drive, but concluded that the effect on No 42 would be unacceptable, albeit that for No 40 it would not be unreasonable given the mitigating effect of the existing attached garage at that property.

6. Since that appeal, following the issue of a Certificate of Lawful Proposed Development, the garage attached to the side of No 42 has been demolished and a new driveway constructed. This extends between the two houses and currently serves a partially completed double garage within the north-western corner of the appeal site. It is my understanding that this garage is intended to serve both the appeal property and the existing house at No 42. The construction of the driveway and the garage is a material difference from the situation considered at the previous appeal and is relied upon by the appellant in support of his case, as is the previous Inspector's findings that those living at No 40 would not be disturbed by the use of a new driveway.
7. I do not share the previous Inspector's views about the effect of use of the driveway on neighbouring occupants. Whilst he is correct in saying that the garage would have a mitigating effect in terms of noise, the driveway also runs directly alongside the side of the rear garden of that property where the boundary fence is only about 1.5m in height. Noise from the coming and going of vehicles and pedestrians is likely to be readily apparent in the rear garden of the property, and through upstairs windows, especially if open. Vehicular traffic would consist of private cars belonging to the occupants of both No 42 and the new dwelling, together with delivery vehicles servicing the proposed bungalow. The latter is likely given the significant length of the driveway from the public highway. Vehicles would also be likely to have to stop either side of the metal gateway that has been erected to prevent unauthorised access and the noise from doors opening and closing, together with the possibility of additional noise from radios, would be audible.
8. Such noise would, in my view cause disturbance which would harm the living conditions of occupiers of No 40 Bilsdale Road, particularly the quiet enjoyment of their rear garden. Moreover, there could be no control over when the vehicular and pedestrian movements took place, thus late night disturbance could well occur, especially if occupiers of the new dwelling were returning after an evening out. This effect would be contrary to the provisions of Policies GEP1 and Hsg9 of the Adopted Hartlepool Local Plan (HLP). Indeed the latter policy specifically states that tandem development, of which this would be a typical example, will not be permitted.
9. The harmful effects I have identified above would be liable to occur to a lesser extent in respect of occupiers of No 42 because of the 1.8m-high brick wall that has been built alongside the driveway on its southern side. However, noise could still be apparent through rear windows when open, particularly those serving a first-floor bedroom. My conclusion on this issue is that the proposed development would materially harm the living conditions of neighbouring occupiers of Nos 40 and 42 Bilsdale Road, through noise and general disturbance, contrary to the relevant provisions of the HLP.

<sup>1</sup> CLG Ref: APP/H0724/A/07/2039591

Appeal Decision APP/H0724/A/11/2156050

### **Effect on the Council's Policy**

10. Policy Hsg11 of the HLP concerns proposals for residential annexes. In this context I am satisfied that, having regard to the application plans, this is what is proposed in this appeal, notwithstanding the description of the development given on the application form as a dwelling to be used "in association with the existing dwelling house". The plans refer specifically to a "proposed annexe to 42 Bilsdale Road" and this places the proposal firmly within the realms of consideration under Policy Hsg11.
11. Policy Hsg11 deals primarily with extensions to provide accommodation for relatives of the occupier of the dwelling, thus separate dwellings are not normally envisaged. However, the Policy does indicate that where an extension is not appropriate for design reasons, the conversion of an outbuilding or, exceptionally, a new building may be permitted where two criteria are met. These criteria include that it is of a satisfactory location in relation to surrounding dwellings, and that it is designed to serve an ancillary function to the main house.
12. I do not consider that either criterion is met by the proposed development. I have already found that the siting of the dwelling, and access to it, would result in the likelihood of harmful effects on the living conditions of neighbouring occupiers, but I also consider that the new dwelling would not serve an ancillary function. It is intended to be occupied as a fully independent house, within its own curtilage, by relatives of the current occupiers of No 42. That there is a family relationship between the two intended sets of occupiers is irrelevant in the context of this policy; there is no material degree of inter-dependence and the new dwelling would simply be used as a separate dwelling house, albeit that it would be sited in relatively close proximity to the existing house.
13. The effect of sanctioning such a development would undermine the Council's policies in respect of residential annexes and make it harder for them to resist other proposals for separate dwelling houses where the only connection is that of a family relationship. Such a situation could occur frequently, not least where houses have generously-sized gardens. My conclusion on this issue is that the proposal would materially harm the intended application of the Council's policy on residential annexes as set out in the HLP.
14. It follows from my conclusions on the main issues that the appeal fails and that planning permission will not be granted.

### **Other Matters**

15. All other matters raised in the written representations have been taken into account, including the lack of objection to the proposal from the current occupiers of No 40, and the Unilateral Undertaking submitted by the appellant.
16. Lack of objection, or even support for a proposal, may be a mitigating factor in some cases, but the proper planning of an area requires that living conditions of both existing and future residents are taken into account. Policy Hsg9 prohibits tandem development because it normally results in harmful effects of the type mentioned above. I consider that this would apply in this case.
17. As for the Unilateral Undertaking, a dated copy of which I have yet to see, it provides essentially that the annexe accommodation proposed will not be used

Appeal Decision APP/H0724/A/11/2156050

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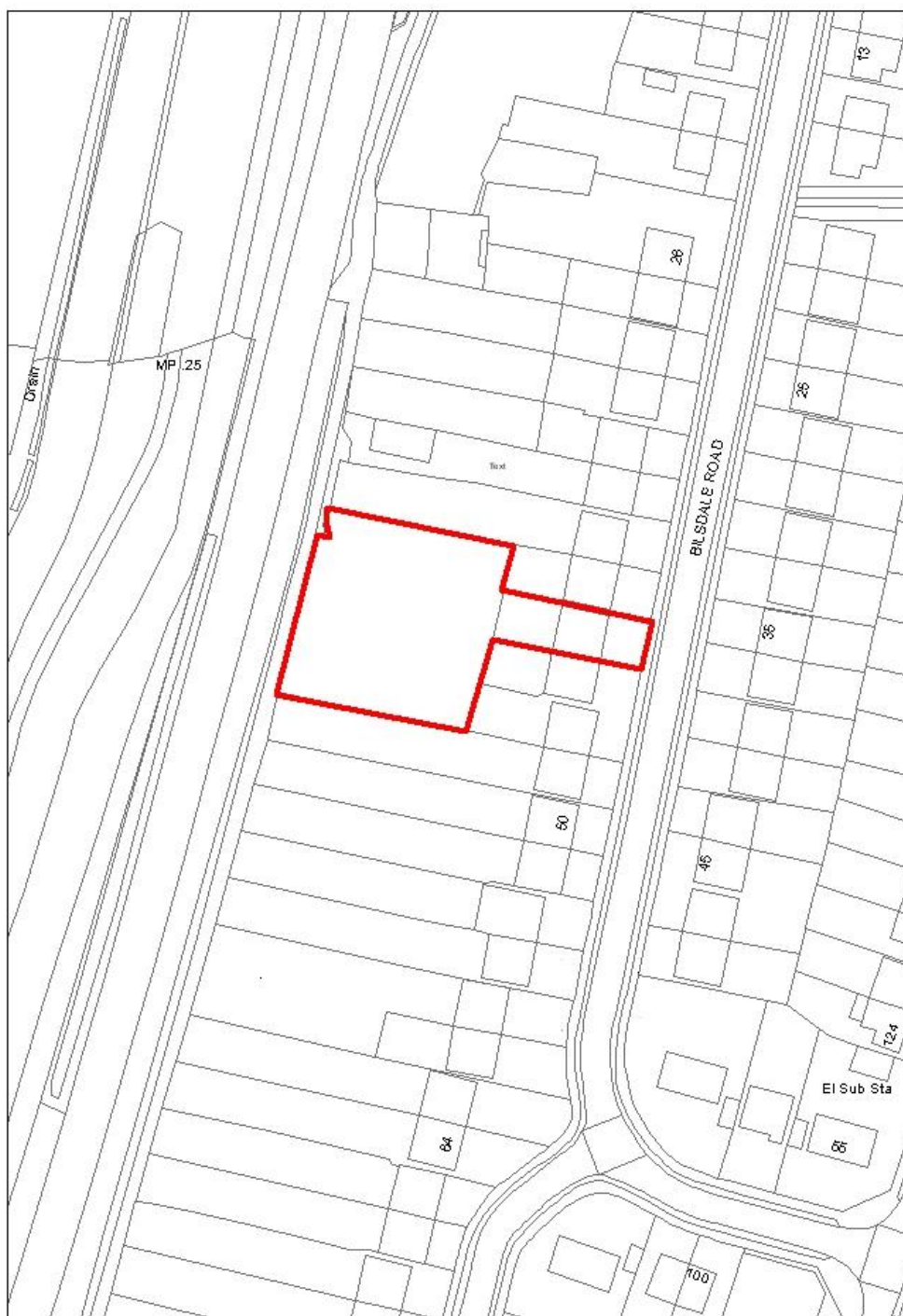
for any purpose other than as ancillary accommodation to the use of the main house as a single family dwelling, and that the two properties shall not be disposed of separately. However, no definition is given of the term "ancillary accommodation" and the development shown on the application is clearly intended to be a dwelling house with the full range of accommodation and facilities as that of an independent living unit. There is nothing to show any ancillary function. Similarity of ownership and the fact that the two dwellings would be occupied initially by members of the same family does not overcome this fundamental conflict with the provisions of the adopted Local Plan for this area.

18. It follows that these, and the other matters raised, do not outweigh the conclusions I have reached on the main issues of this appeal.

*Martin Joyce*

INSPECTOR

## 42 BILSDALE 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/2015/0235**  
**Scale: 1:1000**  
**Date : 17/07/15**

**No:** 2  
**Number:** H/2014/0557  
**Applicant:** Mr F Sturrock c/o agent  
**Agent:** England & Lyle Miss Naomi Gibson Gateway House 55  
Coniscliffe Road DARLINGTON DL3 7EH  
**Date valid:** 24/11/2014  
**Development:** Extension to existing agricultural building  
**Location:** Benknowle Farm Benknowle Lane Elwick HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

2.2 The application site constitutes an existing farm building at Benknowle Farm, Benknowle Lane, Hartlepool. The barn was erected, under the provisions of a prior agricultural notification (H/2010/0061). A canopy and hard standing were added to the south end of the barn. Retrospective planning permission was granted for the canopy on appeal (H/2012/0209). A second extension was constructed under the provisions of a prior agricultural notification (H/2013/0569).

## PROPOSAL

2.3 Planning permission is sought for the extension of the existing agricultural building. The building is proposed to be extended by 6m at the southern end and will maintain the existing buildings eaves height (7.5m) and ridge height (10.15m). The land does however slope away at the southern end, therefore the maximum eaves height of the extension would be 8.9m, with a maximum ridge height of 11.55m at the southern end. The extension will be open on one side to conform to the existing building.

2.4 The extension will be used for the storage of crops and other agricultural equipment in association with the grain drying use which takes place in this building.

2.5 The application has been referred to the Committee as three objections have been received to the proposal.

## SITE CONTEXT

2.6 The site is located to the west of the A19 trunk road and forms part of an established agricultural holding with the main access taken from Coal Lane to the north. The existing barn, to which this application relates is located on the eastern boundary of the applicant's field and is currently used for the storage of crops, fertiliser and agricultural equipment.



2.7 The adjacent property, also known as Benknowle Farm comprises a dwelling house with a range of outbuildings and a barn immediately to the south.

## **PUBLICITY / CONSULTATIONS**

2.8 The development has been advertised by way of 10 neighbour letters and a letter to Elwick Parish Council. A site notice was also displayed at the entrance to the farm on Coal Lane. The neighbouring property (Benknowle farmhouse which is in separate ownership) informed the Council that they had not been notified of the application. The consultation period was extended for this neighbour to allow them additional time to submit comments.

2.9 Two objections were received (one from the occupier of the adjacent Benknowle farmhouse). Concerns raised included:

- This application should be declared null and void as it has not included Mr Garrett at Benknowle farmhouse.
- Benknowle Farm was not consulted on the application.
- Hours of opening is marked non applicable on the application form. This should be for the hours of use (drying grain) which is 8am until 8:30/10:30pm during harvest.
- The industrial or commercial process and machinery section is marked non applicable on the application form. This should state, use of a tractor to drive the grain drier, use of the drier itself and the loading shovel.
- The application form states that the site cannot be seen from a public footpath or public land. It can be seen from a public footpath/public land.
- The size of the barn built in 2010 under prior notification (of which we were not informed of) is to the maximum size allowed under that application. There have already been 2 significant extensions already, this is the third, and it will increase its original size by 50%.
- The planning statement highlights that the building is outside of any defined settlement limits. The existing farm house is there. The same considerations should be given to the occupant of this property as would be given to a development adjacent to many houses.
- The planning statement outlines that it will be of a similar size and height to the existing building. The plans show the height to the eaves of the existing building and extension to be 6.5m. The actual height to the eaves is already higher than this. This has been pointed out to the Council. The extension will be higher still because of the ground level at that end.
- The building already blocks views to the west, causing shadows across the garden and obstructing light into living rooms of Benknowle Farm.
- There will be further impact on Benknowle farm, as it is proposed to be boxed in at the southern end. Noise and dust cannot escape and so will be aimed across to the farmhouse.
- The building is too big, too close to a residential property and should not have been built in the first place.

**HBC Traffic and Transportation** – no objections.

**HBC Public Protection** – no objections.

**HBC Landscape and Conservation** – no objections.

2.10 The issue was raised in the comments received that the eaves height of the existing barn is higher than shown on the plans. It was also stated that the extension will be higher as the land slopes away to the south and will need to be raised.

2.11 Amended plans were received from the applicant's agent illustrating how the existing ground level will be made up and clarification that the eaves height would be 6.5m. A 14 day re consultation was undertaken on these plans with neighbours, the Parish Council and internal consultees. Additional comments were received from the neighbouring property (Benknowle farmhouse). Concerns raised are set out below:

- The concerns raised in the initial objection still stand.
- The raising of the ground level makes the activities in the barn even more imposing on the neighbouring property in terms of impacting on light levels, noise, dust and disturbance.
- Concerns were raised that the existing eaves height of the barn is referred to as 6.5m in height. The actual height to the eaves is 7.35m. This is 0.85m higher than the height specified on the plans and already agreed via previous permissions. The proposed extension will be at a lower ground level; therefore with the raised ground level the eaves height of the extension will be higher than 7.35m.
- Extensive ground works took place at this site before the build took place, raising the south end by 1.5m. The height to the eaves will be more like 8.85m.
- There is a clear breach of the permissions already granted, this should be investigated fully. The current application and proposed changes should not proceed until the outcome of the investigation is known.

**HBC Traffic and Transportation** – no objections.

**HBC Public Protection** – no objections.

**HBC Landscape and Conservation** – no objections (verbal comments).

2.12 As further concerns were raised with regards to the eaves height of the building and the possibility that extensive ground work had been undertaken, it was decided that before the application was progressed any further, the Council would carry out survey work on the existing building in order to clarify these issues. A site visit was undertaken and one of the Council's engineers undertook a survey of the building (it should be noted that this was not a full building survey). From the results there were some discrepancies between measurements on site and the plans submitted. For example the eaves height was in fact higher and there were some discrepancies with regards to the ground work which had already been undertaken.

2.13 The applicant's agent was asked to undertake a full building survey in order to check all of the measurements and the plan submitted. An amended plan was

submitted on 01/06/2015 which was considered to be in line with the measurements which the Council had taken at the previous site visit. The amended plan also now showed that the land would no longer be made up at the southern end where the land falls away. A 14 day full re consultation was undertaken on the amended plan.

2.14 Additional concerns were raised by the neighbouring property (Benknowle Farm House). These concerns are outlined below:

- Previous objections still apply.
- It was reiterated that the extension will impact on the neighbouring property in terms of loss of light and noise disturbance. It will also appear unduly large and will be out of keeping.
- The eaves height is actually 8900mm and 11550mm to its peak. The previously raised floor level of up to 2000mm should also be considered. This will give an overall eaves height of 10900mm and 13550mm to the roof peak in comparison to the natural ground level of the surrounding land on which the property belonging to myself is built.
- Perhaps this should be treated as a retrospective planning application for the existing barn as it was built higher than the approved plans gave permission for.
- It was raised by the neighbour that they were not informed of the original planning application or prior notifications and so could not express their concerns at that time when it would have mattered most.

2.15 Concerns were also raised by Elwick Parish Council which are outlined below:

- The building has been extended several times in the past; previous constructive suggestions made by the Parish Council have been ignored. The building has extended down the sloping field resulting in a severe impact on neighbouring properties.
- The current proposals appear to make the building even higher as it extends further over the land which naturally falls away.
- Planning officers should conduct a site visit before making any decision and survey the heights of the building as it will have a severe visual impact.

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

**HBC Public Protection** – No further comments (verbal response).

**HBC Landscape and Conservation** – No further comments (verbal response).

Copy Letters **B**

2.16 The period for publicity has expired.

## **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.

### Local Policy

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

GEP1: General Environmental Principles  
GEP3: Crime Prevention by Planning and Design  
PARA 028 : Rural economic growth  
Rur14: The Tees Forest  
Rur7: Development in the Countryside

### National Policy

2.19 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 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.

Part 7: Requiring Good Design  
Paragraph 196 – Primacy of the Development Plan  
Paragraph 197 – Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

2.20 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 impacts of the proposal on landscape character, visual amenity, neighbour amenity and highways.

### Principle of Development

2.21 Current Council Policy Rur7 of the adopted Hartlepool Local Plan 2006 states that a number of factors will be taken into account in determinig applications for development in the countryside. These include the relationship of the development to other buildings in terms of siting, size and colour, visual impact on the landscape,

compatibility of design within the setting, operational requirements of the agriculture and forestry industries, viability of farm enterprise and adequacy of road network amongst other things. The principle of the development is considered acceptable as it will contribute positively to the continued agricultural use of the site. The criteria outlined in policy Rur7 will be considered in detail in this report.

2.22 Whilst policy RUR14, the Tees Forest is no longer relevant, the principles of the policy are relevant and appropriate tree planting and landscaping as part of development schemes is encouraged. It is however considered that as the application is for the extension to an existing building on a working farm and will not result in the loss of any trees additional tree planting/landscaping is not required.

#### Landscape character

2.23 It is considered that the size and massing of the extension would not have a detrimental impact on the wider landscape setting or be out of keeping with the surroundings. The proposal is in keeping with a farm setting in the countryside.

#### Visual amenity

2.24 Concerns were raised that the building is already unduly large and out of keeping with the area. Although it is a large structure, the existing barn and proposed extension would not appear out of keeping in a farm setting within the countryside. The design of the extension is also in keeping with the host structure. It was also commented by a neighbouring property that the extension would be visible from a public footpath/highway. There may potentially be limited views of the extension from Benknowle Lane to the East, however it will be significantly screened by the adjacent barn to the east and it is considered that the proposal will not have a significant detrimental impact on the visual amenity of the area as it is in keeping with the existing building. Subject to the use of matching materials the proposal will be acceptable in terms of its impact on the existing building and the surrounding area.

2.25 The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan and the NPPF Part 7.

#### Neighbour amenity

2.26 Concerns were raised by the occupier of the neighbouring farm house in terms of the potential impacts; loss of light, shadowing in the garden, obstruction of light to main windows and the obstruction of views to the west. It was stated that enclosing the building at the southern end will direct noise and dust across to the farm house. Queries were also raised with regards to the fact that operational hours and types of machinery used were marked non applicable on the application form.

2.27 The property to the east is approximately 24m from the existing farm building and is at a slightly lower ground level. It mainly faces due south, aside from a later extension to the east of the main house, and therefore the closest views towards the barn are oblique. The proposed extension is to the south of the existing farm building; some 27.5m away from the farm house and some 8.5m from the garden of the farmhouse. It is considered the extension will be sufficiently distant from the

adjacent house to the east and will also be partially screened by derelict outbuildings, a barn, hedging and trees. The existing farm building already results in some shadowing of the neighbouring property in the afternoon and evening. Given the relationships however it is considered that any additional shadowing created will not be significantly detrimental to the existing amenity of the neighbouring property.

2.28 There are no neighbouring properties to the north, south or west; only agricultural fields.

2.29 In terms of the use of the extension, it should be highlighted that the application is for an extension to an existing farm building. No objections to the extension were raised by the Council's Public Protection section. The agricultural use of the site is already established. In considering the use of the building the Inspector in her appeal decision of 21 June 2013 (Appeal Ref: APP/H0724/A/12/2188993) considered that agricultural processes, such as the seasonal drying of arable crops, "are part and parcel of crop production and cannot be restricted or controlled through Planning Acts". It is not considered therefore an objection to the use of the extension could be sustained. Any complaints received regarding the operation of the farm and the impact on adjacent residential properties, in terms of noise and dust etc, would need to be dealt with under different legislation through the Council's Public Protection Section.

2.30 In summary, due to the reasons outlined above, it is considered that the proposal would not create any significant overshadowing or overbearing to neighbouring properties. It is also considered that the proposal would not create any significant loss of privacy, light or other amenity to neighbouring properties. The proposal is considered to be in accordance with policy GEP1 of the Hartlepool Local Plan.

### Highways

2.31 No objections were received from the Council's Traffic and Transportation section. It is considered that the proposal will not have a detrimental impact on access or traffic.

### Other issues

2.32 The neighbouring property, Benknowle farmhouse, informed the Council that they had not been notified of the application. This was an administrative error and the consultation period was extended for this neighbour to allow them additional time to submit comments. For the subsequent re consultations it was ensured that they were informed.

2.33 It was also mentioned that they had not been consulted on the previous prior notification applications or full planning application for the original building and the two extensions. The Council is not required to publicise prior notification applications, however from the Council's records Benknowle farmhouse was notified of these applications as a matter of courtesy. For the retrospective planning application (H/2012/0209) a notification letter was sent and the comments received were considered when determining the application.

2.34 Concerns were raised that adjacent properties should be considered even if the application site is beyond settlement limits. The potential impact on adjacent properties has been fully considered in the determination of the application.

2.35 It was highlighted that the extension will obstruct views to the west from the adjacent farmhouse. The loss of a view is not a material planning consideration.

2.36 Concerns have been raised regarding the actual height of the existing building and the ground works already undertaken. It is noted from the HBC Engineer's survey that the height of the building (existing) is higher (approximately 1m higher at both eaves and ridge height) than shown on the plans submitted with the original prior notification application (H/2010/0061). The land does have a gentle slope; falling from the north to south. Level detail was indicated in the application for the original building (H/2010/0061) which showed that the land would be dug into at the northern end and raised at the southern end in order to level the land. From the survey undertaken by the Council it appeared that the northern end of the site had been dug in an additional 0.4m (approximately) to what was shown on the original plans. This additional setting down would in effect partially counterbalance the increased height 1m (approximately) of the building, giving a net increase in height of some 0.6m. Given the relationships it is considered unlikely that the change in height/depth would have led to the refusal of the application.

2.37 It is also the case that the original barn was constructed in June 2010 and therefore whilst the discrepancy is noted it is immune from any enforcement action by the Council.

### Conclusion

2.38 It is considered that in relation to the relevant policies as stated above, and in relation to the impact of the proposal on landscape character, visual amenity, neighbour amenity and highways, the proposal is considered acceptable and is therefore recommended for approval subject to the conditions set out below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.39 There is no evidence of equality or diversity implications.

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

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

2.41 There are no Section 17 implications.

## **REASON FOR DECISION**

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

**RECOMMENDATION – APPROVE** subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Location plan) and details received by the Local Planning Authority on 24/11/2014 as amended by the plan (Drawing No: S890 Elevation Details) received by the Local Planning Authority on 01/06/2015.  
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s)  
In the interests of visual amenity.

## **BACKGROUND PAPERS**

2.43 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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## BENKNOWLE FARM



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/2014/0557**  
**Scale: 1:1000**  
**Date : 17/07/15**



**No:** 3  
**Number:** H/2014/0579  
**Applicant:** Mrs D Watson Butterwick Moor Farm SEDGEFIELD Co  
Durham TS21 4BQ  
**Agent:** David Gall Solicitors Mr M Birtles Fulford House Town  
Foot HAWES DL8 3NN  
**Date valid:** 11/12/2014  
**Development:** Extension of time of planning application H/2008/0026 for  
change of use, alterations, extensions and new build to  
create 14 dwellings and creation of new vehicular access  
**Location:** North Farm The Green Elwick HARTLEPOOL

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## 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 site to which this application relates forms part of an existing working farm located at the eastern end of Elwick Village on the north side of Elwick Road. Planning permission was granted on the site on 19/03/2010 for the change of use, alterations, extensions and new build to create 14 dwellings and creation of new vehicular access. (H/2008/0026). A legal agreement completed in connection with the permission secured two affordable houses on site.

## PROPOSAL

3.3 The application is for the extension of time of the original planning permission mentioned above (H/2008/0026). There are no alterations to the original scheme which was approved in 2010. Details of the original proposals are outlined below.

3.4 The application seeks consent for the conversion of existing agricultural buildings upon the site and the erection of new build dwellings to create 14 dwellings with associated car parking. The proposals also incorporates the creation of a new vehicular access and the closure of the previous access which is to be made good and become village green. The plans indicated that a vehicular and pedestrian access (Public Footpath) will be created to the farmland to the north.

3.5 The proposal incorporates the retention of the farmhouse as a single dwelling and the conversion and alteration of the linked traditional single storey agricultural buildings which front Elwick Road to create 2 dwellings. 1 of the dwellings is to be single storey and 1 dwelling will have living accommodation in the roofspace.

3.6 The former granary building to the north of the single storey buildings fronting

Elwick Road is to be converted into a dwelling with living accommodation in the roof space. The proposal incorporates the demolition of the existing lean-to structure on the north elevation of the granary and the erection of a single storey extension in its place to create a garden room with the appearance of a gingang.

3.7 The additional 11 dwellings are to be new build. The proposals included the erection of 2 pairs of semi-detached two storey properties. A courtyard development to incorporate 4 attached dwellings including 3 no two-storey properties and 1 single storey property. A single storey dwelling is proposed to the rear of 17 The Green with a linked two-storey dwelling to the north of it. A two-storey detached dwelling with single storey off shoots is proposed at the eastern end of the site adjacent to Carlton Bungalow.

3.8 The proposal includes the provision of 6 garages and a total of 34 parking spaces.

3.9 The applicant has offered 2 of the 14 dwellings to be affordable housing.

3.10 The application has been referred to the Planning Committee due to the number of objections received.

## **SITE CONTEXT**

3.11 The site to which this application relates forms part of an existing working farm unit located at the eastern end of Elwick Village on the north side of Elwick Road. The site incorporates a semi-detached two-storey farmhouse and a number of associated agricultural buildings of varying ages, sizes and conditions. The application site also includes a raised paddock area at the eastern end of the site. The ground levels on the site fall significantly from east to west.

3.12 To the north of the application site are open agricultural fields, directly to the east of the site is Carlton Bungalow and to the west is Greencroft, a large detached residential property set in substantial grounds. The southern boundary of the application site is bounded by Elwick Road, the main thoroughfare through Elwick, which detaches the site from the residential properties and farm buildings directly to the south.

3.13 The farmhouse on the site adjoins 17 The Green (to the west) which is a 2 storey residential property with a single storey extension to the side. The property has a separate vehicular and pedestrian access than that serving the farmhouse.

3.14 The farmhouse and the agricultural buildings upon the site are located within the Elwick Conservation Area, only the paddock area to the eastern end of the site and a small grassed area in the north west are located outside of it.

3.15 An existing Public Right of Way (Elwick 1) runs through the application site.

## PUBLICITY

3.16 The application has been advertised by way of 16 neighbour letters, site notice, and press advert. To date, two, do not object, forms have been submitted to the Council. Two objections have also been received from neighbouring residents.

Concerns raised included:

- The location of the proposed vehicle access and the impacts on highway safety.
- Additional traffic created.
- The impact of the new dwellings on the sewage system.
- Separation distances to neighbouring properties and the potential impact on light levels. New dwellings could be overbearing to existing neighbouring properties, particularly to Carlton Bungalow.
- Access to maintain a detached garage at a neighbouring property (Carlton Bungalow) to the east. The garage lies almost on the boundary.

3.17 Elwick Parish Council commented that the principle of residential development on the site is supported; Councillors are still however very concerned about the proposed access to the site on a blind bend. Since the original application was approved there has been a noticeable increase in traffic going past the site. This has had a detrimental impact on highway safety. There is a need for traffic calming measures before the development is approved. Councillors would also wish to have some say in the design and materials to be used, as a Village Design Statement is currently being prepared.

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3.18 The period for publicity has expired.

## CONSULTATIONS

3.19 The following consultation replies have been received:

**HBC Public Protection** – no objections.

**HBC Traffic & Transportation** – No objections. No highway or traffic concerns with the extension of time; previous comments would apply (below).

*No objection. The officer has highlighted that the existing access onto Elwick Road is very close to an existing farm building which reduces the visibility for on coming traffic going out of the village. The officer considers that the proposed relocation of the access and the associated sight lines will be an improvement on the existing situation.*

*The officer has acknowledged that there will be an increase in vehicular movements with the development compared with the existing situation but considers this will have minimal impact on the highway network.*

*He has suggested that the developer should extend the proposed footway onto Elwick Road with a crossing point to link the existing footpath and make the village more accessible.*

*A Public Right of Way (Elwick 1), which runs through the site, will require diverting before works start on the proposed development.*

**Highways Agency** – no objections.

**HBC Engineers** – no objections, previous comments apply (verbal comments). It is requested that a planning condition is attached to any approval to require ground investigation.

### **HBC Conservation and Landscape**

**Ecology** - The bat survey which was carried out to inform the original application was undertaken in 2007. The bat survey concluded that bats were not roosting in the building at that time however there was some potential, albeit relatively low, for bats to roost in the buildings.

As bat's use of buildings frequently changes over time and as the original bat survey is now eight years old, it would be appropriate to require an updated bat survey should an extension of time for this application be approved. As the original bat survey assessed the buildings as relatively low risk then it would be satisfactory to require the updated bat survey by way of condition. However the updated bat survey, including any recommendations for mitigation, should be submitted for approval prior to any works commencing under a new permission.

**Conservation** – no objections; previous comments apply.

In respect to the original application the Conservation Officer made detailed comments and acceptable amended plans were received. She concluded, this scheme is successful in replicating the appearance of converted farm buildings. There is a good mixture of properties reflecting the existing buildings on the site. The high quality of design and attention to detail in replicating barn type buildings has resulted in a proposed scheme that masks any overt references to residential buildings which would be out of keeping on this site. In retaining the character of the existing farm the development sits well within this part of the conservation area. The result is there is little impact on the character of the conservation area as the overall feel is still one of agricultural buildings.

**HBC Parks and Countryside** – no objections; previous comments apply.

Public Footpath No.1, Elwick Parish runs through the proposed development site and will require diverting so as to accommodate any plot/housing placement. The developer will need to discuss with the Council any alterations / changes / improvements or legal procedures, relating to the above-mentioned path.

**Tees Archaeology** – Previous comment of no objections apply.

**Northumbrian Water** – The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development. A condition is therefore requested.

**Cleveland Police** – no objections, previous comments apply (verbal response). The risk assessment in respect of the Elwick Area is low in terms of crime and anti-social behaviour. A number of measures have been recommended that could be implemented to get the scheme to reach a Secure By Design accreditation.

## PLANNING POLICY

3.20 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

3.21 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

GEP9: Developers' Contributions

GEP12: Trees, Hedgerows and Development

HE1: Protection and Enhancement of Conservation Areas

HE2: Environmental Improvements in Conservation Areas

Hsg5: Management of Housing Land Supply

Hsg7: Conversions for Residential Uses

Hsg9: New Residential Layout - Design and Other Requirements

Rur1: Urban Fence

Rur3: Village Envelopes

Rur7: Development in the Countryside

### National Policy

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



previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

3.23 The following paragraphs of the NPPF are relevant to this application.

PARA 002 : Primacy of Development Plan  
 PARA 006: Contribute to the achievement of sustainable development  
 PARA 007 : 3 dimensions of sustainable development  
 PARA 009 : Sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 028 : Rural economic growth  
 PARA 047: Significantly boost the supply of housing  
 PARA 049 : Housing applications and sustainable development  
 PARA 050 : Delivery of wide choice of high quality homes  
 PARA 051 : Approval of planning applications  
 PARA 054 : Rural Areas  
 PARA 055 : Homes in the rural area and isolated homes in countryside  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design  
 PARA 060: Planning decisions  
 PARA 061 : Architecture of individual buildings  
 PARA 196 – Primacy of the Development Plan  
 PARA 197 – Presumption in favour of sustainable development.

## PLANNING CONSIDERATIONS

3.24 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, highway safety, visual amenity, residential amenity, drainage, the effect of the proposal upon the character of the conservation area and street scene and considerations relating to the ecological and archaeological value of the site.

### Policy Considerations

3.25 There are no policy concerns with the extension of time application. It is considered that the proposal complies with the policy framework and the principle of residential development is acceptable. The entire application site, including the proposed garden areas of the dwellings, is located within the limits to development as defined by policy Rur3 (Village Envelopes) of the Hartlepool Local Plan 2006. The provision of two on site affordable units is also particularly welcomed.

### Highways

3.26 The two objectors and the Parish Council all raised concerns regarding the potential impact of the scheme on traffic and highway safety. The Council's Traffic & Transport Section were consulted on the extension of time application. They advised there were no highway or traffic concerns with the extension of time and the previous comments for the original application would still apply. The comments and analysis below in italic are taken from the original officers report and one still considered pertinent.

*3.27 The Head of Traffic and Transportation has considered the proposed scheme and has raised no objection to it. He has acknowledged that the sight lines associated with the existing access to the farm are hindered by the farm building at the access point, he has commented that the proposed sight lines 4.5 x 70m are an improvement on the existing situation and that the proposed parking provision is acceptable.*

*3.28 The officer has acknowledged that there will be an increase in vehicle movements to and from the site with the development compared to the existing situation, but considers this will have a minimal impact upon the highway network.*

*3.29 He has suggested that the proposed footway onto Elwick Road is extended and a pedestrian crossing point created from the development site to the south side of Elwick Road to make the centre of the village more accessible for residents to walk to it. This matter will require further detailed consideration and discussion given ownership and levels issues.*

*3.30 A requirement for the provision of a crossing point outside of the site could be included in a Section 106 Agreement or as a Grampian condition should it be considered feasible.*

3.31 It should also be noted that the Highways Agency has been consulted on the extension of time application and no objections have been received.

3.32 As the site has a Public Right of Way running through it, this would have to be diverted to facilitate the proposed development. HBC Parks & Countryside reiterated their original comments. The Public Footpath will require diverting so as to accommodate any plot/housing placement. The developer will need to discuss with the Council any alterations / changes / improvements or legal procedures, relating to the above-mentioned path. Previous comments also mentioned that, the investigation into the potential for a pedestrian crossing point to be provided near to the site to link to the footpaths to the south of Elwick Road would be welcomed.

3.33 As part of the original application the Ramblers Association was consulted on the scheme. No objections were raised providing that the length of the new path for any diverted Public Right of Way is at least 2m wide and that a gap or self closing hand gate is provided to provide access to the existing Public Right of Way upon the agricultural fields to the north.

#### Visual Amenity/Conservation Area/Streetscene

3.34 The application is for the extension of the original permission. There are no alterations to the original scheme which was approved in 2010. It is therefore considered that the comments and analysis in the original officer's report, with regards to the impact on visual amenity, the conservation area and the street scene, remains the same (see below)

*3.35 It is considered that the proposed alterations to the external appearance of the traditional agricultural buildings to be converted are sympathetic to the agricultural history of the site and will enhance the character of both the streetscene and the Elwick Conservation Area in general.*

*3.36 The scale, siting and external appearance of the proposed new dwellings are considered acceptable. It is felt that the removal of the substantial modern agricultural buildings and the development of this high quality sympathetic scheme will significantly improve the aesthetics of the site from the surrounding vantage points.*

*3.37 Plots H12, H13 and H14 at the eastern end of the development will be sited upon an existing paddock area which is the most elevated position of the site. It is considered that as these properties are to be set well back from the Elwick Road frontage they will not appear unduly large or out of keeping upon the streetscene. Overall it is considered that given the differing levels of the site and the retention/conversion of the existing agricultural buildings along the Elwick Road frontage it is unlikely that the proposed new build dwellings will appear unduly large or incongruous upon the streetscene and in turn the conservation area.*

3.38 The Council's Conservation Officer was consulted on the application. Again it was stated that there were no objections and previous comments still applied (see comments below from the original officer's report).

*3.39 The Council's Conservation Officer commented that the proposal incorporates a good mixture of properties which have a high quality of design and attention to detail. It is considered that the proposed dwellings and alterations reflect the existing buildings on the site and replicate the appearance of converted farm buildings which will sit well within this part of the conservation area.*

*3.40 The applicant's architect has indicated that the dwellings will be finished in either reclaimed local stone or York Handmade Bricks with reclaimed grey welsh slate or clay pantile roofs. It is envisaged that the proposed mix of finishes will add visual interest and variety to the scheme whilst respecting the existing character.*

*3.41 As the site is located within a conservation area it is considered prudent in this instance to remove permitted development rights for the alteration or extension to the properties by way of planning condition, to preserve the character of the development over time*

#### Residential Amenity

3.42 A neighbouring resident has raised concerns regarding the impact of the scheme on separation distances with existing dwellings and the potential impact on

light levels, particularly with Carlton Bungalow which is to the east of the application site. It was felt that new dwellings could be overbearing to existing neighbouring properties. It is considered that there is an adequate separation distance between the proposed dwelling at the eastern end of the site (H14) and Carlton Bungalow. The eastern element of H14 is also single storey, therefore reducing the potential impact on Carlton Bungalow. It is considered that the scheme will not have a significant detrimental impact on this neighbouring property in terms of overbearing, overshadowing or loss of privacy.

3.43 No other comments were received regarding the impact on residential amenity. It is considered that the comments made in the original officer's report still apply to the scheme (see below).

*3.44 It is not only important to consider the effect of the proposed development upon amenity of the occupants of the surrounding residential properties but to assess the living conditions of the future occupants of the proposed dwellings.*

*3.45 It is considered overall that the physical relationship of the proposed dwellings to the surrounding existing properties and between the proposed dwellings is such that it is unlikely that detrimental overlooking, overshadowing or dominance issues will be created. In reaching this conclusion the following relationships have been considered in detail. In terms of the guidance contained within the Hartlepool Local Plan there are 2 instances in the proposed scheme where the separation distances are less than those specified. This is between plots H2 and H3 and the rear elevation of 17 The Green and the front elevation of plot H4.*

*3.46 Plots H2 and H3 (Granary) are to be converted into dwellings with a distance of 7m between the rear elevation of plot H2 and the rear elevation of plot H3. This is well below the guideline separation distances set out in the Local Plan. However these are existing buildings and the layout of the properties are such that no primary windows will be facing each other. Given that the proposed scheme will facilitate the retention of these traditional buildings of special character the relationship is considered acceptable in this instance. Such a relationship is not unusual in barn conversion schemes, or within village locations.*

*3.47 The physical relationship between the first floor windows upon the rear elevation of the neighbouring property 17 The Green and the primary elevation of plot H4 approx 10m again whilst well below the guidelines in the Local Plan is considered acceptable given the difference in scale of the properties (H4 is proposed as single storey). A substantial (approx 2m high) wall runs along the rear elevation of 17 The Green which will screen the majority of the proposed development from the rear ground floor windows. It is not considered that any direct overlooking issues will be created from the first floor bedroom window of 17 The Green and the windows in the south elevation of H4. The relationship is considered acceptable in this instance.*

### Ecology

3.48 The Council's Ecologist was consulted on the extension of time application. He commented that the bat survey which was carried out to inform the original application was undertaken in 2007. The bat survey concluded that bats were not

roosting in the building at that time however there was some potential, albeit relatively low, for bats to roost in the buildings.

3.49 It was commented that, as bat's use of buildings frequently changes over time and as the original bat survey is now eight years old, it would be appropriate to require an updated bat survey should an extension of time for this application be approved. As the original bat survey assessed the buildings as relatively low risk then it would be satisfactory to require the updated bat survey by way of condition. However the updated bat survey, including any recommendations for mitigation, should be submitted for approval prior to any works commencing under a new permission.

3.50 The condition regarding a bat survey has been amended accordingly.

#### Tees Archaeology

3.51 Tees Archaeology commented that the previous comment of no objection on the original application still applied. The comments in the original officers report still stand (see below).

*3.52 An Archaeological Survey and Evaluation has been carried out and submitted as part of the application. Tees Archaeology has been consulted upon the application and visited the site to view inspection trenches, they have confirmed that the archaeological potential of the site is low and as such have raised no objection to the application.*

#### Landscaping

3.53 It is considered that the comments on landscaping in the original report still apply, see below.

*3.54 The proposed layout plans indicate the provision of tree planting along the northern and western boundary of the site. It is considered that such planting will go some way to integrating the development into the surrounding countryside and complement the character of the Elwick Conservation Area. Notwithstanding the proposed trees around the boundary it is considered necessary for a planning condition to be attached to any approval to ensure that a scheme of new planting is created. It is anticipated that there is substantial scope for a comprehensive landscaping scheme along the southern boundary of the site which will make a positive contribution to both the character of the application site and Elwick Village as a whole. An appropriate condition is proposed.*

#### Drainage

3.55 Concerns have been raised regarding the impact of the proposed development on the sewage system which serves existing properties. Northumbrian Water originally had no objection to the application. They were consulted on the extension of time application. It was commented that the planning application does not provide sufficient detail with regards to the management of foul and surface water from the

development for Northumbrian Water to be able to assess their capacity to treat the flows from the development. A condition is therefore requested.

3.56 There is a condition on the original permission which requires full drainage details of the scheme (foul and surface water) to be submitted to and approved by the Council before any development commences. This includes proposals for dealing with any existing arrangements.

3.57 As part of the current scheme the applicant submitted a drainage strategy in order to assess in more detail how surface water run off would be dealt with. The applicant proposed in the submitted document that surface water would potentially be discharged into the mains sewer. It was confirmed from Northumbrian Water that this had been agreed in principle. It is proposed to condition the details of both foul and surface water drainage.

### Other matters

3.58 A concern was raised regarding access to maintain a detached garage at a neighbouring property (Carlton Bungalow) to the east. It was commented that the garage lies almost on the boundary with the application site. It should be noted that this issue would be a civil matter between the two parties and not a material planning consideration.

### Conclusion

3.59 The proposal is a high quality sympathetic scheme in the style of agricultural type buildings, located within the limits to development of Elwick Village. It is considered that the scheme is acceptable in relation to the relevant policies as stated above and the material planning considerations discussed. From the consultations undertaken, two minor amendments have been made to the planning conditions with regards to drainage details and an updated bat survey. The application is recommended for approval subject to the conditions set out below and subject to the variation of the previous legal agreement securing two on site affordable homes to account for the new permission.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.60 There is no evidence of equality or diversity implications.

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

3.61 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is not considered the proposal raises any significant crime or antisocial behaviour issues.

## REASON FOR DECISION

3.62 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 variation of the previous legal agreement securing two on site affordable houses to account for the new permission 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 approved shall be carried out in accordance with the plan(s) no(s) 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 26, 27, 30 received at the Local Planning Authority on 16 January 2008 as amended by the plans 03 Rev D, 04 Rev E, 10 Rev B, 11 Rev B, 17 Rev A, 18 Rev B, 25 Rev A, 28 Rev A, 29 Rev A, received at the Local Planning Authority on 25 June 2008 in connection with the original planning permission (H/2008/0026) on the site, unless otherwise agreed in writing by the Local Planning Authority.  
For the avoidance of doubt.
3. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved including arrangements for dealing with existing facilities within the site has been submitted to and approved in writing by the Local Planning Authority.  
Thereafter the development shall take place in accordance with the approved details.  
To ensure the adequate disposal of foul and surface water drainage from the development.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the scheme shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
5. Notwithstanding the provisions 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(s) hereby approved shall not be extended or altered 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.
6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 or any subsequent amending legislation no ancillary buildings (including garages and sheds) shall be erected within

the curtilage of the dwelling houses hereby approved without the prior written consent of the Local Planning Authority.

In the interests of visual amenity and the character of the conservation area.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse, 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.
8. The area(s) indicated for car parking on the plans hereby approved shall be provided before the occupation of the dwellings hereby approved and thereafter be kept available for such use at all times during the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties and highway safety.
9. 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.
10. 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.
11. Before the development is commenced a comprehensive survey of all trees on the site with a stem diameter (measured over the bark at a point 1.5 metres above ground level) exceeding 75mm shall be undertaken and submitted to the Local Planning Authority for consideration and approval. The survey shall indicate the exact location of all those trees to remain; details of species; size (height, diameter and crown spread); an assessment of general health and stability; details of any proposed lopping, topping or crown reduction; and, details of proposed alterations in existing ground levels, and of the position of any proposed excavations within the crown spread of any retained tree.  
To preserve the landscape features on the site in the interests of visual



amenity.

12. 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 5837:2005 (Trees in relation to 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).

13. Notwithstanding the submitted details, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the scheme shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

14. No development shall take place until an updated bat survey, including any recommendations for mitigation, is submitted and agreed in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the agreed recommendations for mitigation  
To mitigate the effect of the proposed development upon any roosting bats in or adjacent to the site.  
The development hereby approved shall be carried out having regard to the following:

15.1. 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 enable the Local Planning Authority to exercise control to ensure land fill gas protection measures.

16. Notwithstanding the submitted details prior to the commencement of the development hereby approved a plan showing the width of the access junction of plots H12, H13 and H14 reduced to 4.5m shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of highway safety.
17. Prior to the development hereby approved commencing large-scale details of new windows, doors and rainwater goods of the approved dwellings shall be submitted to and agreed in writing by the Local Planning Authority unless otherwise agreed in writing by the Local Planning Authority. All windows and doors shall be constructed in timber.  
In the interests of visual amenity.
18. The development hereby approved shall not commence until a lighting scheme has been submitted to and agreed in writing by the Local Planning Authority, once agreed the scheme shall be constructed in accordance with the agreed details.  
In the interests of visual amenity.
19. Prior to the commencement of the development hereby approved details of the doors for the garages hereby approved shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the doors shall be installed in accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.  
In the interest of visual amenity and the character of the conservation area.
20. The area within the application site marked 'Village Green' on the approved plan shall be grassed within 1 month of the completion of the development and thereafter shall remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of visual amenity and the character of the conservation area.
21. Prior to the commencement of the development hereby approved full details of the bin enclosures shall be submitted to and agreed in writing by the Local

Planning Authority. Once agreed the enclosures shall be constructed in accordance with the agreed details and remain as such throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.

In the interest of visual amenity and the character of the conservation area.

22. Unless otherwise agreed in writing by the Local Planning Authority no development shall take place until details of the proposed diversion of the Public Right of Way (Elwick 1) running through the site have been submitted to and approved in writing by the Local Planning Authority. The details shall include the widths, siting and surfacing of footpaths to be provided and any access gates to facilitate the diversion and a timetable for the diversion works. The details so agreed shall be implemented in accordance with the details and timetable so agreed.  
To ensure the access is safe and suitable for all people, including people with disabilities.
23. Unless otherwise agreed in writing by the Local Planning Authority the vehicular and pedestrian access to the site and visibility splays of 4.5m x 70m as indicated upon plan 1859 03 Rev D received by the Local Planning Authority on 25 June 2008 shall be provided, to the satisfaction of the Local Planning Authority, before the other parts of the development hereby approved commence. The hedges on the Elwick Road boundaries of plots H1 and H14 shall be cut back to facilitate this. Thereafter the hedges shall be kept cut back so as not obstruct visibility within the approved sight lines.  
In the interests of highway safety and visual amenity.
24. Notwithstanding the area marked for possible future extension on the approved plans for the avoidance of doubt this does not constitute an agreement in principle to the future expansion of the site.  
For the avoidance of doubt.
25. Prior to the commencement of the development hereby approved a scheme for security measures incorporating 'secure by design' principles shall be submitted to and approved in writing by the Local Planning Authority this shall include a scheme for the security of the site during construction. Once agreed the measures shall be implemented prior to the development being completed and occupied and shall remain in place throughout the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of security of the occupants of the site.
26. Prior to the commencement of the development hereby approved an energy efficiency and sustainability method statement identifying relevant measures to be incorporated into the development, including sustainable drainage measures, shall be submitted to and agreed in writing by the Local Planning Authority. Once agreed the development shall be constructed incorporating the approved measures.  
To ensure the development incorporates sustainable development

techniques.

27. Notwithstanding the details submitted unless otherwise agreed in writing by the Local Planning Authority prior to the first occupation of any of the dwellinghouses hereby approved a pedestrian crossing (including if necessary signage) shall be provided across Elwick Road, with a link to the existing pathway into the village in accordance with a scheme to be first submitted to and approved in writing by the Local Planning Authority. In the interests of highway safety.

28. Prior to the commencement of development details of the extent and location of the curtilages to be associated with each approved dwellinghouse shall be submitted to and approved in writing by the Local Planning Authority. The curtilages shall thereafter be retained by the properties as approved for the use of those respective properties. In order to ensure that appropriate curtilages are retained by each of the properties in the interests of the amenity of the future occupiers.

## **BACKGROUND PAPERS**

3.63 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.

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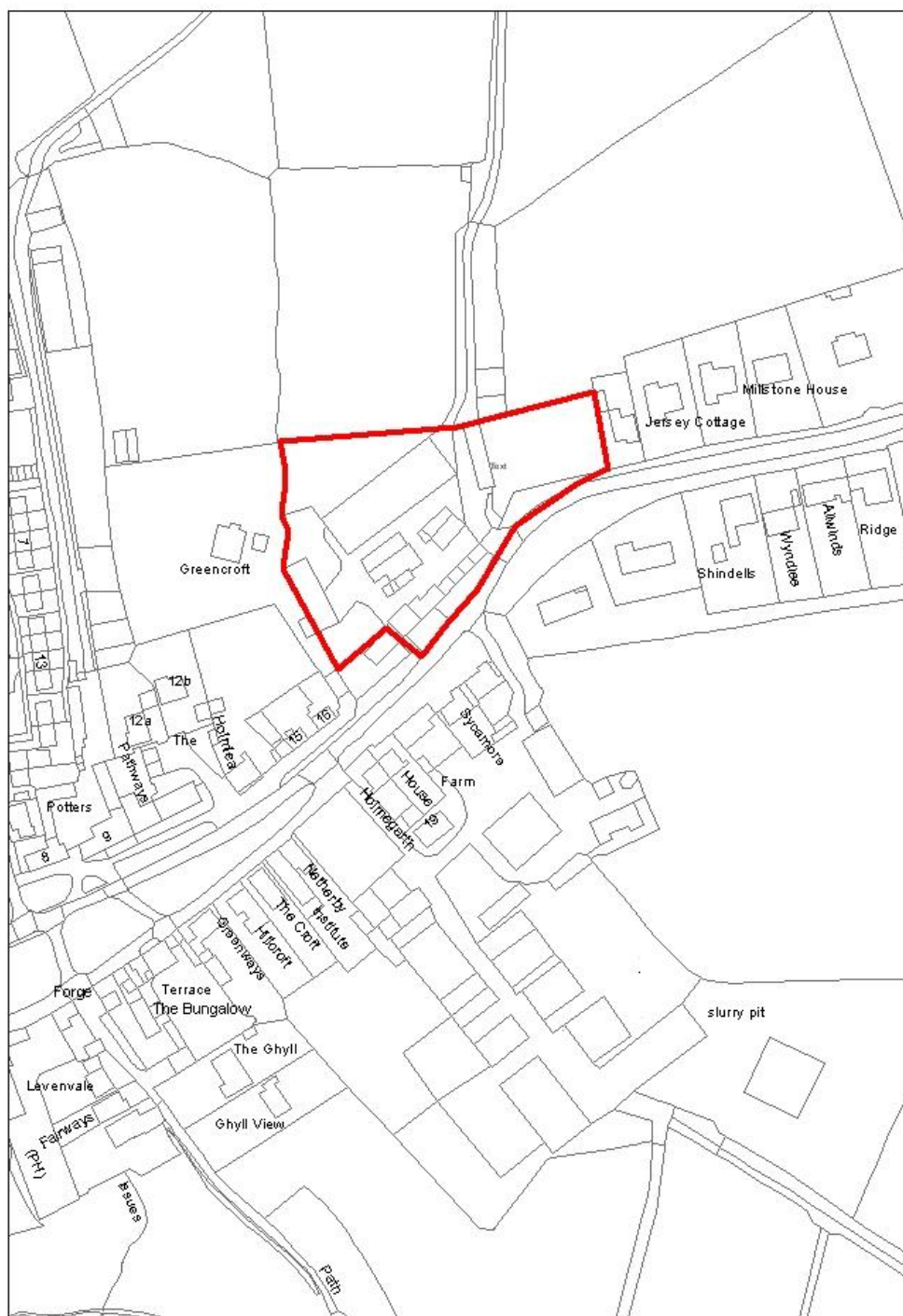
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## NORTH FARM, ELWICK



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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**Date : 17/07/15**

## **POLICY NOTE**

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

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

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

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

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

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

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

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

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

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

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

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

**Rur7** (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of



traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

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

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

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

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

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

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

**11.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**12.** This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

**14:** At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

**17:** within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer

land of lesser environmental value, where consistent with other policies in the framework;

- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

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

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this

Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

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

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

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

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

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

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

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

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

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

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

**No:** 4  
**Number:** H/2014/0581  
**Applicant:** Wynyard Park Land Ltd Care of Agent  
**Agent:** Prism Planning Ltd Mr Rod Hepplewhite 1st FLOOR 11  
HIGH ROW DARLINGTON DL3 7QQ  
**Date valid:** 24/12/2014  
**Development:** Outline planning permission with some matters reserved  
for residential development comprising 15 dwellings  
**Location:** LAND NORTH OF THE A689 WYNYARD PARK  
MANORSIDE PHASE 1 WYNYARD

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## 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.

## PROPOSAL AND SITE CONTEXT

4.2 The application site lies within an area of land known as Manorside (previously known as Area X) and is situated to the north of the A689 and to the west of the A19 and Wynyard Park. The site is to be accessed from the A689 via the existing road network which serves the residential development being undertaken by Taylor Wimpey to the north of the site, known as The Pentagon, and south of the application site.

4.3 The application site comprises an area of 2.14 hectares (5.29 acres) and originally consisted of dense woodland plantation, is predominantly coniferous but with some deciduous species including beech, birch, ash and sycamore. Most of the woodland has however already been cleared.

4.4 The current application seeks outline planning permission for the erection of 15 self build plots with all matters reserved apart from access arrangements including the internal road layout. This application is part of a two phased development, with this being the first phase.

4.5 The indicative layout shows large plots which will accommodate dwellings with a maximum of two and a half storeys in height, with the upper floor being within the roofspace. The layout has been designed loosely as a series of wooded enclosures 'pods'. It is proposed to retain dense shelter belt planting around the site.

## PLANNING HISTORY

4.6 The site and its environs has a long and complicated planning history. The most relevant recent planning applications are listed below:

H/OUT/0583/96 Outline application for Business Park. Approved 21<sup>st</sup> April 1997.

H/FUL/0006/00 Variation of condition on outline planning permission H/OUT/0583/96 for business park to allow a longer period for the submission of reserved matters (10 years). Approved 28<sup>th</sup> April 2000.

H/2007/0182 Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96.

This application for reserved matters approval for a larger Wynyard Park site, incorporating in part the current application site was subsequently effectively superseded by the application approved below.

H/2009/0494 Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m<sup>2</sup> of B1 floor space, 12,469m<sup>2</sup> of B2 floor space and 26,504m<sup>2</sup> of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96. Approved 4<sup>th</sup> October 2010.

This application again for reserved matters approval for a larger Wynyard Park site, incorporating the application site, was approved in October 2010. In this application, B1 floor space was approved on the site which is the subject of the current application. It should be noted however that the site whilst broadly similar is not precisely identical to the application site.

The application was granted planning permission subject to the completion of a legal agreement requiring measures to control construction traffic, a transport contribution, the implementation of a travel plan, the implementation of ecological mitigation measures, the implementation of a targeted training and employment charter, measures to control the construction/inspection of the spine road and requiring the developer to provide to new tenants an information pack relating to the construction of the principal estate road.

H/2012/0360 Residential development comprising 168 residential units with associated roads, footpaths and infrastructure. The application was considered at the 5<sup>th</sup> December 2012 meeting of the Planning Committee. The Committee was minded to approve subject to the completion of a legal agreement securing an affordable housing contribution, a public rights of way, a contribution to public rights of way, a conservation and habitat maintenance plan, agreement not to implement in whole or in part the extant business park permission of the areas of the Pentagon, Area X and Area Y, securing the provision and management of public open space including the provision and maintenance of a children's play areas and controlling the construction/specification/maintenance of the site highway including the spine road if required. The Legal Agreement was completed in June 2013 and the permission was issued on 7<sup>th</sup> June 2013. The development is currently under construction.

H/2014/0247 Minor amendment to approval H/2012/0360 to provide visitor bays.

H/2011/0102 Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network. This application for outline planning permission for the erection of 200 dwellings incorporated the current application site, as well as Area Y to the south and the whole of the pentagon area. The application was considered at the 4<sup>th</sup> November 2011 meeting of the Planning Committee. The Committee was minded to approve subject to the completion of a legal agreement securing an affordable housing contribution, highway and public rights of way contributions, public right of way link(s) through the site, a conservation management plan, highway construction, control of construction access traffic if required and conditions. The final decision on the scope and detailed content of the legal agreement and conditions was delegated to the Planning Services Manager in consultation with the Chair of Planning Committee. The applicant has not progressed the section 106 agreement.

H/2015/0048 Outline application for the erection of up to 23 residential dwellings with all matters reserved except access. This application for a site to the east is currently under consideration.

H/2015/0270 Outline application for the erection of 12 dwellings with some matters reserved. This application for phase 2 of the 'Manorside' development has recently been received and is currently under consideration.

## **PUBLICITY**

4.7 The application has been advertised by way of press notice and site notice (2) neighbour letters (57). To date, there has been 1 letter of comments raising the following concerns:

- The clearance work has been far too harsh in that the development will overlook mine and other properties
- A letter from Wynyard Park states that any adverse impact will be rectified.

Copy Letters **D**

4.8 The period for publicity has expired.

## **CONSULTATIONS**

4.9 The following consultation responses have been received:

**HBC Economic Development** – No objection in principle, however it is important that the proposed development does not negatively impact on business development opportunities within the overall site. Therefore we should ensure that the proposed development is appropriately screened both visually and aurally and that traffic levels also do not impact of potential business development opportunities.



**HBC Engineering Consultancy** - I have considered the information provided for this application. I note that this is only an outline application however there is an error on the Application Form whereby section 12 states surface water will be discharged into the mains sewer however this contradicts the supporting information which indicates discharge to watercourse.

Given the site in question is in Flood Zone 1 I am open to the possibility of discharge into the watercourse (not withstanding the need for land drainage consent) however I am concerned that having individual plots on the site could lead to an ad hoc approach to surface water drainage. On this basis can I please request a land drainage condition be applied to ensure that flood risk is not passed on elsewhere, that run off will not exceed the Greenfield rate and that the drainage of the site will be considered holistically.

**HBC Landscape Planning & Conservation (Arborist)** - The application involves the clearance of an area of plantation woodland for development as self-build housing plots. An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted in support of the application. These documents provide details of how the existing trees at the site will be affected by the proposed development and how the remaining trees will be protected during development works. I would consider the submitted details acceptable.

A general indication of the landscaping of the development has been provided, however there is insufficient detail to enable a full assessment of the proposal. Full landscaping details should be submitted as reserved matters or required by condition.

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

Hartlepool Borough Council would like to see the housing area connected to the existing public and permissive rights of way network in the neighbouring area to the north and west.

There are a number of local public footpaths and walkways that would, through good linkages, enable the residents to take advantage of the local countryside on their doorsteps.

To the north are public footpaths within the Hartlepool Borough. To the west is Castle Eden walkway and the Durham County path network and to the south are the public rights of way network of Stockton Borough.

These paths would provide health benefits - both physical and mental wellbeing - to the residents.

**HBC Public Protection** - No objection

**HBC Property Services** – No comments received

**HBC Traffic & Transport** – The HBC Design Guide and Specification does not allow more than 5 properties to be served from a private drive, this is to protect the Council in case for whatever reason the street is required to be adopted at a later date.

The street can remain private, however, I must insist that the roads and pavings are constructed to the minimum adoptable standard (a higher standard would be acceptable). The carriageway layout should also comply with these standards. The developer would be required to enter into an advanced payment code agreement with the Council, which will provide the security that the roads and pavings are being constructed to the required standards, following completion of the works the bond is repaid back to the developer.

The cul-de-sacs serving 5 properties or less can be exempt from the advanced payment code, and can be constructed and laid out as per the developers proposals.

The cul de sacs serving 6 properties will need to conform with the HBC Design Guide and Specification for the provision of a shared surface (no footway), the preferred method is to have a 6 metre wide carriageway which also acts as a service strip. A recognised turning head should be provided at the end of this road.

As part of the minimum standards a 2.0 metre wide footway should be provided on both sides of the access road.

The advanced payment code gives the Council protection if Wynyard Estates went Bankrupt, the road is not completed or there are future requests for the road to be adopted.

The developer will be required to submit a bond to the Council to the value of the construction of the roads, pavings and street lighting. These costs are worked out using standard rates for road construction. The bond is paid back following the completion of certain phases of construction. A supervision fee will be charged, this is required to ensure the road is constructed to a satisfactory standard.

**Environment Agency** - The Environment Agency has no objections to the proposed development but wishes to provide the following information:

**Environment Agency Position** – Surface Water Disposal/Flood Risk  
The proposed development will only meet the requirements of the National Planning Policy Framework if the following measure(s) as detailed in the Flood Risk Assessment & Drainage Strategy Statement submitted with this application are implemented and secured by way of a planning condition.

#### Biodiversity

There are three feature ponds proposed that are not part of SuDS. It is recommended that these are designed to encourage wildlife and are planted with locally native species preferable of local provenance.

The design and access document states that 'the existing field drain running through the centre of the site will collect rainwater run-off into holding tanks'. Three such tanks are envisaged near the site entrance. It is recommended that the existing field

drain remains as an open watercourse on site.

In addition, the site location plan lists 7no. discharge locations associated with the wider proposals. It is assumed that currently the watercourses in the area does not have outfalls and to add seven is increasing the hard infrastructure and should be considered under the Water Framework Directive.

#### Disposal of Foul Sewage

As it is proposed to dispose of foul sewage via the mains system, the Sewerage Undertaker should be consulted by the Local Planning Authority and be requested to demonstrate that the sewerage and sewage disposal systems serving the development have sufficient capacity to accommodate the additional flows, generated as a result of the development, without causing pollution.

**Hartlepool Water** – Having assessed the proposed development against the context outlined above I can confirm the following:

- We do not anticipate any diversion work
- It is confirmed that Hartlepool Water has sufficient capacity in the local network to supply the proposed development
- No objection to this development

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

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

We note that the Drainage Strategy submitted with this application states that consideration has been given to the 'Manorside' site as part of a separate planning application for the 'Pentagon' and 'Area Y' sites. However, the pre-development enquiry submitted to NWL for the 'Pentagon' and 'Area Y' sites did not include modelling for the proposed dwellings at 'Manorside'. It is therefore essential that we work with the developer to ensure the additional flows into the sewerage network are modelled and confirmation can be given that these flows can be accommodated. Until a detailed drainage strategy has been agreed with NWL, we request the following condition is added to any planning approval.

**Highways Agency** – No objection.

**Natural England** – No objection but made various comments in relation to the proposal.

Green Infrastructure: The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage

the incorporation of GI into this development. Priority Habitat: The consultation documents indicate that the development includes areas of priority habitat, as listed on Section 41 of the Natural Environment and Rural Communities (NERC) Act 2006. The NPPF states that ‘when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided, adequately mitigate, or, as a last resort, compensated for, the planning permission should be refused. Biodiversity: This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that ‘*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*’. Section 40(3) of the same Act also states that ‘*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*’. Landscape enhancements: This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature.

**The Ramblers** – No pedestrian or cycle links to the planned facilities at Wynyard Park or to the rights of way network are provided.

**HBC Ecology** - There are some inaccuracies or omissions with the application:

- Q13 of the application form is incorrect in that it states that there are no designated sites or important habitat or biodiversity features on or adjacent to the site. In fact the site is part of a Local Wildlife Site and is Plantation on Ancient Woodland Site.
- The Extended Phase 1 Habitat Survey does not mention that the site itself is part of the Close Wood Complex Local Wildlife Site and incorrectly states that the LWS is to the north east of the site. Also it doesn't mention that it is Plantation on Ancient Woodland Site.
- The policy section in the Extended Phase 1 Habitat Survey document has not been updated therefore does not mention the national Planning Policy Guidance, which accompanies the NPPF, which states that both ASNW and PAWS should be afforded equal protection, with the NPPF stating that permission should be refused unless the need for the development clearly outweighs the loss.

The proposed site shown in drawing 821-02 is larger than that which has previously been allocated for development. This proposed extension to the allocated area would take place in Phase 2, as shown in drawing 821-03, which does not form part of this current application, however this would involve development in areas of

woodland that are set aside for habitat management in a Conservation Management Plan which forms part of a S106 for application number H/2012/0360.

There is a proposed extension (widening) to the access road. If this is additional to that permitted under previous applications then that would remove a further area of woodland that should be compensated for in addition to compensation provided under previous permissions.

Three ponds are proposed as part of the development. These would provide some ecological benefit.

(5/6/15) Further to a site visit it is considered the proposal would result in the loss of a substantial area of Local Wildlife Site and Plantation on Ancient Woodland Site. The mitigation outlined in the extended Phase 1 Habitat Survey is vaguely worded and would not of itself necessarily compensate for the loss of biodiversity, let alone provide enhancements. A more detailed scheme of mitigation, compensation and biodiversity enhancements should therefore be submitted for approval before works commence. This could be in the form of a conservation and habitat management plan such as has been agreed through a S106 for previous applications. Any mitigation or enhancements should be in addition to those previously agreed for other permissions on Wynyard Park.

The revised Woodland Management Strategy lists some management proposals, which it states that these are to be agreed by the HBC Ecologist; however these also need to be agreed with Teesmouth Bird Club (TBC) and Tees Valley Wildlife Trust (TVWT) as detailed within the S106.

(24/7/15) As I discussed with you earlier, it appears that I was mistaken in claiming that the compensation agreed through the S106 was to include compensation for loss of woodland in Cell B. I have explained this in my amended comments below, which conclude that no mitigation for loss of biodiversity has been offered, except that there may be minor incidental benefits that will form part of the landscaping/SUDS.

Compensatory measures to off-set the loss of biodiversity were agreed as part of the S106 for planning application H/2012/0360. As such the compensation is for the development appropriate to that application, ie the 168 houses based in the southern part of the Pentagon, the housing in Area Y and the road between Areas Y and X. That the compensation is for the development in the Pentagon is admitted in the Woodland Management Strategy submitted and agreed as part of the S106 and which is quoted below:

**“WYNYARD PARK WOODLAND MANAGEMENT STRATEGY**

Detailed woodland management proposals for cells A and B

(Rev B - 14.04.14)

Development to the south west of the area, associated with the ‘Pentagon’ is likely to be the first to be constructed and as such, a detailed management plan for the areas of retained woodland has been developed for cells A and B which are associated with these areas of the development.”

The compensatory measures agreed as part of the S106 were management of existing woodland, currently conifer plantation but including an area of Plantation on Ancient Woodland Site, in cells A & B.

There was a tacit understanding that part of cell B would be likely to come forward for development in line with an area that had been allocated for development in the withdrawn Local Plan. Therefore the compensatory measures in Cell B factored that in and proposed management in the remainder of the cell. However the mitigation in Cell B was not to mitigate for development in Cell B, either on the area of land allocated for development in the withdrawn Local Plan or for the additional area of woodland that has been cleared to make way for a road to service the second phase of this development.

It is acknowledged that the development in area B will include some features that will be of some benefit for biodiversity for example landscaping in gardens and potentially SUDS. However this does not provide anything like sufficient mitigation for the loss of over 4ha of a Local Wildlife Site, part of which is Plantation on Ancient Woodland Site.

**Tees Archaeology** - The developer has submitted an archaeological desk-based assessment of the proposed development area (NPPF para 128). This demonstrates that archaeological remains of Iron Age and medieval date are known in the immediate environs of the site. In addition the area formed part of the historic estate of Wynyard Hall. The overall archaeological potential of the site is low however given the current forestry planting and the deep ploughing that precedes this.

The desk based assessment concludes that the area has some archaeological potential and that this might be addressed by further fieldwork following thinning of trees. This will enable better survey conditions for the detection of earthworks and other archaeological features. The technique was tested in Area Y to the south in 2013, this identified a former carriage road through the Wynyard Estate which was recorded by survey and test trenching. I agree with this approach and suggest a planning condition is attached to any consent to enforce the works.

**Forestry Commission** – As a Non Ministerial Government Department, we provide no opinion supporting or objecting to an application. However it is noted that Government policy discourages development that will result in the loss of Ancient Woodland, unless ‘the need for, and benefits of, the development in that location clearly outweighs the loss’ (NPPF para 118).

**Stockton Borough Council** - Officers welcome the continued joint working with officers at Hartlepool Borough Council regarding the delivery of sustainable development at Wynyard.

**Elwick Parish Council** – No comments received.

**Grindon Parish Council** – No comments received.

**Hartlepool Civic Society** – Serious concerns with regard to the development and the loss of woodland at Wynyard.

## **PLANNING POLICY**

4.10 In relation to the specific policies referred to in the section below please see the Policy Note at the end of the original agenda and the appendices at the end of this report.

## **NATIONAL PLANNING POLICY FRAMEWORK**

4.11 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.

4.12 The following paragraphs in the NPPF are relevant to this application:

Paragraph 002: Application of planning law (development plan and material considerations)

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

Paragraph 007 Three dimensions to sustainable development

Paragraph 008 Economic growth

Paragraph 009 Pursuing 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 018 Securing economic growth

Paragraph 019 Support sustainable economic growth

Paragraph 022 Avoid the long term protection of sites allocated for employment use

Paragraph 029 Transport policies - sustainable travel and the variation in maximising sustainable transport options.

Paragraph 034 Maximised sustainable transport modes

Paragraph 035 Developments should be located and designed to allow for access of goods and supplies and to allow for sustainable transport options.

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 054 Be responsive to local housing circumstances in rural areas  
Paragraph 055 Sustainable development in rural areas including isolated homes in the countryside  
Paragraph 056 Design of the built environment and its contribution to sustainable development.  
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 069 Social interaction and creating healthy, inclusive communities  
Paragraph 096 Minimise energy consumption  
Paragraph 109 Conserving and enhancing the natural environment  
Paragraph 117 Minimise impacts on biodiversity and geodiversity  
Paragraph 118 Conserving and enhancing biodiversity  
Paragraph 173 Ensuring viability and deliverability  
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

## **LOCAL PLAN (2006)**

4.13 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

4.14 Within the current Hartlepool Local Plan the site is classed as white land, the following policies are relevant to this application.

GEP1: General Environmental Principles  
GEP2: Access for All  
GEP3: Crime Prevention by Planning and Design  
GEP9: Developers' Contributions  
GEP12: Trees, Hedgerows and Development  
Ind 1 Wynyard Business Park  
Hsg5 Management of Housing Land Supply  
Hsg9 New Residential Layout  
Tra16 Car Parking Standards  
Tra20 Travel Plans  
Rec 2 Provision for Play in New Housing Areas  
GN5 Tree Planting  
Rur 20 Special Landscape Areas

## **PLANNING CONSIDERATIONS**



4.15 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact upon the character and appearance of the surrounding area, the effect of the proposal on the amenity of neighbouring properties, highway safety, flooding and drainage, ecology, landscaping and archaeology.

#### Principle of Development

4.16 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location and designed appropriately. Furthermore due regard must be had to the fact that Hartlepool Borough Council cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies within the 2006 Local Plan are deemed to be out of date. The NPPF stipulates that 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.

4.17 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.

4.18 The application is located to the north of the A689 on an area that is a Local Wildlife Site and is classified as Plantation on Ancient Woodland (PAWS). The site is located within an area of special landscape and some of the land is allocated for employment uses. National Planning Policy Guidance, which accompanies the NPPF, states that both ASNW (Ancient Semi Natural Woodland) and PAWS should be afforded equal protection, with the NPPF stating that permission should be refused unless the need for the development clearly outweighs the loss. However, it is considered given the previous planning history within the area and the mitigation then offered with regard to the loss of the woodland area, the principle of development within this location has been accepted and could be supported again provided appropriate mitigation could be delivered. (This matter is discussed in the Ecology Section below).

4.19 The NPPF advises (7,8,9) that to achieve sustainable development economic, social and environmental gains should be sought jointly and simultaneously. The social dimension is defined as, amongst other things, providing the supply of housing required to meet the needs of present and future generations. This would include a requirement to meet the need for affordable housing.

4.20 The NPPF (50) states that local planning authorities (lpas) should seek to deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities. This requires lpas, where a need for affordable housing is identified, to ensure that it is delivered on site, unless off site provision or a financial contribution of broadly equivalent value can be

robustly justified (for example to improve or make more effective use of the existing housing stock). In this case given the executive nature of the housing at Wynyard and the opportunity to deliver housing regeneration schemes which will deliver affordable housing in the Borough a financial contribution of broadly equivalent value is considered acceptable.

4.21 The current Strategic Housing Market Assessment (2015) has identified a pressing need for affordable housing in the Borough. The SHMA advises that in order to meet this need 44% of all housing delivered in the borough should be affordable. However in seeking to address this substantial need the viability of a development also needs to be taken into account. This is achieved through a robust process involving the provision and scrutiny of site specific viability assessments.

4.22 Guidance is provided in paragraph 173 of the NPPF which seeks to ensure that projects are viable and deliverable. It advises that to ensure viability, the costs of any requirements likely to be applied to the development should when taking into account the normal costs of the development and mitigation, provide competitive returns to a willing developer/landowner to enable the development to be deliverable.

4.23 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.

4.24 Taking the specific circumstance of the development into consideration the following developer contributions have been requested:

- £250 per dwelling for green infrastructure (£3750)
- £250 per dwelling for play (£3750)
- £250 per dwelling for built sports facilities (£3750)
- £18,330 for primary school provision
- £24,410 for secondary school provision
- Affordable Housing contribution based on a requirement/need of 44% which would equate to £520,800 to be assessed with regards to the viability of the scheme.

4.25 In order to deliver these obligations, negotiations have taken place between officers and the applicant. Discussions on the primary school contribution are ongoing, the developer has indicated however that he was willing to meet the obligations relating to green infrastructure, play and built sports. In terms of affordable housing initially the developer offered £80,000. (Officers consider that this equates to an equivalent on site provision of 6.7%). This has been subsequently increased to £120,000. (Officers consider that this equates to an equivalent on site provision of 10.14%).

4.26 As the contribution offered for affordable housing falls substantially below the 44% need identified in the SHMA the applicant was asked to provide a viability assessment. The viability assessment submitted however appears to considerably underestimate the value of the development, as evidenced by the fact that sale

prices for some of the plots given in viability information are considerably lower than the prices the plots are publicly advertised at. The effect is to suppress the value of the development and hence lower the affordable housing contribution. Whilst the applicant has increased the proposed affordable housing contribution from £80,000 to £120,000 Officers consider that there is justification that the affordable housing contribution could be substantially further increased whilst still providing a competitive return for the applicant. Any increased contribution would be beneficial useful in delivering affordable housing in other parts of the Borough for example in the housing regeneration scheme at Carr & Hopps Street.

4.27 Further discussions are ongoing with the applicant to agree a satisfactory level of the affordable housing contribution. The NPPF highlights that amongst other factors planning obligations, must 'fairly and reasonably' relate in scale and kind to the development, so allowing what would otherwise be 'unacceptable' development to be made acceptable through planning conditions and obligations. It is therefore considered that should the affordable housing contribution be agreed between the lpa and the applicant then the proposed scheme would be acceptable.

#### Impact Upon the Character and Appearance of the Area

4.28 The National Planning Policy Framework 2012 (NPPF) sets out the Governments 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.

4.29 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.

4.30 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. However it is noted that this application is in outline to establish the principle of development full details regarding design and layout are to be submitted at a later date with a reserved matters application when they will be fully assessed.

#### Effect of the Proposals on the amenity of Neighbouring Properties

4.31 The indicative 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.

4.32 The closest neighbouring properties are to the north and south of the application site, it should be noted that the closest properties to the site are in

excesses of 30m away. The proposal is in outline and therefore no detailed layouts have been provided, however the indicative Site Layout Plan shows that wooded area and dense tree planting will screen the view of the development. The separation distances indicated between the proposed dwellings would appear to meet and in some instances exceed the guideline separation distances in the Hartlepool Local Plan. The applicants will have to demonstrate at the reserved matters stage that satisfactory relationships can be achieved. However, given the relative low density of the development, and the indicative layout plan submitted to accompany the application, it is anticipated that satisfactory relationships can be achieved.

4.33 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. In terms of the impact on the amenity of neighbours the proposal is considered acceptable.

#### Impact Upon Highways

4.34 The Council's Traffic and Transportation Team have been consulted on the application and raised initial concerns with regard to the access road, driveways and lack of footpaths being provided. The Hartlepool Borough Council Design Guide and Specification does not allow more than 5 properties to be served from a private drive. Following discussions with the agent an amended plan was submitted which provided a reduced number of properties to be served from the private driveways and a footpath. However a footway should be provided on both sides of the access road. It is acknowledged that final details of footpaths, lighting, highway arrangements including final details of footpaths can be conditioned.

4.35 The provisional maintenance of the highways to an adoptable standard can be secured through an appropriate legal agreement and condition. The developer would be required to enter into an advanced payment code agreement with the Council, which will provide the security that the roads and pavings are being constructed to the required standards, following completion of the works the bond is repaid back to the developer. Appropriate street lighting will also be required.

#### Flooding and Drainage

4.36 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.

4.37 Information provided indicates that it is proposed to discharge the surface water into the watercourse, whilst this would appear to be an acceptable solution concerns are raised with regard to having individual plots on the site which could lead to an ad hoc approach to surface water drainage. It is therefore necessary to impose a land drainage condition to ensure that any potential flood risk is not passed on elsewhere. The condition will require these details are agreed in advance for the whole site. The surface water flows will be restricted to the existing Greenfield run off rate so it will

not exceed the run-off from the undeveloped site and not increase the risk of flooding off site.

### Ecology

4.38 The proposal would result in the loss of a substantial area of Local Wildlife Site and Plantation on Ancient Woodland Site. It is considered that the mitigation outlined by the applicant would not of itself necessarily compensate for the loss of biodiversity, or provide enhancements. A more detailed scheme of mitigation, compensation and biodiversity enhancements will be required. This could be in the form of a conservation and habitat management plan such as has been agreed through a S106 for previous applications. It is considered that any mitigation or enhancements should be in addition to those previously agreed for other permissions on Wynyard Park.

4.39 It is acknowledged that the development in area B will include some features that will be of some benefit for biodiversity for example landscaping in gardens and potentially SUDS. However the current position is that the proposal for mitigation does not provide sufficient mitigation for the loss of over 4ha of a Local Wildlife Site, part of which is Plantation on Ancient Woodland Site.

4.40 However, it is considered that subject to an agreement with the developer being reached in relation to further mitigation/compensation and biodiversity enhancements the development would be considered to be acceptable.

### Landscaping

4.41 An Arboricultural Impact Assessment and Arboricultural Method Statement have been submitted in support of the application. These documents provide details of how the existing trees at the development site will be affected by the proposal and how the remaining trees will be protected during development works. A general indication of the landscaping of the development has been provided, however there is insufficient detail provided to enable a full assessment of the proposal. It is acknowledged that this is an outline application and further details can be conditioned and provided at the reserved matters stage.

### Archaeology

4.42 An archaeological desk based assessment of the proposed development has been submitted. This demonstrated that archaeological remains of Iron Age and medieval date are known in the immediate environs of the site. In addition the area formed part of the historic estate of Wynyard Hall. The overall archaeological potential of the site is low however given the current forestry planting and the deep ploughing that precedes this.

4.43 However, it is considered that the site should be subject to further archaeological recording this could be secured by condition.

### Conclusion

4.44 In many respects the proposal is acceptable however it is not considered that a robust viability assessment has been provided by the applicant and it is therefore considered that the applicant has failed to demonstrate, that the developer contributions offered, particularly in relation to affordable housing, are appropriate having regard to the viability of the scheme. The applicant has therefore failed to demonstrate that the scheme adequately addresses the pressing need for affordable housing in the Borough as evidenced by the Strategic Housing Market Assessment (2015). It is considered therefore that the proposal would result in the social dimensions of sustainable development not being fully met and so would be contrary to the sustainable development provisions of the National Planning Policy Framework. The benefits of the proposal include its contribution to the Council's five year housing supply, its contribution to the provision of high quality executive housing, and its economic benefits (jobs, New Homes Bonus, Council Tax). However, in light of the above it is concluded that the adverse impacts of the development on biodiversity (see below) and in respect to its failure to adequately address affordable housing need in the Borough, and hence its failure to meet the sustainable development provisions of the framework would significantly and demonstrably outweigh the benefits.

4.45 The proposal would result in the loss of a substantial area of Local Wildlife Site and Plantation on Ancient Woodland Site. At the current time the proposal for mitigation does not provide anything like sufficient mitigation for the loss of over 4ha of a Local Wildlife Site, part of which is Plantation on Ancient Woodland Site. It is therefore considered that the development would have a detrimental impact on the biodiversity of the area.

4.46 However it is considered that subject to agreement being reached on developer contributions and outstanding ecology issues the proposal would be acceptable, as indicated. In the event that agreement cannot be reached on developer contributions or on ecology issues the proposal would not be considered acceptable. Discussions on developer contributions and obligations are therefore ongoing and members will be updated at the Committee.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.47 There is no evidence of equality or diversity implications.

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

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

4.49 There are no Section 17 implications.

## **REASON FOR DECISION**

4.50 It is considered by Officers that the site is appropriate in principle for housing development subject to the satisfactory conclusion of discussions regarding developer contributions and ecology.

**RECOMMENDATION – MINDED TO APPROVE** subject to the satisfactory conclusion of discussions regarding viable developer contributions, and a legal agreement (or where appropriate conditions) securing the developer contributions and obligations and mitigation measures for ecology and subject to conditions. The final decision to be delegated to the Planning Services Manager, in consultation with the Chair of Planning Committee.

In the event that agreement cannot be reached on the developer contributions and obligations the proposal be **REFUSED**. The final decision to be delegated to the Planning Services Manager, in consultation with the Chair of Planning Committee.

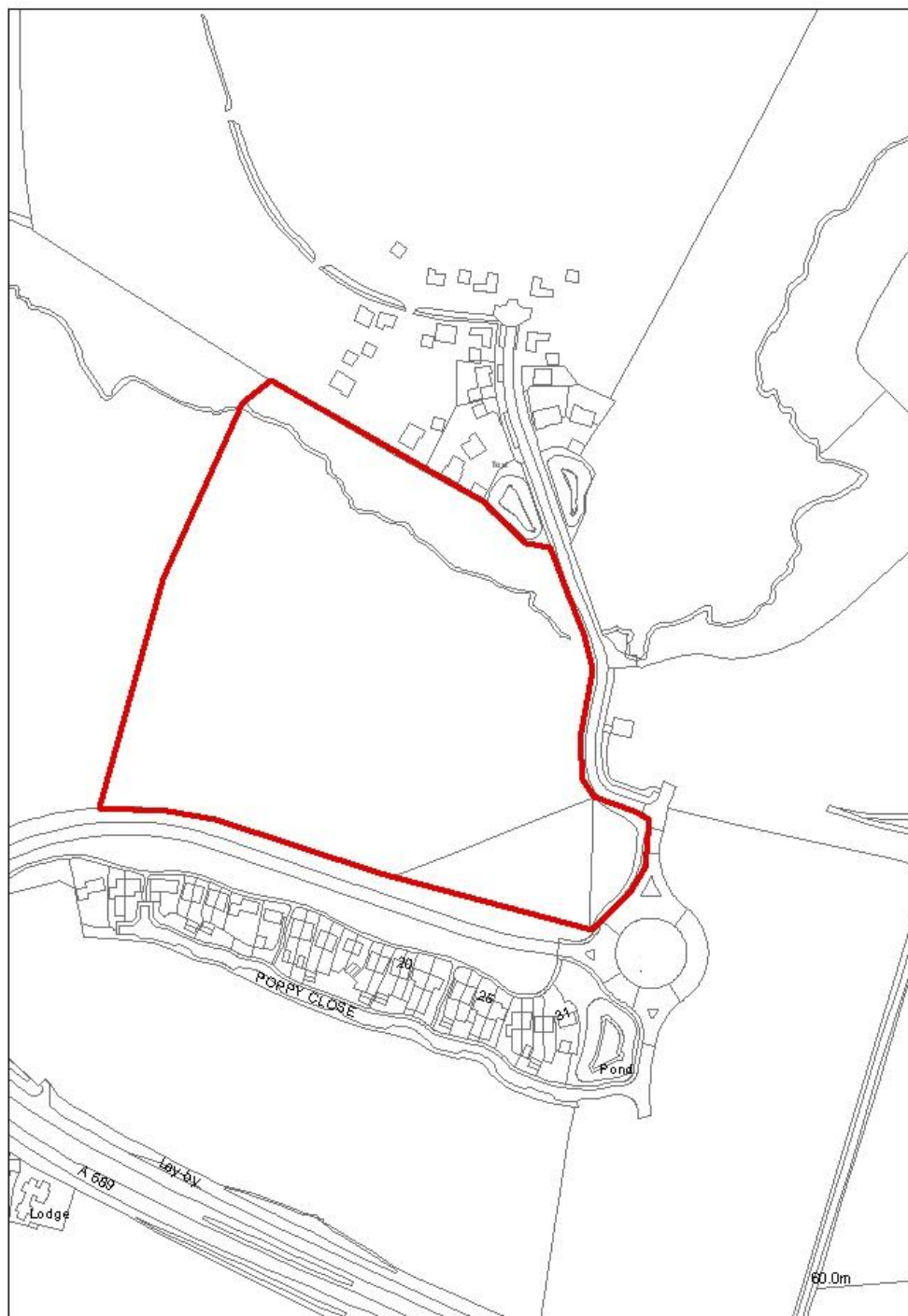
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## LAND NORTH OF A689



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/2014/0581**  
**Scale: 1:3000**  
**Date : 17/07/15**



## PLANNING COMMITTEE

5<sup>th</sup> August 2015



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

**Subject:** APPEAL AT 94 SILVERBIRCH ROAD,  
HARTLEPOOL – APPEAL REF:  
APP/H0724/D/15/3032532 – ERECTION OF A TWO  
STOREY EXTENSION AT THE REAR

### 1. PURPOSE OF REPORT

- 1.1 To advise Members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a two storey extension at the rear of 94 Silverbirch Road, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 1.2 The appeal is to be determined by written representation and the authority is therefore requested to contest the appeal.

### 2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

### 3. CONTACT OFFICER

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## CHAIRMAN'S DELEGATED REPORT

**Application No** H/2015/0094

**Proposal** Erection of a two storey extension at the rear

**Location** 94 SILVERBIRCH ROAD HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	13/04/2015
<b>1) Publicity Expiry</b>	Site notice:	N/A
	Advert:	N/A
	Weekly list:	19/04/2015
	Expiry date:	07/05/2015
	Extended date:	N/A
<b>2) Publicity/Consultations</b>		
The application has been advertised by neighbour notification (3) – 1 letter of do not object has been received.		
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	
<b>5) Policy</b>		
<u>Planning Policy</u>		
<p>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.</p>		

PARA 056: Requiring Good Design  
 PARA 196: Primacy of the Development Plan  
 PARA 197: Presumption in favour of sustainable development.

#### Relevant Planning Policies

GEP1: General Environmental Principles  
 Hsg10: Residential Extensions

### **6) Planning Consideration**

#### **Site**

The application site comprises an east facing, two storey, semi detached dwellinghouse at 94 Silverbirch Road, Bishop Cuthbert, Hartlepool. The dwellinghouse features an open plan garden and driveway to the front and is adjoined to 96 Silverbirch Road to the south. To the rear of the property is an enclosed private garden which is bounded to the north by 92 Silverbirch Road and to the south by 96 Silverbirch Road. To the west of the property lies a large vacant area of land previously allocated for extension of the nearby local centre located on Merlin Way.

#### **Proposal**

Planning permission is sought for the erection of a two storey extension at the rear. For the purposes of this report the proposal can be described in 3 parts;

- Ground floor dining room extension, projecting 2.4 metres from the rear wall of the original dwellinghouse along the shared boundary with 96 Silverbirch Road, sitting flush with the adjacent existing kitchen offshoot.
- First floor bedroom extension, projecting 1.575 metres from the rear wall of the original dwellinghouse along the shared boundary with 96 Silverbirch Road, above the proposed ground floor dining room extension.
- First floor dressing room extension, projecting 2.4 metres from the rear wall of the original dwellinghouse, located above the existing ground floor kitchen offshoot.

As identified in Section 38(6) of the Planning and Compulsory Purchase Act 2004, the key consideration in the determination of a planning application is the development plan. Applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

The main issues for consideration in relation to this application are the appropriateness of the development in terms of the policies and proposals held within the Development Plan as well as the impact of the proposal on the amenity of the occupants of neighbouring dwellings and the impact of the proposal on the visual amenity of the host property and surrounding area.

**Principle of the Development**

Policies contained within the Development Plan make provision for the extension and alteration of dwellings subject to a series of criteria, namely, that works should not significantly affect the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook. Proposals shall be of a size, design and appearance that harmonises with the existing dwelling and should not be obtrusive and adversely affect the character of the streetscene.

Policy Hsg10 of the Hartlepool Local Plan 2006 states that:

*Proposals which are not in accordance with the guidance set out in Supplementary Note 4 will not be approved.*

The guidelines set out in Supplementary Note 4 of the Hartlepool Local Plan 2006 have therefore been considered in the determination of this application. Guideline 1 of the above guidance note states that:

*Two storey extensions or an extension above an existing offshoot, which extend along a shared boundary with an attached neighbouring property will not normally be permitted.*

The proposed first floor bedroom extension projects 1.575 metres from the original rear wall of the property with an eaves height of approximately 5.35 metres and would extend along the shared boundary with 96 Silverbirch Road. The proposal is therefore considered to be contrary to Supplementary Note 4 and Policy Hsg10 of the Hartlepool Local Plan.

It is not considered that the proposed extension to the dwelling can be suitably accommodated in the proposed location without impacting negatively on the amenity of the neighbouring property at 96 Silverbirch Road. The proposal is therefore considered to be contrary to policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006). The justification for this position is outlined in the remainder of this report.

**Neighbour Amenity**

Policies GEP1 and Hsg10 of the adopted Local Plan stipulate that extensions and alterations to residential properties should not have an unacceptable impact on the amenities of the occupiers of adjacent or nearby properties through overlooking, overshadowing or by creating poor outlook.

The proposal features no windows or doors in the side elevations of the extension facing the adjacent neighbours at 92 and 96 Silverbirch Road, however a single en-suite bathroom window is to be placed in the side elevation of the property facing 92 Silverbirch Road. There are no properties located directly to the rear of the extension and it is therefore considered that there would be no significant impact on neighbour amenity due to overlooking.

To the north the proposed first floor dressing room extension above the existing kitchen offshoot is approximately 1.9 metres from the shared boundary with 92 Silverbirch Road at its closest point and approximately 3.8 metres from the side elevation of this neighbour. Whilst this element of the proposal does project beyond the rear elevation of 92 Silverbirch Road, it is considered that the separation distance between the properties and the oblique angle at which this neighbouring property splays away from the host dwellinghouse would negate any significant impact on the amenity of this neighbour due to overshadowing or any overbearing effect.

1 letter stating no objections has been submitted to the Local Planning Authority by the occupants of the adjoining property at 96 Silverbirch Road, however paragraph 17 of the NPPF states that planning should;

*Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;*

It is considered that the size of the extension and proximity to this neighbour would result in a significant impact on 96 Silverbirch Road in terms of dominance and its overbearing effect. This neighbouring property features a first floor bedroom window approximately 0.75 metres from the proposed extension and it is considered that the proposed extension would appear visually intrusive and overbearing from this perspective due to the blank gable wall extending 1.575 metres from the rear wall of the property adjacent to this habitable room.

At ground floor, 96 Silverbirch Road features a dining room patio door adjacent to the shared boundary. It is considered that the proposed two storey extension along this boundary will have a dominating and overbearing impact on this neighbour's amenity.

The host property is located north of 96 Silverbirch Road and it is therefore considered there would not be a significant detrimental impact on this neighbour's amenity due to overshadowing, however the proximity of the extension to the boundary will result in a partial loss of light to the downstairs dining room patio door and to a lesser extent the first floor bedroom window.

Guideline 1 of Supplementary Note 4 of the Hartlepool Local Plan also states that;

*In the case of semi-detached and detached houses where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5 metres from the main wall of the property will normally be permitted.*

It is therefore considered that had the applicant been willing to amend the submitted plans to omit the first floor bedroom extension along the shared boundary, the proposal would be considered to be acceptable as this would negate any significant detrimental impact on the amenity of 96 Silverbirch Road. However discussions with the agent have confirmed that the applicant feels this would significantly compromise the proposal and as a result the applicant has not agreed to amend the proposal.

**Visual Amenity**

The proposal is located to the rear of the property and as such will have no appreciable impact on the street scene from Silverbirch Road. Whilst the proposal is significant in size, it is considered to be in keeping with the host property and surrounding area in terms of scale and appearance and it is therefore considered that there would be no significant detrimental impact on the character of the host property or streetscene.

**Conclusion**

With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan (2006), it is considered that the proposed two storey extension, by virtue of its siting, size and design would have a detrimental impact upon the amenity of the occupiers of the neighbouring property at 96 Silverbirch Road in terms of dominance on the outlook of the property and its overbearing effect. The application is therefore recommended for refusal.

**7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

**8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

There are no Section 17 implications.

**9) Chair's Consent Necessary**

Y

**10) Recommendation**

**REFUSE**

**CONDITIONS/REASONS**

1. It is considered that the proposed extension, by virtue of its siting, size and design, would have a detrimental impact on the residential amenity of the occupiers of the neighbouring property at 96 Silverbirch Road, in terms of its dominance on the outlook and its overbearing effect on this neighbouring property. This is contrary to policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.

**INFORMATIVE**

**Signed:**

**Dated:**

Director (Regeneration and Neighbourhoods)  
Assistant Director (Regeneration and Neighbourhoods)  
Planning Services Manager  
Planning Team Leader DC  
Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed:**

**Dated:**

Chair of the Planning Committee

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## **POLICY NOTE UPDATE**

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

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

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

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

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

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

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

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

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

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

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

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

**Rur7** (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of

traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

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

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

**2.** Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions.

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

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

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

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

**11.** Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

**12.** This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

**14:** At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

**17:** within the overarching roles that the planning system ought to play, a set of core land-use planning principles should underpin both plan-making and decision-taking. These 12 principles are that planning should:

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

**19.** The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.

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

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

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

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

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

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

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%

(moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

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

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

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

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

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

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

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

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

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

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

- opportunities for meetings between members of the community who



might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;

- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

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

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

**109.** The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

**117.** To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and

•• where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- opportunities to incorporate biodiversity in and around developments should be encouraged;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:

- potential Special Protection Areas and possible Special Areas of Conservation;
- listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

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

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

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

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

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

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

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

## PLANNING COMMITTEE

5 August 2015



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

**Subject:** APPEAL AT CROOKFOOT FARM, ELWICK  
APPEAL REF: APP/H0724/W/15/3055093  
PERMANENT RETENTION OF AN EXISTING CABIN AND  
TEMPORARY RETENTION OF AN EXISTING STABLE  
BLOCK, RETENTION OF EXISTING CABIN FOR USE AS A  
HOLIDAY COTTAGE AND OFFICE TO ADMINISTER THE  
FARM, WITH THE ADDITION OF SOLAR PANELS TO THE  
ROOF

### 1. PURPOSE OF REPORT

- 1.1 To advise Members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the permanent retention of an existing cabin and temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm, with the addition of solar panels to the roof. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 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.

### 3. CONTACT OFFICER

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**4. AUTHOR**

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# DELEGATED REPORT

## CHAIRMANS DELEGATED REFUSAL

**Application No** H/2014/0481

**Proposal** Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof (resubmitted application)

**Location** Crookfoot Farm Coal Lane Elwick HARTLEPOOL

**PS Code:** 13

<b>DELEGATION ISSUES</b>	Neighbour letters:	22/10/2014
<b>1) Publicity Expiry</b>	Site notice:	N/A
	Advert:	19/11/2014
	Weekly list:	16/11/2014
	Expiry date:	08/12/2014
<b>2) Publicity/Consultations</b>		
<p>The application has been advertised by way of press notice and neighbour notifications (9) with 4 objections being received from neighbouring properties and one letter of support:</p> <p>The objections raise concerns regarding;</p> <ul style="list-style-type: none"><li>• Permission for the cabins was originally given on a temporary basis</li><li>• The proposed office is located too far from the farm house and an office is provided within the approved farmhouse</li><li>• There is no need for holiday accommodation in the area</li><li>• The temporary nature of the proposed development results in a visually unattractive development out of character with the area</li><li>• Poor access</li><li>• Proposal contrary to local and national policy</li></ul> <p>The letter of support states;</p> <ul style="list-style-type: none"><li>• The cabin is in keeping with the environment</li><li>• Many farmers are diversifying into holiday accommodation</li><li>• National planning policies urge farmers to bring existing buildings back into use rather than pulling them down.</li></ul> <p>The following consultee responses have been received;</p> <p><b>Northumbrian Water:</b></p> <p>In making our response to the local planning authority Northumbrian Water will</p>		

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.

### **Environment Agency:**

We object to the proposed development as submitted because it involves the use of a non-mains foul drainage system but no assessment of the risks of pollution to the water environment has been provided by the applicant. We recommend that planning permission should be refused on this basis.

### **Reasons**

The application form indicates that foul drainage is to be discharged to a non-mains drainage system. In these circumstances DETR Circular 03/99 advises that a full and detailed consideration be given to the environmental criteria listed in Annex A of the Circular in order to justify the use of non-mains drainage facilities. In this instance no such information has been submitted.

The application does not, therefore, provide a sufficient basis for an assessment to be made of the risks of pollution to the water environment arising from the proposed development.

We consider that, as a minimum, the planning application should contain the information requested on the non-mains drainage information form, a copy of which has been sent to the applicant/agent. This form should be completed and returned to the Local Planning Authority. It should be noted that this form only requests sufficient information to enable us to formulate an opinion on our particular area of concern, being pollution prevention. As the Local Planning Authority you may wish to request additional information to address amenity and public health issues, as set out in DETR Circular 3/99.

### **Advice to Applicant**

Under the terms of the Environmental Permitting Regulations (England and Wales) 2010, anyone intending to discharge volumes of sewage effluent of 5 cubic metres per day or less to surface waters or 2 cubic metres per day or less to ground may be eligible for an exemption. We are currently working with Defra to review our approach to regulating these small sewage discharges. Whilst this review is underway we will not require registration of small sewage discharges in England under an exemption as previously required, as long as you comply with the conditions set out in our Regulatory Position Statement. This is available on our website at: <http://www.environment-agency.gov.uk/homeandleisure/118753.aspx>. Please note that we will retain the existing system so that anyone can still register if they wish to. This might be, for example, as part of a house sale.

An Environmental Permit from the Agency is normally required for discharges above

this volume or to sensitive locations. It is illegal to discharge sewage effluent in sensitive locations, or discharge over 5 cubic metres per day to surface waters or 2 cubic metres per day to ground, without an Environmental Permit.

Further guidance on Environmental Permitting requirements is available on our website at: <http://www.environment-agency.gov.uk/business/topics/water/32038.aspx>

With regards to design, the site must be drained by a separate system of foul and surface water drainage, with all clean roof and surface water being kept separate from foul water.

If the matter of non-mains drainage can be resolved and you are minded to grant consent, then the following matters should be taken into consideration:

#### Land Contamination

We are unable to provide detailed site-specific advice or guidance with regards to land contamination issues for this site. However, the developer should be aware that the site is located on a Principal Aquifer which is a sensitive controlled waters receptor which could be impacted by any contamination at the site. The developer should address risks to controlled waters from contamination at the site, following the requirements of the National Planning Policy Framework and the Environment Agency Guiding Principles for Land Contamination.

#### Surface Water Disposal

The Environment Agency recommend visiting <http://www.environment-agency.gov.uk/research/planning/82584.aspx> for standing advice regarding general surface water drainage issues.

#### Update from Environment Agency.

The Environment Agency has received information direct Gary Craig Building Services, the agent, on 13 November 2014 in relation to the above application. If this information forms part of a formal planning application then we wish to **withdraw** the previous objection to the proposed development.

Our previous comments/advice relating to Environmental Permitting Regulations, Land Contamination and Surface Water Disposal, are still relevant.

**HBC Engineering Consultation:** I have had a look through the attached and have no objection to the works given the quantity of waste expected from this cabin. My only point of note is that I have seen no details of the existing soak away, while this does not cause me a concern as it remains the residents responsibility, the resident should be reminded that this asset remains under there stewardship and they will be responsible should it cease working and ultimately pass on a flood risk elsewhere.

**HBC Landscape & Conservation:** With regards to remarks in the Design & Access statement, I can confirm that it is the case that I haven't been consulted by the applicant prior to the submission of this proposal. However it is true to say that the applicants have been involved in various initiatives to benefit wildlife and the



landscape on their landholding which has helped result in an area that is very significant in that respect on a Hartlepool and perhaps even Tees Valley scale. They have also been involved in introducing children and the public to the wildlife on their farm through the Elwick Village Atlas project. It is also fair to say that this is an area that is of much interest to birdwatchers.

Although I haven't inspected the buildings personally it is likely that the stables and existing dwelling would be used by breeding birds. Consequently they could only be removed outside of the breeding bird season, taken to be March – September inclusive. Their removal might result in the loss of nesting opportunities for some pairs of breeding birds however it is likely that these could be otherwise accommodated for example through bird boxes or in the re-located stable block therefore the retention of the cabin isn't strictly speaking essential as a wildlife habitat.

**HBC Countryside Officer:** No comments further to my previous comments on the earlier application

**HBC Traffic & Transport:** No highways objections

**HBC Public Protection:** No objection

**Tees Archaeology:** The proposal will not affect the archaeology of the area therefore no objection

**Ramblers Association:** No Comments

<b>3) Neighbour letters needed</b>	Y
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<b>4) Parish letter needed</b>	Y
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## 5) Policy

### Planning Policy

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.

PARA 002 : Primacy of Development Plan  
 Contribute to the achievement of sustainable development  
 PARA 007 : 3 dimensions of sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 017: Planning principles  
 PARA 014 : Presumption in favour of sustainable development  
 Para 022: Supporting the Rural economy  
 PARA 055 : Isolated homes in countryside  
 PARA 196: Primacy of the Development Plan  
 PARA 197: Presumption in favour of sustainable development  
 PARA 109: Conserving and enhancing the natural environment.  
 PARA 055: Dwellings in the Open Countryside

#### Relevant Planning Policies

GEP1: General Environmental Principles  
 GEP12: Trees, Hedgerows and Development  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 Hsg10: Residential Extensions  
 Rur1: Urban Fence  
 Rur20: Special Landscape Areas  
 Rur7: Development in the Countryside  
 To9: Tourist Accommodation

Comments: It is noted that the application site has an interesting planning history involving numerous applications and an appeal that was dismissed by the planning inspectorate. Planning Policy are aware that the cabin was initially given permission on a temporary basis. The temporary permission was given for a three year period (subsequently extended. The farmhouse has now been completed and therefore Planning Policy sees no justification for the retention of the cabin as permanent accommodation.

This application seeks to use the cabin for tourist accommodation and to install solar panels to the roof. The applicant also seeks permission to use part of the cabin as an office to carry out administration duties associated with the farm/holiday let. Furthermore the applicant seeks the retention of the stable block on a temporary basis.

In some instances tourist accommodation may be appropriate within the rural area as it can assist in providing a variety of types of accommodation within the borough, stables are also often appropriate within the rural area. However in assessing this application the key material consideration is the location of this development and its relationship with its setting.

This application is located within one of the few areas of prestigious landscape

character in the borough (policy RUR20 special landscape areas) and it is the intention of planning policy to seek to retain the most prestigious areas in a bid to maintain their status. Pursuant to policy RUR20 development may be acceptable within the special landscape areas if the development is sympathetic to the rural character. In viewing the plans and visiting the site it is considered that the siting of the development (cabin and stables) is within a prominent location and is of an inappropriate design within this rural setting and thus is visually intrusive and does not accord with policy RUR20. Solar panels are often a welcomed addition to developments as they can assist in mitigating against climate change, however this element of the proposal requires no further deliberation as the units on which the panel would be housed (the cabin) are inappropriate and thus should be removed from the site.

## **6) Planning Consideration**

### The Application Site

The application site is located in the rural area to the west of Hartlepool. It lies within a Special Landscape Area and close to the south eastern corner of Crookfoot Reservoir which is a Site of Nature Conservation Importance.

The site is occupied by a mobile home for which temporary approval was originally obtained in November 2005 (H/2005/5633) and retained for a further eighteen months under (H/2011/0169) in connection with the construction of a dwelling at Crookfoot Farm approved under reference H/2010/0679 and amended under H/2013/0027. Approval was granted for a further 6 months retention of the cabin under H/2013/0562 which expired on 13 July 2014. As such the units, which remain on site, are considered to be in breach of the approval.

The site is located within agricultural fields to the north and east. It forms part of an agricultural holding. The farm buildings associated with the holding are located some 570m (as the crow flies) to the South West at the bottom of the rise. The recently constructed farm house serving the holding is also located adjacent to these farm buildings. To the west is an access track beyond which are a pair of dwellinghouses Crook Foot House and Crookfoot View which are gable ended onto the site. The track also serves a farm at Stodfold Moor and other residential properties at Amerston Hill, Amerston Hall, Primrose Cottage as well as the reservoir and water company plant. A public footpath crosses fields to the south of the site before joining the access track.

### Proposal

Approval is sought for the temporary retention of an existing stable block and the permanent retention of an existing cabin to provide a holiday cottage and office accommodation for the operation of the farm. The proposal also includes provision of solar panels to the cabin.

The supporting statement indicates that the farm house is complete and occupied. The applicant has provided a justification of the need to retain the cabin on the basis that the new dwellinghouse, which is on a lower level, does not receive signal for internet and mobile phones. The statement also asserts that there are birds nests

which should not be disturbed therefore the cabin could not be removed from the land in the foreseeable future. The applicant has also noted other approvals for holiday accommodation in area and states there is a demand for such accommodation from ramblers and bird watchers.

Access is proposed to be unchanged from the existing access lane with car parking to remain as existing.

The layout of the cabin will be altered to provide an office at the eastern end of the cabin, with a reception and WC facilities. The remaining cabin, proposed for a holiday accommodation will consist of two bedrooms, a kitchen, utility room, bathroom and lounge.

#### Relevant Planning History

H/FUL/0145/03 - Erection of two log cabins for residential use in connection with agricultural use. This application for the erection of two cabins on the site which is now occupied by the mobile home was refused on 15 July 2003 for the following reasons:

- a) The proposed development does not conform with Policy Ru8 of the adopted Hartlepool Local Plan (1994) by virtue of the fact that the two residential units are not considered to be essential for the efficient functioning of agricultural, forestry or other countryside activities. In addition to guidance contained in the Local Plan, consideration has also been given to national planning guidance contained in PPG7: The Countryside. The proposal does not conform with the guidance set out in Annex F of this document in terms of the functional need for 24 hour supervision and the lack of evidence supplied relating to alternative accommodation within the area.
- b) The proposed development by virtue of its location would have a detrimental impact on the setting of the open countryside and a site of nature conservation importance. The proposal is therefore in conflict with policies Ru14 and Co17 of the adopted Hartlepool Local Plan (1994).

The applicant appealed against this refusal and the appeal was dismissed. In her decision the Inspector addressed two key issues the justification for the development on agricultural grounds and the effect on the surrounding countryside. In terms of the issue of agricultural justification at that time the enterprise had 200 ewes and whilst cattle were proposed none had been purchased. Similarly plans for lammas and racehorse respite had not been implemented. The Inspector acknowledged that, whilst lambing time would be a demanding time requiring prolonged attendance, for the remainder of the time the animals needs could be tended to as part of the normal working day. The Inspector concluded that it would not be essential for care of the livestock for a worker to be on hand at most times of the day or night. She also raised concerns in relation to the applicant's previous interest in Amerston Hall stating "The Appellant confirms that until October 2003 he was the owner of Amerston Hall, a large house together with a range of outbuildings located close to the south western boundary of the appeal site. Whilst the appellant states that he has sold Amerston Hall and now has no control over the use of the

buildings, it seems that no consideration was given to its potential use in relation to the farm holding. To my mind this serves to cast further doubt on the question of the need for a full time presence on the farm". The Inspector advised that in her consideration there was insufficient justification on agricultural grounds to allow the temporary dwellings. The Inspector noted that the proposed site, given its distance from a recently erected barn, where livestock requiring attention would be located, failed to address the need for which the accommodation was proposed. She also pointed out that the site of the cabins was prominent and that this could only increase as a result of vehicles, storage and other requirements associated with an active farm. She concluded that "the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape."

H/2005/5633 - Siting of 2 mobile cabins with central glazed link to form a single dwelling. Approved November 2005. This application for the existing temporary residential accommodation was approved by Committee against officer recommendation. Conditions require the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

H/2009/0235 - Erection of a detached dwelling. This application for the erection of a dwellinghouse on the site of the existing mobile home was withdrawn in December 2009 after concerns were raised in relation to the size/design of the proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

H/2010/0679 - Erection of dwellinghouse. An application for a permanent dwellinghouse, on a different site close to the agricultural buildings serving the holding was approved and a further amendment to the design approved in 2013 under reference H/2013/0027.

H/2011/0196 - gave temporary approval for a further 18 months temporary permission for the cabin whilst the farmhouse was being constructed

H/2013/0562 - was submitted for a further 6 months whilst the applicants completed the dwelling house. The application was granted and expired on 13 July 2014.

H/2014/0326 - Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof and the construction of a new holiday cabin with solar panels on the roof and a wood burning stove with metal flue. This application was refused as it was considered the development would represent an unacceptable visual intrusion into the open countryside and have serious adverse impact on the landscape. It was considered that it would not meet any of the exceptional circumstances for new dwellings in the countryside and any benefits arising from the development in terms of supporting the rural economy would not outweigh the detrimental visual impact.

#### Planning Considerations

The main issues for consideration when assessing this application are the compliance with the guidance within the National Planning Policy Framework (NPPF) and policies the Hartlepool Local Plan, character and appearance of the surrounding area, potential impact upon the amenity of neighbouring land users, highway safety and drainage.

#### Principle of development

The application site lies within a rural setting outside the defined limits to development. The Local Plan includes a number of policies which relate to development in the open countryside namely

- *RUR1* which states that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled,
- *Rur7* which sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity of intensive livestock units, and the adequacy of the road network and of sewage disposal.
- *Rur20 Development in the Thorpe Bulmer Dene, Nesbit Dene and Newton Hanzard/Crookfoot Reservoir Special Landscape Areas will not be permitted unless it is sympathetic to the local rural character in terms of the design, size and siting and building materials.*

These Local Plan policies are not fully consistent with the NPPF as they are seeking to restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to policies which seek to restrict additional housing provision based upon the extent of the urban fence (Rur1/Rur12). Whilst considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply, that does not override the requirement that is set out in statute to ensure that development is sustainable and in accordance with other material planning considerations.

Whilst paragraph 55 of the NPPF relates specifically to housing it is considered to be relevant when assessing the submitted justification for the development.

Paragraph 55 states that in order

*“to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:*

- *the essential need for a rural worker to live permanently at or near their place of work in the countryside; or*
- *where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or*
- *where the development would re-use redundant or disused buildings and*

*lead to an enhancement to the immediate setting; or*

*•• the exceptional quality or innovative nature of the design of the dwelling.*

*Such a design should:*

*— be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;*

*— reflect the highest standards in architecture;*

*— significantly enhance its immediate setting; and*

*■ be sensitive to the defining characteristics of the local area”.*

Further guidance within the NPPF is provided in the section relating to supporting a prosperous rural economy. Paragraph 28 states that planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong rural economy, local and neighbourhood plans should:

•• support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;

•• promote the development and diversification of agricultural and other land-based rural businesses;

•• support sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors, and which respect the character of the countryside. This should include supporting the provision and expansion of tourist and visitor facilities in appropriate locations where identified needs are not met by existing facilities in rural service centres; and

•• promote the retention and development of local services and community facilities in villages, such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship.

The justification submitted by the agent states that there is a need for holiday accommodation in the area, the development would provide office accommodation for the farm as mobile phone and internet is unavailable at the recently constructed farmhouse (owing to the low lying land) and that there are breeding birds and nests at the site. It is noted that this justification does not relate to any justification referred to in paragraph 55 of the NPPF as detailed above.

It is noted that the structures were given temporary permission while the farmhouse was being built. The approved farmhouse includes an office from which the farming operations could be administered.

The reports relating to this temporary permissions clearly state that the development was allowed on a temporary basis only and permanent retention on the site would be unacceptable by virtue of the visual impact of the development. As such this was strictly controlled by planning condition with the most recent permission expiring in July 2014. The farmhouse serving the holding has now been completed.

Policy RUR20 of the Local Plan states that development in the Crookfoot Reservoir Special Landscape Area will not be permitted unless it is sympathetic to the local rural character in terms of design, size, siting and building materials. The siting of the development is considered to be prominent and the development is considered to be of an inappropriate design in relation to the surrounding rural area. Therefore is considered the proposal would represent an unacceptable visual intrusion into the

open countryside which would have a serious adverse impact on the surrounding landscape. This view has previously been upheld at an appeal on the site in 2003 (planning reference H/FUL/0145/03). As such the development would be contrary to RUR20 of the Local Plan. Therefore on balance notwithstanding whether there is a need for holiday accommodation in the area and the economic benefits which might arise for the rural economy it is not considered that these matters would outweigh the detrimental visual harm of the development.

The statement submitted by the agent refers to other cases which have received permission for holiday accommodation within the borough. The situation of the applications are not considered to be similar to the application site which is predominantly located within the landscape area. Each application is assessed on its own merits therefore it is not considered that the previous approvals in other areas of the borough set a precedent for this development.

The approval for the permanent dwellinghouse incorporated an area for a farm office. It is not considered that a separate farm office in this location detached from the farmhouse and agricultural buildings would be appropriate and that any need even if it could be robustly justified would outweigh the landscape concerns.

With regard to breeding birds on the site the Council's ecologist has commented that it is acknowledged that the applicants have been involved in various initiatives to benefit wildlife and the landscape on their landholding which has helped result in an area that is very significant in that respect to Hartlepool and perhaps even Tees Valley scale. They have also been involved in introducing children and the public to the wildlife on their farm through the Elwick Village Atlas project. It is also fair to say that this is an area that is of much interest to birdwatchers. It is likely that the stables and existing cabin would be used by breeding birds periodically however only outside of these times the Council's Ecologist has advised that the structures could be removed. Whilst their removal might result in the loss of nesting opportunities for some pairs of breeding birds it is not considered the structures are essential as a wildlife habitat.

The justification submitted to provide support for the proposed development is not considered to be sufficient to warrant approval of the development within the open countryside. It is considered the detrimental impact of the development in the Special Landscape area would be contrary to policy RUR20 of the Hartlepool Local Plan.

#### Character of the area

The surrounding area consists of a rural character and is largely agricultural in nature. Furthermore the site is located within an area designated as a special landscape area within the Hartlepool Local Plan 2006. Therefore policy RUR20 is considered to be relevant. In such locations policy advises that development will not be permitted unless it is sympathetic in terms of design, size, siting and building materials and it incorporates planting schemes.

As previously discussed there is a detailed history on the site and temporary permission has previously been given for the cabin whilst the farm house (originally approved under reference H/2010/0679) was constructed. However in previously



granting temporary consent it has consistently been noted in officer reports that the development would not be suitable for permanent retention and this has strictly been controlled by planning conditions restricting the temporary nature of the development. Furthermore in approving the farmhouse (H/2010/0679) the officer report notes that the approved dwelling was considered to be acceptable owing to its location on relatively low lying land, in close proximity to existing farm buildings on the site. Furthermore significant justification had been submitted, in terms of a functional need for the dwelling. Therefore the permanent dwelling was allowed as it was not considered that the house would be unduly prominent or obtrusive within the landscape.

Furthermore by virtue of the temporary nature and materials, the development is considered to be of an inappropriate design in relation to the surrounding rural area, being relatively isolated from other buildings. It is considered the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape. This view was taken in refusing application H/FUL/0145/03 on 15 July 2003 for the erection of two log cabins for residential use in connection with agricultural use at the application site (prior to the dwelling being approved in 2010). The reason for refusal was upheld at an appeal.

As such, by virtue of the visual impact of the development within the designated special landscape area and the detrimental impact upon the character of the surrounding area it is considered the development would be contrary to RUR20 of the Local Plan.

#### Amenity of neighbouring properties

The closest residential property is on the opposite side of the access lane consisting of Crookfoot House. The side gable wall of this neighbouring property faces towards the application site. There would be a separation distance of approximately 23 metres between the proposed cabin (at its closest point) and the side gable of this neighbouring property. This exceeds the requirements of guidance within the Local Plan. The stable block is closer to this neighbouring property, being adjacent to the western boundary of the application site. However the stables would face towards the proposed cabins with a blank elevation facing towards the neighbouring property. The access track would provide a significant separation distance of 11 metres between the stable block and this neighbouring property.

Public Protection were consulted regarding the proposed development and have raised no objections. Therefore it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, loss of light or appearing overbearing.

#### Drainage

The agent has submitted details of the existing septic tank which serves the site. The Environment Agency and the council's engineers have raised no objection to the works given the quantity of waste expected from this cabin.

Should the application have been recommended for approval an informative would

be recommended stating that this asset remains under the stewardship of the applicant who would be responsible should it cease working and ultimately pass on a flood risk elsewhere. Northumbrian Water were also consulted on the proposal and have confirmed that they have no comments to make with regard to the proposal.

#### Highway safety

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

#### Residual Matters

It is acknowledged that the condition restricting the temporary use of the cabin expired on 13 July 2014. Therefore the development is currently on the site without planning permission.

#### Conclusion

The proposal by reason of its design is considered inappropriate within this rural setting and is visually intrusive.

Having regard to policies identified in the Development Plan it is considered that the proposal would be contrary to policy RUR20 of the Hartlepool Borough Council Local Plan and is therefore recommended for refusal.

### **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

<b>9) Chair's Consent Necessary</b>	<b>Y</b>
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<b>10) Recommendation</b>	<b>REFUSE</b>
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### **CONDITIONS/REASONS**

1. The proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape which consists of a designated special landscape area contrary to policy RUR20 of the Hartlepool Local Plan (2006). It is not considered that the submitted justification would meet any of the exceptional circumstances in paragraph 55 of the NPPF and it is not considered that any benefits arising from the development in terms of supporting the rural economy would outweigh the detrimental visual impact arising from the development.

### **INFORMATIVE**

**Signed:**

**Dated:**

Director (Regeneration and Neighbourhoods)  
Assistant Director (Regeneration and Neighbourhoods)  
Planning Services Manager  
Planning Team Leader DC  
Senior Planning Officer

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed:**

**Dated:**

Chair of the Planning Committee

## PLANNING COMMITTEE

5 August 2015



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

**Subject:** APPEAL AT 74 HUTTON AVENUE, HARTLEPOOL  
– APPEAL REF: APP/H0724/D/15/3049382 - LOFT  
CONVERSION INCLUDING INSTALLATION OF  
DORMER WINDOW AT THE REAR

### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for a loft conversion with dormer window at the rear of 74 Hutton Avenue, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 1.2 The appeal is to be determined by written representation and the authority is therefore requested to contest the appeal.

### 2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

### 3. CONTACT OFFICER

- 3.1 Damien Wilson  
Assistant Director (Regeneration)  
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**4. AUTHOR**

- 4.1 Leigh Taylor  
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## Chairman's Delegated Report

**Application No** H/2015/0107

**Proposal** Loft conversion including installation of dormer window at the rear

**Location** 74 Hutton Avenue, Hartlepool

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	18/04/2015 23/04/2015 20/04/2015 19/04/2015 13/05/2015
<b>1) Publicity Expiry</b>		
<b>2) Publicity/Consultations</b> The proposal has been advertised by way of five Neighbour Notification letters, three Councillor Notification letters, a site notice and a press advert. Internal consultation has also taken place with HBC Landscape Planning and Conservation. One letter of objection from a neighbour was received. No other comments from neighbours have been received.  <b>Landscape Planning and Conservation</b> Comments states that the proposal would cause less than substantial harm to the conservation area however if permitted, a subsequent proliferation in this type of development could change the character of the conservation area with a loss of a clear rhythm to the style of houses. The dormer would dominate the roof and it was suggested that the overall scale is reduced. Following the submission of amended plans for a reduced dormer window, further consultation was undertaken on 28/04/2015. Original comments to remain unchanged.		
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	
<b>5) Policy</b>  <u>Planning Policy</u> 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.

Part 7: Requiring Good Design

PARA 131: Protecting and enhancing Heritage Assets and Conservation Areas

PARA 132: Significance of Heritage Asset designation

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

#### Relevant Planning Policies

GEP1: General Environmental Principles

HE1: Protection and Enhancement of Conservation Areas

Hsg10: Residential Extensions

## **6) Planning Consideration**

### **Site**

The dwelling is a two storey terraced property located on Hutton Avenue within the Grange Conservation Area. The property is south facing towards Hutton Avenue with a rear gated access providing vehicular and pedestrian access to rear gardens of Hutton Avenue and Grange Road. The property has attached neighbours with no.72 to the east and no.76 to the west. The front of the property is half red brick and half cream rendered with green painted timber panels, with the roof finished using red tiles. The front of the property is bounded by black metal railing and the rear garden is formed by an approx. 2m high boundary wall with door.

### **Proposal**

Planning permission is sought for a loft conversion with rear dormer window. Planning permission is required under Schedule 2 Part 1 Class B of the General Permitted Development Order 1995 (amended April 2015) which states that any alteration to the roof of a dwelling consisting of an addition or enlargement is not permitted where the property is located on Article 2(3) land which includes Conservation Areas. The property is also subject to an Article 4(2) direction which removes permitted development rights for alterations to the front of the property. This application does not propose any changes to the front of the property.

As per the amended plans, the dormer window would provide approx. 18m<sup>3</sup> of

additional roof space. The width of the dormer would be approx. 5m and the height would be approx. 2m. The distance from the dormer to the roof ridge would be approx. 0.10m with the projection from the roof plane approx. 3.65m. It is proposed that the dormer would be finished using grey flat roof membrane with white uPVC windows.

The main considerations in regard to the above proposal are the impact on the Grange Conservation Area in terms of the design and visual amenity, and also any impact on neighbour amenity.

#### **Impact on the Grange Conservation Area - Design and Visual Amenity**

Comments from HBC Landscape Planning and Conservation stated that the proposal would cause less than substantial harm to the Grange Conservation Area but concerns were raised regarding the scale which is large when compared to the limited number of examples.

In terms of the design, the scale of the proposed dormer is considered to be large in terms of the relationship with the original dwelling. The dormer window is set approx. 0.30m from either side of the property however the width means that it almost extends across the entire north facing roof plane. It is therefore considered that the dormer window would have an overbearing effect on the roof of the dwelling. It is noted that the plans show the window on the dormer to be in line with the first floor window below. Whilst this design feature would retain some balance to the rear of the dwelling, it is considered that the significance of the scale would be detrimental to the character of the original dwelling.

The flat roof design of this proposal is not frequently seen on properties on Hutton Avenue or the surrounding streets in the Grange Conservation Area. It is noted that many of the properties with original features or those which have added dormer windows use a pitched roof design. Whilst it is considered that the property is limited due to physical and original design constraints, this design is considered to be less obtrusive and more sympathetic to this type of property. Although the dormer window does not exceed the roof ridge height, the impact in terms of the width and projection is considered to be significant in terms of the impact on the original dwelling. It is therefore considered that the roof design would constitute a departure from the character of the original features of properties in the conservation area.

In terms of the impact on visual amenity, the proposal would be partially visible from the rear gated access road to the north and also from Mulgrave Road. It is considered that the proposal creates an unbalanced effect on the rear street scene and when considered in relation to other types of dormer windows in the area, the proposal would stand out. A number of properties have added smaller dormer windows or Velux type windows. However, it is considered that visual amenity would be affected in terms of the rhythm and style of the original properties on Hutton Avenue. Due to the property being close to the end of the terrace, the dormer window would be visible from the street level. It is therefore considered that the impact is more significant due to the location and prominence of the property. It is considered that there would be a loss of strong architectural style in this part of the Grange Conservation Area and there would be an unacceptable impact on the



visual amenity.

Overall it is considered that the proposed dormer window as part of the application for a loft conversion is overly large in terms of its width and projection and would have a detrimental impact on the Grange Conservation Area. It is therefore considered that the design and impact on the Conservation Area are inappropriate and would not be in accordance with policies GEP1, Hsg10 and HE1 of the Hartlepool Local Plan 2006 and Part 7, Paragraphs 131 and 132 of the NPPF.

### **Neighbour Amenity**

The main considerations in terms of impact on neighbour amenity are overbearing, overshadowing, poor outlook and loss of privacy.

### **Neighbour objection – 72 Hutton Avenue**

The objection from this neighbour raised the following issues:

- Size of proposal
- Effects on sunlight
- Effects on privacy and overlooking from third floor window
- Proposal to be used as a workshop which will cause noise to their bedroom

This adjoining neighbour at no.72 has raised concerns regarding the issue of overshadowing to their property. As both the host dwelling and this neighbour face south, daylight from the south is not considered to be affected. From the east, there will be some overshadowing but it is considered that this will be limited to the neighbour's roof and not in particular the garden area. Daylight from the west is considered to be only marginally affected due to the existing offshoot on the host dwelling. Overall the impact on overshadowing and loss of light is limited however it is noted that some minor overshadowing may result.

Another issue raised by this neighbour is loss of privacy from the new dormer window. The proposed dormer window would project from the roof plane by approx. 3.65m at the longest point. However, given the fact that the neighbour's offshoot has no roof windows, overlooking is not considered to be increased. In addition, the height of the original dwelling and offshoot means that first floor windows currently overlook this neighbour's garden. The addition of a dormer window is therefore not considered to any significant increase in overlooking or loss of privacy.

The other adjoining neighbour at no.76 has not raised any objections. This neighbour will be mainly screened from the dormer window with only a small part of this extending above the adjoining offshoots of the properties. This neighbour has a Velux type roof window which would be adjacent to the dormer window. However, given the small portion of the dormer which would extend above the offshoot, it is not considered that the proposal would have any detrimental impact on this neighbour in terms of overbearing, overshadowing or overlooking.

Neighbours across the rear lane at 97, 99 and 101 Grange Road have also not raised any objections. These properties have rear windows facing the host dwelling and in terms of overlooking and loss of privacy, it is not considered that there would be any significant change. The rear boundary wall currently only obscures the

ground floor of the host dwelling. Therefore the addition of a higher window is not considered to create any significant increase in overlooking as the first floor windows already overlook these neighbour's gardens. However there would be a change to the outlook of these neighbours with a change to the rhythm and balance of the terrace.

It is not considered the use of the dormer as a domestic workshop/hobby room would unduly affect the amenity of neighbours and any issues that did arise could be dealt with under separate legislation.

On balance, it is considered that the proposal does not have a significant impact on neighbour amenity in accordance with Policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006.

### **Conclusion**

It is recommended that planning permission is refused on the basis that the scale and design of the dormer window is inappropriate in terms of the impact on the Grange Conservation Area.

### **7) EQUALITY AND DIVERSITY CONSIDERATIONS**

There are no equality or diversity implications.

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

There are no Section 17 implications.

<b>9) Chair's Consent Necessary</b>	Y
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<b>10) Recommendation REFUSE</b>
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### **CONDITIONS/REASONS**

1. The proposed dormer window by reason of its design and size would have a detrimental impact on the character and appearance of the Conservation Area, contrary to Policies GEP1 (General Environmental Principles), Hsg10 (Residential Extensions) and HE1 (Protection and Enhancement of Conservation Areas) of the Hartlepool Local Plan 2006 and Part 7, Paragraphs 131 and 132 of the NPPF.

**Signed:**

**Dated:**

Planning Team Leader DC

I consider the scheme of Officer/Chair delegation to be appropriate in this case

**Signed:**

**Dated:**

Chair of the Planning Committee



## **PLANNING COMMITTEE**

05 August 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 a business running from home at two properties on Benmore Road.
2. An investigation has been completed in response to a complaint regarding the erection of a small section of trellis fencing to the front of a property on Cranwell Road. The fence was permitted development not requiring planning permission. No action necessary.
3. An investigation has commenced in response to a complaint regarding a noisy wood sawing machine used in the rear garden of a property on Forfar Road. No planning breach therefore the noise nuisance issue has been passed on to Public Protection to investigate.
4. An investigation has commenced in response to a complaint regarding the erection of a farm building for the keeping of livestock to the rear of a new dwelling recently approved on Coal Lane. A retrospective planning application will be submitted from the land owner.
5. An investigation has commenced in response to a complaint regarding a café serving hot food and providing a takeaway service operating from detached building located on Rossmere Way. A retrospective planning application is expected to be submitted from the tenant since the building is council owned.
6. An investigation has commenced in response to a complaint regarding the painting of the exterior wall of three properties on Grange Road. The properties are located in the Grange Conservation Area.

7. An investigation has commenced in response to a complaint raised by the Council's revenues team regarding the conversion of a barn to three residential units at a farm on Hart Lane.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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