

PLANNING COMMITTEE AGENDA



Wednesday 30 September 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 2 September 2015

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

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|---|-------------|--|
| 1 | H/2015/0312 | Rossmere Tea Garden, Rossmere Way (page 1) |
| 2 | H/2015/0325 | 1 Arran Grove (page 11) |
| 3 | H/2015/0267 | Land adjacent to Middleton House, Navigation Point, Middleton Road (page 19) |
| 4 | H/2015/0266 | Land to the South of Hartdale, Queensberry Avenue (page 33) |
| 5 | H/2015/0175 | 4 Kingfisher Close (page 45) |

4.2 Appeal at Glebe Farm, Worset Lane – *Assistant Director (Regeneration)*

4.3 Appeal at land at Home Farm, Worset Lane – *Assistant Director (Regeneration)*



5. ITEMS FOR INFORMATION

- 5.1 Appeal at 74 Hutton Avenue – *Assistant Director (Regeneration)*
- 5.2 Appeal at 94 Silverbirch Road – *Assistant Director (Regeneration)*
- 5.3 Appeal at Worset Lane – *Assistant Director (Regeneration)*
- 5.4 Update on Current Complaints – *Assistant Director (Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS 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 28th October.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

2nd September 2015

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

Present:

Councillor: Rob Cook (In the Chair)

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

In accordance with Council Procedure Rule 4.2 Councillor Alan Clark was in attendance as substitute for Councillor Carl Richardson

Officers: Peter Devlin, Chief Solicitor
Denise Ogden, Director of Regeneration and Neighbourhoods
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Matthew King, Planning Policy Team Leader
Sylvia Pinkney, Head of Public Protection
Peter Frost, Highways, Traffic and Transportation Team Leader
Joanne Burnely, Principal Environmental Health Officer
Helen Williams, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

33. Declarations of interest by members

Councillor Brenda Loynes declared a personal interest in item H/2015/0162 (Land off Coniscliffe Road)

Councillor Ray Martin-Wells declared a personal interest in items H/2015/0162 (Land off Coniscliffe Road), H/2014/0163 (Retirement Village, Meadowcroft), H/2014/0179 (Listed Building Consent, Meadowcroft) and H/2015/0158 (King Oswy Drive)

Councillor Jim Ainslie declared a personal interest in item H/2015/0162 (Land off Coniscliffe Road)

Councillor George Morris declared a prejudicial interest in item H/2015/0162 (Land off Coniscliffe Road) and announced he would leave the room during consideration of this item.

Councillor Rob Cook declared a personal interest in item H/2015/0279 (22 Victoria Road)

Councillor Allan Barclay declared a personal interest in item H/2015/0279 (22 Victoria Road)

34. Confirmation of the minutes of the meeting held on 5th August 2015

The minutes were confirmed

35. Apologies for Absence

Apologies were submitted by Councillor Carl Richardson

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

Number: H/2015/0279

Applicant: BENTLEY MATHIESON DENTALCARE 22 Victoria Road
HARTLEPOOL

Agent: KINGFIELD DEVELOPMENTS GRAEME PEARSON ST
OSWALD HOUSE 32 VICTORIA ROAD HARTLEPOOL

Date received: 13/07/2015

Development: Revised application for the erection of a single and two storey extension to rear

Location: 22 VICTORIA ROAD HARTLEPOOL

A member requested that a condition be included to require adequate bin storage on site. The Agent, Graeme Pearson, indicated that the applicant would be happy to include this. He urged members to approve the applicant which would enable the practice to expand and modernise. Members approved the application unanimously.

Decision: **Planning Permission Approved** conditions delegated to the Planning Services Manager to include a condition requiring details of refuse storage.

The Committee considered representations in relation to this matter.

Councillor Morris left the meeting during consideration of the next planning application

Number: H/2015/0162

Applicant: Tunstall Homes Ltd

Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism Planning 1st Floor 11 High Row Darlington

Date received: 08/07/2015

Development: Residential development comprising 39 dwellings and provision of a car park (and drop-off point) to serve West Park Primary School.

Location: LAND OFF CONISCLIFFE ROAD/DUCHY ROAD, HARTLEPOOL

A member referred to an application for a larger development adjacent to Coniscliffe Road which was expected to be submitted in the future and asked if a condition could be included to prohibit vehicular access between the site currently under consideration and a future site. The Planning Team Leader advised that this matter would be addressed as part of the considerations into the other application and a condition could be applied to that permission if necessary.

A member queried the assertion contained within the report that the town plan was outdated and did not apply. The Planning Services Manager advised that while the Council's planning policy was robust the elements contained within the local plan relating to housing and retail were not in accordance with planning policy framework and therefore were out of date. The member requested that members be given training on SUDS. The Planning Services Manager would be happy to provide this.

The Agent, Steve Barker, addressed the committee. He informed members that the developer had agreed to fund a car park and drop off zone for West Park Academy which should help alleviate some of the problems with traffic during school drop off and pick up times. Appropriate contributions would be forthcoming from the developer toward affordable housing, the school places, sports and play provision.

Richard Edwards voiced his objections to the application. He felt the development was not economically viable due to the expected reduction in the number of working age adults in Hartlepool coupled with the decline in house prices over the last year. However his primary concern related to the safety of children during school pick up and drop off times. Currently large numbers of parents would double park on Coniscliffe Road to deposit their children at the school and to bring additional housing and subsequent traffic into the area would cause a severe risk to the children. The proposed car park and drop off zone would go against the current unofficial one way system used by parents and would cause a log jam. There had never been an accident involving a

child on this site and if that changed as a result of this application the fault would lie with those members who had approved the application. He asked that the application be deferred to enable a more detailed view of the traffic flow.

Members discussed the application. Despite the concerns of the objectors they felt that the car park and drop off zone would help alleviate traffic problems and the impact of additional housing would not be as bad as people were expecting. A member had some concerns regards developments being built on Greenfield sites and the subsequent loss of agricultural land. Members approved the application by a majority

Decision: **Planning Permission Approved** subject to the completion of a legal agreement securing an educational contribution of £125,000; a contribution towards built sports of £9,750, £9,750 for Green Infrastructure and £9,750 for Play; an affordable housing contribution of £47,880; the provision and construction of the proposed school car park, the provision and maintenance of highways to an adoptable standard and a local labour agreement.

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 approved shall be carried out in accordance with the following plans and supporting information/reports unless otherwise agreed in writing by the Local Planning Authority; House Type 14 (SH 014), Type 15 (SH015), Type 16 (SH016), Type 17 (SH 017), Type 18 (SH018), House Type 19 (SH019), all plans date received by the Local Planning Authority on 27th April 2015; Plans N14164-900 REV P3 (Preliminary Drainage Strategy) and plan G01 (Proposed Double Garage General Arrangements) both plans date received by the Local Planning Authority on 11th June 2015; and amended plans 001 REV H (Proposed Site Layout Plan), 002 REV D (Proposed Boundary Treatment and Hard Landscape Plan), 005 REV C (Location Plan) and 2063/SK001/001 (Proposed Car Park for West Park Primary School), all plans date received by the Local Planning Authority on 6th July 2015. Patrick Parsons Flood Risk Assessment, all date received 27th April 2015. For the avoidance of doubt.
3. Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development.

4. Prior to the commencement of development, trees and hedgerows within and adjacent to the site shall be protected in accordance with a scheme for the protection during construction works of all trees and hedgerows to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations'. The scheme shall include measures to protect existing planting along the eastern boundary, hedgerows and the woodland to the south of the site as identified by 'Area B' of the Naturally Wild Ecological Appraisal PP-15-02 (date received 27/04/2015). The scheme once approved in writing by the Local Planning Authority 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).
5. Notwithstanding the submitted details, 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. The scheme shall include the provision of landscaping in respect of the proposed car park. No planting above 0.6 metres in height shall be planted within the first 15 metres of the landscaped area (measured from the footway edge) adjacent to plot 39 in order to protect sight lines. 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.
6. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be

- completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
7. Notwithstanding the submitted information, the school car park and drop off area shall be laid out in accordance with plan 2063/SK0001/001 (date received 6th July 2015) with details of the proposed hard landscaping, levels and surface finishes for the car park to be first 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 and shall be implemented prior to the occupation of the first dwelling on site. 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.
 8. No development shall commence until a scheme of highway measures and parking restrictions on Coniscliffe Road and Duchy Road has been submitted to and agreed in writing by the Local Planning Authority. The scheme shall include details of appropriate signage, and lining/markings on the highway. The agreed scheme shall be implemented prior to the occupation of the first dwelling. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
 9. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
 10. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
 11. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The

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

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

3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.

4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance

carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

12. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the east of the site. 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 or the living conditions of nearby residents.
13. Notwithstanding the submitted information and the measures outlined within Patrick Parsons Flood Risk Assessment (date received 27th April 2015), no development shall take place until a scheme for a surface water management system including the detailed drainage/SUDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. The scheme shall make provision for a sown wildflower meadow within the attenuation area. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its

lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.

14. Prior to the commencement of development and notwithstanding the submitted information, full details of the pumping station identified on plan 002 Rev D (date received 06/07/2015) shall be first submitted to and agreed in writing with the local planning authority. The scheme shall include technical details of the pumping station including acoustic information and noise attenuation measures, the design, scale and appearance of the pumping station building, hard standing and enclosures. The development shall be implemented in accordance with the details so approved and operate in accordance with the agreed details for the lifetime of the development. In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
15. No development shall take place until a scheme for passing surface water drainage from parking areas and hard standings through an oil interceptor prior to being discharged into any watercourse, SUDs feature, surface water sewer or soakaway system, has been submitted to and approved in writing by the local planning authority. No part of the development shall be occupied until the oil interceptor has been installed in accordance with the approved details. Roof water shall not pass through the interceptor. To ensure a satisfactory form of development.
16. Notwithstanding the submitted details shown on plan SH018 (Type 18), the 2no. windows to be installed within the first floor side elevations (east, serving a bathroom and an en suite) of the proposed dwellings on the plots identified as plots 20, 22 and 28 as indicated on plan 001 REV H (Proposed Site Layout Plan, date received 06/07/2015) facing onto the adjacent eastern boundary, shall be fixed and obscurely glazed using a minimum of type 4 opaque glass, details of which shall be first submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented thereafter and shall remain for lifetime of the development hereby approved. To prevent overlooking.
17. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly. In the interests of the amenities of the occupants of neighbouring properties and ensure a satisfactory form of development.
18. No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the details so approved. To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
19. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the

- predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the report, shall be installed. In the interests of promoting sustainable development.
20. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In order to avoid harm to birds.
 21. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. To avoid excessive noise and disturbance to the occupants of nearby properties.
 22. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 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.
 23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no garage(s) or other outbuildings shall be erected or converted 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.
 24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
 25. 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) and notwithstanding the approved details, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning

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

The Committee considered representations in relation to this matter.

Councillor Morris returned to the meeting following consideration of this application

Number: H/2014/0163

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL

Date received: 18/06/2014

Development: Erection of fourteen unit retirement village, access road, entrance and enclosure details

Location: Meadowcroft Elwick Road HARTLEPOOL

The Agent, Steve Cockrill, addressed the committee, reminding members that they had approved this application on 2 previous occasions and urging them to do so for a third time. Members approved the application unanimously.

Decision: **Planning Permission Approved** subject to conditions (delegated to the Planning Services Manager) and the completion of a legal agreement securing the developer contributions/obligations set out in the report £3,500 towards green infrastructure, £3,500 towards play provision, £3,500 towards built sports facilities, a commitment to build and maintain the access road to an adoptable standard and to the appropriate maintenance of open spaces within the site.

The Committee considered representations in relation to this matter.

Number: H/2014/0179

Applicant: Mr & Mrs S Cockrill Elwick Road HARTLEPOOL

Agent: GAP Design Mr Graeme Pearson 7 Hylton Road HARTLEPOOL

Date received: 18/06/2014

Development: Listed building consent for alterations to access and enclosures to facilitate the erection of fourteen unit retirement village, access road, entrance and enclosure details. (Amendments to description, access, layout, enclosure & drainage details, and red line identifying the site)

Location: Meadowcroft Elwick Road HARTLEPOOL

Members approved the application unanimously

Decision: **Listed Building Consent Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission. To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (1404:ER:P.05 Rev C Location Plan, 1404:P 05 03 Existing and Proposed Plans and elevations at Entrance) received by the Local Planning Authority on 21st July 2015. For the avoidance of doubt.
3. Details of all external finishing materials (bricks and copings and gates) 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 the character and appearance of the listed building.
4. Prior to the commencement of work on the wall a sample panel of one square metre of walling using the approved materials shall be constructed on the site and approved in writing by the Local Planning Authority. The remainder of the wall shall thereafter be constructed in accordance with the sample so approved. In the interests of the character and appearance of the listed building.
5. This permission relates only to the walls and gates (vehicular and pedestrian) to be constructed at the north western end of the site. To clarify the extent of the permission.

The Committee considered representations in relation to this matter.

Number: H/2015/0277

Applicant: Jomast Developments Limited Oriel House Calverts Lane STOCKTON-ON-TEES

Agent: Jomast Developments Limited Oriel House
Calverts Lane STOCKTON-ON-TEES

Date received: 20/07/2015

Development: Change of use and internal alterations to create
HMO for up to 20 residents

Location: The Tankerville Hostel 19 - 21 Tankerville Street
HARTLEPOOL

Members raised a number of issues relating to this application including lack of parking and fear of crime. The Highways, Traffic and Transportation Team Leader indicated that the area tended to have a low rate of car ownership. In terms of the proposed occupants members noted that it was intended that mainly women and children would be housed there and they questioned whether this was appropriate given the high crime rate in the area particularly sexual crimes. They also asked whether the developer had given any assurances that only women and children would be housed there and whether the type of occupant could be conditioned to that proposed by the applicant. Officers indicated that they could only condition the number of residents who would be housed there not who the occupants were. Members were concerned at the inability to monitor future occupiers. The developer did not intend to install a warden on site.

Several members indicated that prior to the meeting they had been mindful to approve this application however the lack of assurance regarding future tenants and the refusal by the developer to provide warden control had left them feeling unable to support it. They refused the application unanimously on the basis of insufficient parking and fear of crime. They also highlighted the high rate of sex crimes in the area and felt it was not a suitable premises for the intended use.

Decision: **Planning Permission Refused**

REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority the proposed development could give rise to issues of increased crime, antisocial behaviour and fear of crime in the local area to the detriment of the amenity of the occupiers of the property and neighbouring residential properties and the surrounding area contrary to policy GEP1 of the Hartlepool Local Plan (2006) and paragraphs 17, 58 and 69 of the NPPF.
2. In the opinion of the Local Planning Authority the proposed development would by virtue of the generation of additional traffic and insufficient parking provision have a detrimental impact upon highway safety and amenity within the local area to the detriment of the amenity

of the occupiers of neighbouring residential properties and the surrounding area and highway safety contrary to policy GEP1 and Hsg7 of the Hartlepool Local Plan (2006) and paragraph 17 of the NPPF.

Number: H/2015/0264

Applicant: Gentoo Homes Ltd Mrs Jane Turnbull 1 Emperor Way Doxford International Business Park

Agent: Mrs Jane Turnbull Gentoo Homes Ltd Akeler House 1 Emperor Way Doxford International Business Park

Date received: 01/07/2015

Development: Variation of condition 2 of planning application H/2013/0383 for residential development comprising 23 dwellings, associated roads, drainage and landscaping

Location: Land adjacent to Raby Arms Front Street Hart HARTLEPOOL

Members approved this application unanimously.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than 8th August 2017. For the avoidance of doubt.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (1:1250), Site Layout as proposed 3579/10/100/Revision J; Plan and elevation drawings 560/2A, 3A, 4A, 5A, 6B, 10 & 11; 3579/09/301/A, 201, 202, 302/A, 303/A; 304, 3579/10/201/A, 202/A, 203, 204, 205, 206, 301/A, 302/B, 303/B, 304, 305, 306, 307 & 308, received by the local Planning Authority 26th June 2015. For the avoidance of doubt.
 3. This approval relates solely to this application for the variation of condition 2 to allow for the revision to the approved plans. The other conditions attached to the original permission (Approval reference H/2013/0383 granted by the Inspectors decision letter dated 8th August 2014) shall continue to apply to this consent and shall require full compliance. For the avoidance of doubt.
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Number: H/2015/0158

Applicant: HERITAGE DEVELOPMENTS LTD C/O GAP
DESIGN ST OSWALDS HOUSE HARTLEPOOL

Agent: GAP Design Mr GRAEME PEARSON ST OSWALD
HOUSE 32 VICTORIA ROAD HARTLEPOOL

Date received: 04/06/2015

Development: Outline planning application for the erection of 12no.
semi detached houses with associated access.
Landscaping matters reserved (demolition of former
public house)

Location: FORMER KING OSWY PUBLIC HOUSE KING
OSWY DRIVE HARTLEPOOL

Members approved the application unanimously.

Decision: **Planning Permission Approved** subject to the
completion of a legal agreement securing £3,000 for
education and/or play facilities, and the provision
and maintenance of highways to an adoptable
standard.

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved. To clarify the period for which the permission is valid.
2. Approval of the details of the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. To clarify the period for which the permission is valid.
3. The development hereby approved shall be carried out in accordance with amended plan 1511:P.10 REV H (location plan, site layout, elevations and floor plans), date received by the Local Planning Authority on 13th July 2015 unless otherwise agreed in writing with the Local Planning Authority. For the avoidance of doubt.
4. Notwithstanding the submitted details in the application the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been approved in writing by the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development.

5. No development shall take place until a scheme for the protection during construction works of all trees within and adjacent to the site including those within the adjacent highway verge, in accordance with BS5837:2012 (Trees in relation to design, demolition and construction Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Any trees which are to be removed, seriously damaged or die as a result of the site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of visual amenity and to protect those trees on site and adjacent to the site that are considered to be of amenity value.
6. 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. 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.
7. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, accesses, blocking up of the existing access, and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
8. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. The works to the highway consisting of the existing access being sealed and provision of the proposed accesses and visibility splays, shall be carried out in accordance with plan 1511: P.10 REV H (date received 13th July 2015), to the satisfaction of the Local Planning Authority. The agreed scheme shall be implemented prior to the occupation of the dwellings unless otherwise agreed in writing with the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

9. Prior to the occupation of the dwellings hereby approved, 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 and lining/markings on the highway in respect of car parking restrictions. The agreed scheme shall be implemented prior to the occupation of the dwellings. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
10. Car parking space, to Local Planning Authority standards, shall be constructed, surfaced and marked out in accordance with the agreed car parking spaces and layout plan 1511: P.10 REV H (date received 13th July 2015), to the satisfaction of the Local Planning Authority before the dwellings hereby approved are brought into use unless otherwise agreed in writing with the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
11. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor. In order to prevent pollution.
13. Notwithstanding the submitted information, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
14. Prior to the occupation of the dwellings hereby approved, details of an acoustic fence to be erected along the adjacent boundary to St John Vianney school (West) and as indicated on plan 1511:P.10 REV H (date received 13th July 2015) 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 so approved prior to the first occupation of the dwellings and shall remain in place for the lifetime of the development. In the interests of the amenity and privacy of the occupiers of the adjacent land users and proposed residential properties.
15. No development shall commence until details of proposed external lighting has been submitted to and approved in writing by the Local Planning Authority. The lighting shall thereafter be installed and retained in accordance with the details so approved. To enable the

- Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.
16. The development hereby approved shall be carried out having regard to the following:
1. Site Characterisation An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include: (i) a survey of the extent, scale and nature of contamination; (ii) an assessment of the potential risks to: a. human health, b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes, c. adjoining land, d. groundwaters and surface waters, e. ecological systems, f. archeological sites and ancient monuments; (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
 2. Submission of Remediation Scheme A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
 3. Implementation of Approved Remediation Scheme The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a validation report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority.
 4. Reporting of Unexpected Contamination In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local

Planning Authority. Following completion of measures identified in the approved remediation scheme a validation report must be prepared in accordance with 3 (Implementation of Approved Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority. 5. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of 10 years, and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the Local Planning Authority.

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. 6. Extensions and other Development Affecting Dwellings. If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

17. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly. In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
18. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. To avoid excessive noise and disturbance to the occupants of nearby properties.
19. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no

- construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority. To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
21. 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) and notwithstanding the approved details, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
-

37. Appeal at 23 Stanhope Avenue, Hartlepool (*Assistant Director (Regeneration)*)

Members were advised that a planning appeal had been submitted against the decision, made under delegated powers, to refuse planning permission for the installation of replacement windows to the front and side and replacement guttering at 23 Stanhope Avenue. The appeal was due to be decided by written representation and authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

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

Members' attention was drawn to 15 ongoing issues which were currently being investigated.

Decision

That the report be noted

39. 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.

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

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

Minute 41 – (Future Planning Application – South West Extension) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely information in respect of which a claim to legal professional privilege could be maintained in legal proceedings (para 5)

41. Future Planning Application – South West Extension

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

Details are provided in the closed section of the minutes

Decision

Details are provided in the closed section of the minutes

The meeting concluded at 11.50am.

CHAIR

No: 1
Number: H/2015/0312
Applicant: Mrs Pamela Wright Brierton Lane HARTLEPOOL TS25 5DR
Agent: Mrs Pamela Wright 147 Brierton Lane HARTLEPOOL TS25 5DR
Date valid: 28/07/2015
Development: Change of use from meeting room, tea bar and computer room to mixed use cafe and hot food takeaway with external seating areas (Retrospective)
Location: Rossmere Tea Garden Rossmere Way HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

RELEVANT HISTORY

1.2 The relevant site history for the building is outlined below:

HHDC/1999/0612 –The demolition of former rent office and erection of a meeting room/tea bar/computer building - Approved

PROPOSAL

1.3 Planning permission is sought for the change of use from meeting room, tea bar and computer room to mixed use café and hot food takeaway with external seating area. This is a retrospective planning application.

1.4 The café occupies all of the building and has seating for 14, there is additional seating outside the café in the form of garden chairs and tables which are put out daily dependant on weather, these are located to the side of the building within the park area. The layout of the building inside has changed slightly since originally approved, with a serving area linked to the kitchen area being provided.

1.5 Access into the café is taken directly off Rossmere Way, with access to the outside seating area taken directly from within the park or by accessing through a side gate from Rossmere Way which is adjacent to the café. Food and snacks can be purchased within the park area from a serving hatch which is located on the side of the café adjacent to the outside seating area. Visitors from within the park can only gain access into the café by leaving park by the side gate leading onto Rossmere Way.

1.6 The café employs 9 members of staff (1 full time, 4 x 16hrs per week and 4 weekend casual staff).

1.7 The application has been referred to the Committee given that the building is within Council ownership and the number of objections received.

SITE CONTEXT/BACKGROUND

1.8 The site is located on the outer perimeter of Rossmere Park. The park is set within a predominately residential area and incorporates open grassed areas, trees, flowerbeds and an all weather pitch and a fixed equipment playground. The park also includes a wooded island, a variety of wildfowl and a nature area incorporating a pond dipping platform. The park is used for both formal and informal sport and recreation, including fishing. The Friends of Rossmere Park a voluntary organisation hold a number of events for the local community during the year.

1.9 Planning permission for the demolition of a former rent office and the erection of a meeting room, tea bar and computer room was originally approved on the site in February 2000. This was a purpose built building for The Friends of Rossmere Park, which is a voluntary group to use as a meeting room/tea bar/computer area. It was accepted that this was a reasonable community based facility which would provide light snacks for visitors to the park. The current tenant opened the 'Wright Bite' café in April 2014 operating 6 days per week. Due to the popularity and public demand the operating hours increased to 7 days per week.

1.10 Since the opening of the café in April 2014 the use of the premises has intensified. The café use extends into all areas of the building and the takeaway activity has increased in scope and intensity. A change of use application was therefore requested to seek to regularise the current operation.

PUBLICITY

1.11 The application has been advertised by way of neighbour letters (10). To date, there have been 6 letters of objection, 12 letters of support and a petition with 1,245 signatures in support of the application.

1.12 The objections raised are summarised as follows:

- Object to change of use – the café ok but not takeaway or delivery service due to the amount of traffic
- Breaking the law for the last 15 months
- Health and safety to residents and users of park
- It entices children to run across the road
- Residential area no need for takeaway
- Disgusting smell of greasy bacon
- No parking to support this
- Cars park on pavement
- Obstruction of adults/children leaving park
- Lots of rubbish

- No problem with cafe, it's the takeaway element that is a problem
- Increase traffic and noise
- Anti-social behaviour
- Environmental problems
- On major bus route and emergency route
- Noise, banging of doors
- Cannot see the park for the parking of trucks and vans
- Excessive amount of traffic stopping and parking at the premises
- Vehicles doing 'U' turns from the café
- Another takeaway will add to the increase of child and adult obesity
- Will damage the green wedge
- Since café opened loss of privacy by people staring into front and upstairs windows
- Staff looking into property from café area
- The door should be moved to inside park
- Children running out of side gate
- It's a major bus route
- Cars, vans, wagons make it difficult to access our own properties
- Lots of problems with litter

1.13 The letters of support are summarised below:

- Good food
- Children's school club use facilities when using the park
- Reasonable cost
- Service and food excellent
- Café provides a worthwhile community hub
- Anti social behaviour decreased since it opened
- More problems with church than café
- Provides nutritional meals
- Takeaway service and delivery very useful
- Provides local jobs
- Providing service to the local community
- This café has re-invigorated the space.

Copy Letters **A**

1.14 The period for publicity has expired.

CONSULTATIONS

1.15 The following consultation replies have been received:

HBC Economic Development – No objections

HBC Landscape – No objections

HBC Public Protection – I would have no objections to this application subject to an extract ventilation condition and an opening hours condition to the hours applied for in the application.

HBC Public Health – Objection - Paragraph 171 of the National Planning Policy framework states that, Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

Planning Practice Guidance also states that, Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in local and neighbourhood plans and in planning decision making.

Although there are a wide range of factors contributing to the levels of obesity in Hartlepool, the 2007 UK government Foresight report, “Tackling obesity: future choices” demonstrates evidence that the consumption of take-away and fast-foods are determinants of excess weight gain.

Data from the National Obesity Observatory (NOO) highlights that Hartlepool had 118 hot food take away outlets in 2011, which is significantly higher than the national average of 87 per 100,000 population.

A proliferation of hot food takeaways and other outlets selling fast-food can harm the vitality and viability of local centres and undermine attempts to promote the consumption of healthy food, particularly in areas close to schools and other areas where children congregate.

In the Fens & Rossmere ward, childhood obesity is of particular concern to Public Health and HBC. Statistics from the National Childhood Measurement Programme show that 10.7% of reception age children from schools in Fens & Rossmere are classified as obese. This is similar to the rest of Hartlepool, where 11.2% of reception age children are classified as obese. This compares to an England average of 9.5% obese children at reception age.

Once children reach Year 6 however, 25.7% of children in Rossmere and Fens are classified as obese, which is above the Hartlepool and England averages of 24.4% and 19.1% respectively.

It is also worth noting that in Fens & Rossmere, approximately 46% of deaths are people who are under 75 years old. A significant number of these deaths are linked to obesity-related illnesses such as diabetes, stroke, CVD and heart disease. This is much higher than the Hartlepool (38%) and England (32%) averages (ONS Public Health Mortality Files 2012).

HBC Traffic & Transport - Since the reopening of the cafe several complaints have been raised regarding parking on Rossmere Way. At times the cafe can attract several customers who park their vehicles on the carriageway, some of these vehicles are parked partially on top of the footway.

The carriageway in Rossmere way is relatively wide approximately 9 metres, this is a sufficient width to allow vehicles to park either side of the road and still allow 2 way traffic to proceed, although larger vehicles such as buses may need to give way.

Double parking occurs in several other areas along Rossmere Way, this includes parking near the shop, church, football parking at weekends and visitors to the Park.

The opinion of the Traffic section is that the parking in this area is acceptable, however following a meeting with residents and Ward Councillors it was agreed to consult on a relatively short extension of the double yellow lines from Balmoral Road to the edge of the cafe, this would of provided a little more visibility at the Balmoral Road junction and provide a larger area for vehicles to pull into and give way if necessary. There were a number of objections received from both residents and the cafe regarding this and the proposal was subsequently dropped.

I therefore confirm there are no Highway or traffic concerns with this application.

HBC Community Safety & Engagement Team – No comments received.

PLANNING POLICY

Local Policy

1.16 In relation to the specific policies referred to in the section below please see the policy note at the end of the agenda:

COM12: Food and Drink
GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GN2: Protection of Green Wedges
GN3: Protection of Key Green Space Areas
REC4: Protection of Outdoor Playing Space

National Policy

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

development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being.

Paragraph 002: Primacy of development plan

Paragraph 006: Contribute to the achievement of sustainable development

Paragraph 007: 3 dimensions of sustainable development

Paragraph 011: Planning law and development plan

Paragraph 012: Statutory status of development plan

Paragraph 013: NPPF is material consideration

Paragraph 014: Presumption in favour of sustainable development

Paragraph 017: Role of planning system

Paragraph 069: Promote opportunities for meetings between members of the community.

Paragraph 0171: Health and well-being

PLANNING CONSIDERATIONS

1.18 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impacts of the proposal on neighbour amenity, highways and public health.

Principle of Development

1.19 The site is located within an area defined as green wedge and key green space in the Hartlepool Local Plan (2006) Policy GN2c states that development within the green wedge will only be supported for the erection of building or structures which comprise extensions to existing premises located within a green wedge or provide facilities to existing or proposed recreational, leisure, or sporting uses or related to the provision of wildlife sites, and provided that there is no significant adverse effect on the overall integrity of the green wedge. Furthermore policy GN3 will only support development within key green space which relate to the use of land within these key green spaces as parkland or other amenity, recreational or landscaped open space. It is considered that the proposed café use within this location and within an existing building is considered capable of being acceptable as it provides a facility which could be ancillary to the recreational/leisure use of the surrounding open space and does not involve any new development on the existing open space. However the takeaway use appears to be primarily aimed at serving the wider community and this element would not therefore meet the spirit of these policies.

1.20 Policy Com12 states that proposals for food and drink developments will only be permitted where there will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter. Policy Gep1 also outlines that the effect of a proposal on the amenity of occupiers of adjoining or nearby properties should be considered in terms of general disturbance, noise and smell.

1.21 It is considered that the use of a takeaway within this location would have an adverse affect on the character, appearance and function of the surrounding area. This type of development can lead to an increase of traffic, noise, litter and disturbance. Whilst it is acknowledged that no objections have been received from HBC Traffic and Transportation or HBC Public Protection it is considered that such a use would be at odds with this quiet residential/parkland area and have a detrimental impact on its character.

Neighbour amenity

1.22 Concerns have been raised in relation to smells associated with the use of the premises the Council's Head of Public Protection has raised no objection to the proposal subject to an hours restriction and ventilation measures which could be secured through condition to mitigate against the omission of smells.

1.23 It is considered that a café use in a park is something that is accepted within the town parks and can offer an element of 'takeaway' which is ancillary to the main use of a building as a café, however in this instance it is considered that a takeaway use of this intensity is not considered ancillary and for the reason discussed above not considered an appropriate use in this area.

It is therefore considered that the proposal is contrary to policy Com12 and GEP1.

Highways

1.24 Many of the concerns raised in relation to the proposal relate to the increase in traffic and the lack of parking provision, however HBC Traffic and Transport Section have been consulted and raise no objection to the proposal. Whilst there are issues with vehicles parking on the pavement and parking for a short period of time, it is not considered that it is of a level that could sustain an objection on highway grounds given that the width of the road can accommodate double parking with two way traffic still able to get through.

Public Health

1.25 HBC Public Health have raised objections to the proposal on the grounds that the proliferation of hot food takeaways in the town can undermine attempts to promote the consumption of healthy food, particularly in areas close to schools and other areas where children congregate. Although there are a wide range of factors contributing to the levels of obesity in Hartlepool, the 2007 UK government Foresight report, "Tackling obesity: future choices" demonstrates evidence that the consumption of take-away and fast-foods are determinants of excess weight gain. Data from the National Obesity Observatory (NOO) highlights that Hartlepool had 118 hot food take away outlets in 2011, which is significantly higher than the national average of 87 per 100,000 population. Furthermore in terms of obesity rates in the Fens and Rossmere Ward are above the national average whilst in the ward 46% of deaths are of people under the age of 75 with a significant number of these deaths linked to obesity related illnesses.

1.26 It is considered that the proposal is contrary to NPPF paragraphs 17 and 171 which encourage strategies to improve health and wellbeing.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

1.29 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. It is considered that the proposed development would be detrimental to the character of the area and public health contrary to policy GEP1, COM12, GN3 and GN2 of the adopted Hartlepool Local Plan 2006 and paragraph 17 and 171 of the National Planning Policy Framework.

BACKGROUND PAPERS

1.30 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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ROSSMERE TEA GARDEN



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/2015/0312
Scale: 1:1000
Date : 08/09/15

No: 2
Number: H/2015/0325
Applicant: Mrs Jane Paylor Arran Grove HARTLEPOOL TS25 5HQ
Agent: Peter Gainey Architectural Services Mr Peter Gainey 50 Granville Avenue HARTLEPOOL TS26 8NB
Date valid: 03/08/2015
Development: Erection of a detached timber frame garage
Location: 1 ARRAN GROVE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The following applications are relevant to the current application site;

2.3 H/2007/0237 (Approved) – Erection of single and two storey extension to provide porch, kitchen and utility to ground floor with bedroom and en-suite above

2.4 H/2015/0217 (Withdrawn) – Erection of a detached garage.

2.5 A part-retrospective application (H/2015/0217) was previously submitted on 28/05/15 for the erection of the proposed garage. However, on the advice of Officers, the applicant withdrew the application and has agreed to alter the location/orientation of the garage which will require disassembly of a timber frame which had previously been constructed and is currently in place. The applicant has now resubmitted the current revised plans with the garage in a different proposed location/orientation.

PROPOSAL

2.6 Planning permission is sought for the erection of a detached flat roofed garage measuring approximately 5.425 metres in length by 4.5 metres in width and with a total height of approximately 2.9 metres.

2.7 The application has been referred to planning committee due to the number of objections received.

SITE CONTEXT

2.8 The application site comprises an east facing, semi-detached, two storey dwellinghouse in a residential cul-de-sac at Arran Grove, Hartlepool. The dwellinghouse is adjoined to 2 Arran Grove to the south. The application site is bounded to the north west by 8 Argyll Road and to the west by 6 Argyll Road. To the east of the property lies adopted highway with a small parking area and a large area

of open green space beyond. To the north of the property lies another triangular area of open green space with the adopted highway on Argyll Road and a row of terraced houses beyond.

PUBLICITY

2.9 The application has been advertised by way of neighbour letters (5). To date, there have been 7 objections and 2 letters of do not object.

2.10 The concerns raised are:

- Fear of crime/anti-social behaviour
- Overdevelopment of the site
- Structure is/will be unsafe
- Detrimental impact on character of area
- Impact on street lighting
- Out of keeping
- Garage is not necessary
- Future disruption from construction
- Overbearing

Copy Letters B

2.11 The period for publicity has expired.

CONSULTATIONS

2.12 The following consultation replies have been received:

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

HBC Building Control - The proposals for the above garage would not require a Building Control application as it will be more than 1m from the boundary and under 30m² internal floor area. With regards to the concerns that the building is a dangerous structure I am aware that our engineers have been dealing with the building and any further concerns should be directed to Les Javan.

Cleveland Police – No representation received.

PLANNING POLICY

2.13 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

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

GEP1: General Environmental Principles

Hsg10: Residential Extensions

Supplementary Note 4: Guidelines for house extensions

National Policy

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

Paragraph 17 – Core Planning Principles – Secure a good standard of amenity

Paragraph 056 – Requiring Good Design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

Visual Amenity

2.17 The proposal comprises a single storey detached garage building measuring 5.425 metres in length by 4.5 metres in width, with a total height of approximately 2.9 metres. The proposed garage is to be located to the immediate north east of the main dwellinghouse within the side/front garden area of the property and adjacent to the previously approved two storey side extension (H/2007/0237).

2.18 The side/front garden area is enclosed at its front by an approximately 1 metre high brick wall with wrought iron railings above and is partially enclosed to either side by an approximately 1 metre high timber fence. Given the location of the proposal to the front of the property and the limited screening afforded by the front garden

boundary enclosure, the proposed garage will be readily visible within the street scene along Arran Grove and the surrounding area.

2.19 The proposed garage is orientated at an oblique angle to the main dwellinghouse, is to feature a flat roof and off-centre garage door and is to be clad in brick effect panels. Whilst a more symmetrical arrangement for the garage door would have been preferable, it is not considered that this would have a significant detrimental impact on visual amenity. Similarly the flat roof design of the garage is considered to be out of keeping with the main dwellinghouse, however other similar flat roofed garages can be found within the vicinity.

2.20 Furthermore, whilst the proposed finishing materials are not considered to be in keeping with the white render of the host property, the predominant building material in the area is brick and as such it is considered there would not be a significant detrimental impact on the character of the area. Notwithstanding this, final details of finishing materials shall be subject to the approval of the Local Planning Authority prior to the commencement of the development by way of a planning condition.

2.21 On balance, it is considered that the proposal would not have a significant detrimental impact on the visual amenity of the host property, the street or the surrounding area.

2.22 In terms of impact on visual amenity the proposal is considered to be acceptable and in accordance with saved policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

Neighbour Amenity

2.23 To the west the proposal is located approximately 1 metre from the shared boundary with 8 Argyll Road at its closest point whilst the side elevation of 8 Argyll Road is situated in excess of approximately 8 metres from the rear elevation of the proposal.

2.24 The side elevation of 8 Argyll Road features a hallway door, a utility room window and a stairwell window at ground floor. At first floor there is a landing window and the principle window of a first floor bedroom, as confirmed on site by the case officer.

2.25 In terms of the first floor windows, whilst this elevation does feature a principle bedroom window, it is considered that given the proposal is at a single storey scale, there is sufficient separation distance to negate any significant impact on neighbour amenity in terms of overshadowing or overbearing.

2.26 At ground floor, whilst separation distances are just short of the 10 metres guideline set out in the Council's Supplementary Note 4, given the scale of the proposal and the angle at which the rear elevation of the garage splays away from 8 Argyll Road, it is considered that there is sufficient separation distance between the proposed garage and the side elevation of the neighbouring dwellinghouse to negate any significant impact on neighbour amenity through overshadowing, overbearing or poor outlook.

2.27 To the north, the proposal is located in excess of 30 metres from the properties along Argyll Road. To the east there is a separation distance in excess of 100 metres between the proposal and the properties opposite on Alloa Grove owing to the large area of open green space to the front of the host property. To the south the proposal is partially screened by the existing dwellinghouse with the remainder situated in excess of approximately 16 metres from the front elevation of the properties opposite. It is therefore considered that there is sufficient separation distance between the proposal and neighbouring properties to the north, east and south to negate any significant impact on neighbour amenity.

2.28 The proposal features no windows or doors in any of the elevations except for the garage door on the front elevation; it is therefore considered that there are no implications in terms of loss of privacy or overlooking.

2.29 On balance, it is considered that the proposal would not have a significant detrimental impact on neighbour amenity as a result of overshadowing, overbearing or loss of privacy.

2.30 In terms of impact on neighbour amenity the proposal is considered to be acceptable and in accordance with policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

Highway Safety

2.31 The Council's Highways Traffic and Transport section have no highway or traffic concerns in relation to the proposal. The proposal is therefore considered to be acceptable in terms of highway safety.

Residual Matters

2.32 In terms of residual matters comments have been received from objectors suggesting that the proposal will prevent light from street lights reaching neighbouring gardens at night, in particular 8 Argyll Road, however street lighting such as this is put in place for the purpose of illuminating the highway only and is not to provide light to private gardens at night. The Council's Highway, Traffic & Transport section have not raised any concerns in relation to impact on street lighting.

2.33 Objectors have also cited the potential for increased crime, fear of crime and anti-social behaviour as a reason for objection, however this is largely in connection with the abovementioned street lighting issue and as indicated above the lighting of private properties at night is not the responsibility of the Local Authority. It is not considered that the size and design of the proposal would encourage or increase incidence of anti-social behaviour or crime.

2.34 Neighbouring objectors have also cited future construction disruption and the lack of need for garage space at the property as reasons for objection; however these are not material planning considerations and as such have not been taken into account in reaching the recommendation.

2.35 The structural integrity and safety of the previously constructed timber frame and the future garage construction have also been listed as reasons for objection by neighbours however this is outside the remit of the Local Planning Authority and any concerns relating to unsafe structures should be raised with the Council's Engineering, Design and Management section.

Conclusion

2.36 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.37 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.38 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.

2.39 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE

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

4. The garage(s) hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.

In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

2.41 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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1 ARRAN GROVE



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/2015/0325
Scale: 1:1000
Date : 08/09/15

No: 3
Number: H/2015/0267
Applicant: Mr Geoff Holmes Milton House 57 Leeds Road LEEDS LS16 9BE
Agent: Elder Lester McGregor Mr Ian McGregor Reeds Mill Atlas Wynd YARM TS15 9AD
Date valid: 12/08/2015
Development: Erection of a restaurant/cafe with related external works and car parking provision
Location: Land adjacent to Middleton House Navigation Point Middleton Road HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

PROPOSAL

3.2 Planning permission is sought for the erection of a restaurant/café with related external works and car parking provision. The building is to measure approximately 8 metres by 20 metres and is to be located in the north east of the site with car parking to the south and west of the building. The proposal is to be single storey and have a total height of approximately 4.8 metres.

3.3 The application has been referred to planning committee due to the number of objections received.

SITE CONTEXT

3.4 The application site comprises an area of existing car parking adjacent to Middleton House, Harbour Walk, Hartlepool. To the immediate west lies a small strip of hard standing outside of the application site with Middleton House beyond. To the north, the site is enclosed by a brick wall approximately 2.25 metres in height running the length of Middleton Road, beyond this is adopted highway and a large open expanse of derelict industrial land. To the immediate east, the site is bounded by a bin store with the upper floor flats at Navigation Point on the opposite side of the road beyond with commercial uses at ground floor. To the south of the site on the opposite side of Harbour Walk is the marina itself.

PUBLICITY

3.5 The application has been advertised by way of press notice, site notices and neighbour letters (40). To date, there have been 18 objections and 1 letter of do not object.

3.6 The concerns raised are:

- Lack of need/demand
- Alternative land/units available
- Increased highway safety risk
- Impact on Sea Cadets activities/operations
- Detrimental impact on community
- Incompatible neighbours
- Increased risk/danger to cadets
- Lack of parking
- Impact on boat shed access at Middleton House
- Traffic congestion
- Negative impact on character of the area
- Obstruction of Sea Cadets muster point

Copy Letters C

3.7 The period for publicity has expired.

CONSULTATIONS

3.8 The following consultation replies have been received:

HBC Economic Development - I fully support the proposals, the further development of the area around Navigation point will strengthen the leisure option whilst at the same time encouraging private sector investment and job creation.

HBC Engineering Consultancy - We need a surface water and contaminated land condition on this one.

HBC Heritage and Countryside - Seaton Highlight is a designated heritage asset. The building was moved to its current location from its original site on an industrial estate some time ago. The result of the movement means that the setting of the building does not contribute to the significance of the property as it has been altered therefore on considering your application I concluded that it would not cause any harm to the heritage asset particularly given the distance between the highlight and the application site.

HBC Waste Management – No objection as long as there is no impact to the bin store adjacent, the number of bins required to be stored cannot be reduced at all. They cannot use that area as it is for the domestic waste collection for the flats at Navigation Point, to store commercial waste within the bin store area, will cause issues and would leave their containers open to abuse by the residents.

HBC Public Protection - I would have no objections to this application subject to an hours restriction to no later than midnight which is consistent with the other premises on Navigation Point and an extract ventilation condition to the kitchen.

The toilet provision looks low for the potential 60 covers. The following is the minimum requirements for sanitary accommodation to this restaurant;

A restaurant with 60 covers, BS6465 requires the following;

1 wheelchair accessible toilet (if they have less than 5 staff on at any one time, we will accept that staff can share this toilet) as well as;

1 Ladies toilet with at least 2 WC's

1 Gents toilet with 1 urinal and 1 WC

We need to ensure that this premises has the same conditions re opening hours and deliveries as all of the others.

I would recommend a condition restricting the collection of waste glass (bottles etc) to daytime hours e.g 8:00am to 6:00pm and not on a Sunday or Bank Holiday.

HBC Traffic & Transport - The proposed cafe is to be built on an existing car park which can accommodate 15 vehicles. This car park currently serves Middleton House.

A total of 12 parking spaces will serve the proposed cafe which would be an appropriate level of parking, the layout of the proposed car parking is to an acceptable standard. The overall net loss of 3 parking spaces would not be significant, especially as there are alternative larger parking areas available within a short walking distance.

I therefore have no highway or traffic concerns with this application.

Environment Agency - This proposal falls within the scope of the Environment Agency's Flood Risk Standing Advice and therefore the Agency should not have been consulted on this application. Please refer to our Standing Advice which can be found at <https://www.gov.uk/flood-risk-standing-advice-frsa-for-local-planning-authorities> for the relevant comment relating to this proposal.

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

For information only

We can inform you that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water do not permit a building over or close to our apparatus and therefore we will be contacting the developer direct to establish the exact location of our assets and ensure any necessary diversion, relocation or protection measures required prior to the commencement of the development. We will be contacting the developer/agent directly in this matter, however, for planning

purposes you should note that the presence of our assets may impact upon the layout of the scheme as it stands.

Cleveland Police - I would initially comment that the applicant actively seeks to develop to accredited Secured by Design standards and even if this was not to be the case I would encourage them to contact Steve Davies for any input/advice he could offer. Street lighting covering the proposed development should be to BS5489:1013 standards. Any licensing issues that may apply would also require Cleveland Police licensing dept. be informed.

Tees Archaeology - I have checked the development against our records and this will not have an archaeological impact, we therefore have no further comment to make on the application.

PLANNING POLICY

3.9 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

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

Com4:	Edge of Town Centre Areas
Rec14:	Major Leisure Developments
Rec9:	Recreational Routes
To1:	Tourism Development in the Marina
GEP1:	General Environmental Principles
GEP2:	Access for All
GEP3:	Crime Prevention by Planning and Design

National Policy

3.11 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.

Paragraph 002 : Primacy of Development Plan

Paragraph 011 : Planning law and development plan

Paragraph 12 : Core Planning Principles

Paragraph 014 : Presumption in favour of sustainable development

Paragraph 017 : Role of planning system

Paragraph 024 : Town centre sequential test

Paragraph 056 : Design of built environment

Paragraph 132: Significance of a designated heritage asset

Paragraph 196 : Primacy of the Development Plan

Paragraph 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.12 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity, neighbour amenity, the setting of a listed building, highway safety, flood risk and archaeological impact.

PRINCIPLE OF DEVELOPMENT

3.13 The application site is located within the Marina edge of town centre area as designated by saved Policy Com4 of the Hartlepool Local Plan 2006 and outlined on the proposals map.

3.14 Saved Policy Com4 states that:

“Proposals for a range of uses will be permitted within edge of town centre areas as shown on the proposals map provided that:

- *They do not adversely affect the character (appearance/function) and amenity of the area (See Policy GEP1); and*
- *They accord with policies Com8, Com9, Com12, Rec13, Rec14, Tra16, GEP7, HE1, HE7, HE8 and HE10.”*

3.15 The proposal provides a new commercial unit at the Marina, an existing recognised centre, and the Council’s Planning Policy section has advised that this is an acceptable use in this location supported by local and national policy. There are no planning policy concerns in relation to the application subject to parking considerations.

3.16 The Council’s Economic Regeneration section support the application and have commented that the further development of the area around Navigation point will strengthen the leisure option whilst at the same time encouraging private sector investment and job creation. As such the proposal is considered to be a sustainable form of development and that the principle of development is accepted subject to the scheme satisfying the following material considerations.

VISUAL AMENITY

3.17 The proposed building is located on an area of existing parking close to the existing restaurants and bars at Navigation Point. The proposal is partially screened to the east by the adjacent bin store and ancillary building, which are enclosed by an approximately 1.8 metre high closed boarded fence, and will be significantly screened to the west by the two storey Middleton House.

3.18 To the north the proposal is partially screened by the abovementioned 2.25 metre high boundary wall. To the south the proposal will be clearly visible in views across the marina; however it is considered that the proposed building is of a scale, location and design which would not significantly impact on the visual amenity or character of the area.

3.19 Whilst the proposed restaurant/café building is to feature through colour render to its southern and western elevations, rather than the traditional brick construction of the majority of neighbouring buildings within the marina development, it is not considered that this would have a significant detrimental impact on the visual amenity of the area given the scale, location and design of the proposal.

3.20 Furthermore, other standalone units on the marina such as Bar 516, located further along Navigation Point, have also been clad in alternative materials and it is therefore considered that the proposal would not appear out of keeping. Notwithstanding this however, final details of finishing materials shall be secured through planning condition in order to protect the visual amenity of the area.

3.21 In terms of impact on visual amenity the proposal is considered to be acceptable and in accordance with Policy GEP1 of the Hartlepool Local Plan 2006 and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

3.22 The application site is located adjacent to a mixed use area which includes a strong contingent of similar use buildings (within the A3 and A4 use classes) and a large number of residential properties (primarily the uppers floors above the commercial uses).

3.23 To the east the proposal is located approximately 30 metres from the residential properties on the upper floors of Navigation Point. Given the distance and relationship between the proposed restaurant building and the existing residences, and considering the existing established uses within the immediate area, it is not considered that the proposal would result in any significant detrimental impact on residential amenity and privacy.

3.24 To the immediate west of the proposal lies Middleton House, an existing two storey building occupied by the Hartlepool Sea Cadets and Hartlepool Divers Club. Whilst it is acknowledged that the proposed scheme is likely to result in a degree of noise disturbance and effect on the amenity of neighbouring land users, given that there is a separation distance in excess of 10 metres and considering the existing uses occupying Middleton House are non-sensitive/non-residential, it is considered

that the proposed building and associated use as a restaurant/café would not have any significant detrimental impact on the amenity of the adjacent premises.

3.25 As part of the assessment of the current application, the Council's Public Protection section has recommended a number of conditions, namely

- i) Details of extract ventilation to kitchen facilities.
- ii) The restaurant opening times being restricted to not later than midnight.
- iii) Restriction on collection of waste glass (bottles etc) to daytime hours (8:00am to 6:00pm) and not on a Sunday or Bank Holiday.

3.26 In terms of deliveries outside opening hours, the Council's Public Protection section has advised that deliveries to the premises outside of the permitted hours would not raise any significant amenity and noise concerns. Furthermore, restrictions on operating hours would be consistent with other commercial/similar uses in the marina.

3.27 Subject to the imposition of the necessary planning controls that can be secured by separate planning conditions, the Public Protection Manager has raised no objections to the application.

3.28 In terms of impact on neighbour amenity, the proposal is considered to be acceptable and in accordance with policy GEP1 of the Hartlepool Local 2006 and paragraph 56 of the NPPF.

IMPACT ON THE SETTING OF A LISTED BUILDING

3.29 Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas Act) 1990 require the Local Planning Authority to give special consideration to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

3.30 Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. Para 132 of the NPPF notes that "when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be".

3.31 Seaton High Light, a grade II listed building and designated heritage asset, is located to the south west of the site on the opposite side of the marina at a distance of approximately 250 metres. The Council's Heritage and Countryside Manager has advised that the building was moved to its current location from its original site on an industrial estate some time ago. The result of the movement means that the setting of the building does not contribute to the significance of the property as it has been altered therefore on considering the application the Council's Heritage and Countryside Manager has concluded that the proposal would not cause any harm to the heritage asset, particularly given the distance between the highlight and the application site.

3.32 The scheme is therefore considered to accord with the provisions of the NPPF and saved Local Plan policies HE1 and HE2.

HIGHWAY SAFETY

3.33 Whilst concerns have been raised by objectors in relation to traffic congestion, parking provision and the associated impact on the safety of users of the Hartlepool Sea Cadets adjacent, the Council's Highways, Traffic and Transport section have advised that the 12 parking spaces that are to serve the proposed café would be an appropriate level of parking and the layout of the proposed car parking is to an acceptable standard. Furthermore, whilst the proposal will result in the net loss of 3 parking spaces, this would not be significant, especially as there are alternative larger parking areas available within a short walking distance. The proposal is therefore considered to be acceptable in terms of highway safety.

FLOOD RISK

3.34 The Environment Agency has referred the Local Planning Authority to their Flood Risk Standing Advice in making an assessment of the scheme.

3.35 The site is located in Flood Zone 1 where land is assessed as having a less than 1 in 1000 annual probability of river or sea flooding. Planning Practise Guidance Table 3 (Flood risk vulnerability and flood zone 'compatibility') states that 'Less Vulnerable' developments are appropriate in Flood Zone 1 and that a sequential test is not required.

3.36 The Council's Engineers have not raised any concerns in relation to flooding. The proposal is therefore considered to be acceptable in terms of flood risk.

ARCHAEOLOGY

3.37 Tees Archaeology has confirmed that there are no known sites of archaeological interest within the development area. The scheme is therefore acceptable in this respect.

RESIDUAL MATTERS

3.38 In terms of residual matters, objections to the scheme primarily concern the loss of the existing car park area adjacent to Middleton House which at present is used by the Hartlepool Sea Cadets both for parking and as an area for outdoor activities associated with the organisation such as land based training and marching band practice and as such the redevelopment of the car park will impact on the operations of the unity. However, whilst this area may currently be utilised by the Sea Cadets, it is understood this land is not within their ownership and as such any dispute over the use of the land is a civil matter to be resolved between the owners of the land and the Hartlepool Sea Cadets as this is outside the remit of the Local Planning Authority.

3.39 Similarly, the Hartlepool Sea Cadets have outlined in their objection that the proposal will restrict access to their boatshed shutter door on the ground floor of the building and also obstruct their fire muster point. However, as the land adjacent is not within their ownership, any access issues relating to it is again a civil matter between the Sea Cadets and the owners of the land. The Council's Highways, Traffic and Transport section have raised no objections in relation to access to the boatshed shutter.

3.40 Objectors to the scheme have also commented that there is a lack of demand/need for additional restaurant/café facilities at the Marina and that there are other more suitable sites available for the development; however these are not material planning considerations and therefore have not been considered in reaching a recommendation.

3.41 In their consultation response, Northumbrian Water has informed the Local Planning Authority that a public sewer crosses the site and may be affected by the proposed development. Northumbrian Water does not permit a building over or close to their apparatus and therefore diversion, relocation or protection measures may be required prior to the commencement of the development. The agent has been made aware of this and the advice of Northumbrian Water shall be appended as an informative.

3.42 Cleveland Police have commented that the applicant should seek to apply Secured by Design standards and should contact Cleveland Police for further advice and information. The agent has been made aware of this and these comments shall also be appended as an informative.

3.43 The Council's Public Protection section has advised that the indicated toilet provision appears low for the proposed capacity of the restaurant and has provided minimum standards. The provision of WCs is not within the remit of the Local Planning Authority however the agent has been made aware of the comments from Public Protection and these shall also be appended as an informative.

3.44 Whilst the applicant has indicated in the application form their intention to utilise the adjacent bin store for refuse storage, the Council's Waste Management section has indicated that this is for residential use only and as such alternative waste storage arrangements will be required. A condition shall therefore be appended to the consent requiring that details of refuse storage within the site shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.

CONCLUSION

3.45 With regard to the above planning considerations and the relevant policies of the Hartlepool Local Plan 2006, the proposal is considered to be acceptable and is recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

3.48 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority at the time the application was made valid on 12/08/15 (Drawing No: 1523/001, Site Location Plan; Drawing No: 1529/002A, Proposed Site Layout; Drawing No: 1529/003B, Proposed Elevations, Floor Plan and Roof Plan).
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
5. Development shall not commence until there have been submitted to and approved in writing by the Local Planning Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.

6. Development shall not commence until proposals for the storage of refuse within the site have been submitted to and approved in writing by the Local Planning Authority and all such approved details have been implemented. In the interests of the amenities of the occupants of neighbouring properties.
7. The proposed car parking shall be laid out in accordance with the Proposed Site Layout (Drawing No: 1529/002A) submitted to the Local Planning Authority on 08/07/15. Details of finishing materials used for the proposed hard standing 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.
8. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation

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

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

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

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

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

9. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically within the A3 Use Class and for no other use class, and the building 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.

10. The premises shall only be open to the public between the hours of 08:00 and 00:00 Mondays to Saturdays inclusive and between the hours of 10:00 and 00:00 on Sundays or Bank Holidays and the premises shall be vacated by 00:00 seven days a week.
In the interests of the amenities of the occupants of neighbouring properties.
11. The collection of waste glass (bottles etc) shall be restricted to the hours of 08:00 and 18:00 Mondays to Saturdays inclusive and not at any other time on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
12. 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.

BACKGROUND PAPERS

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

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

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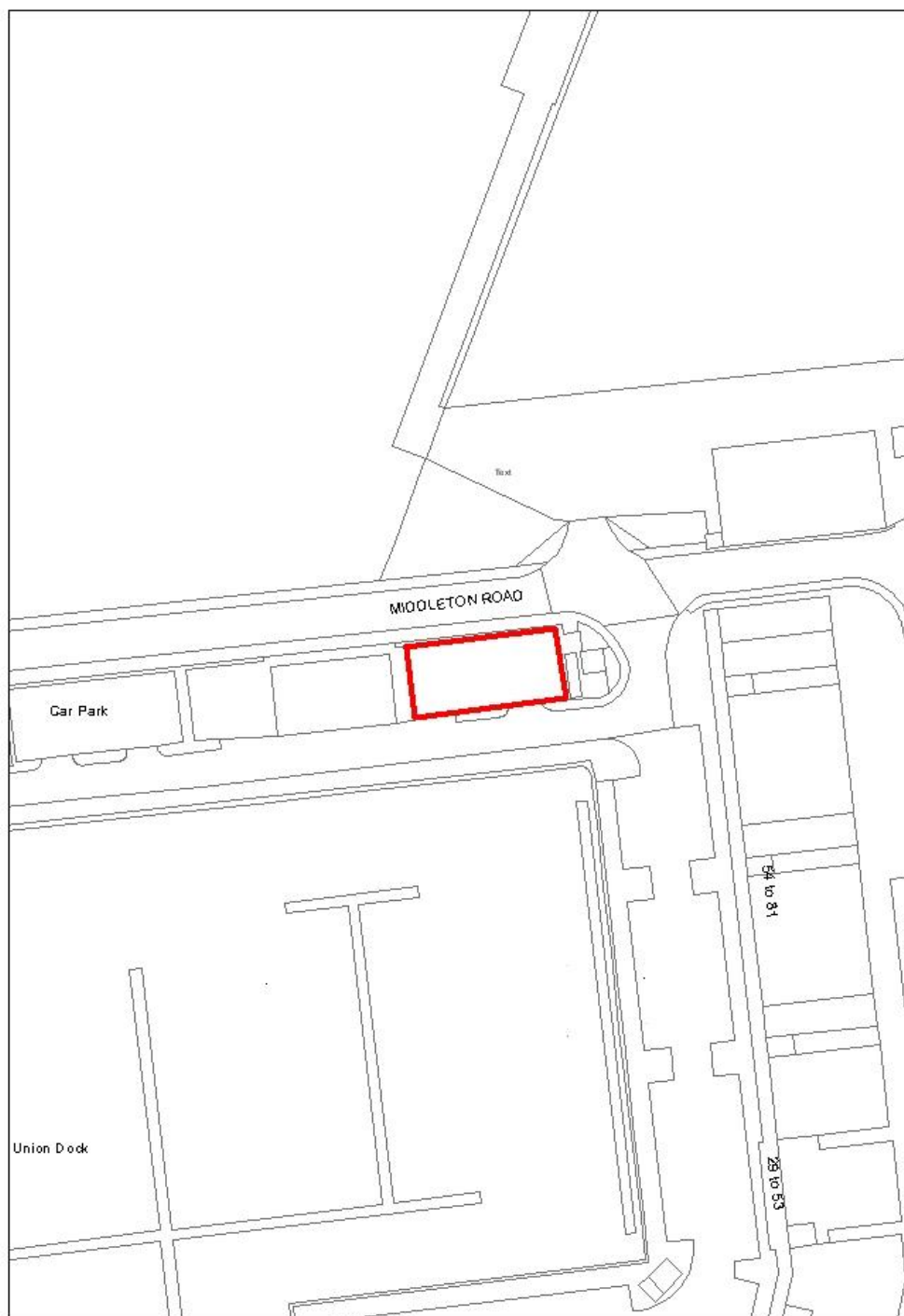
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LAND ADJACENT TO MIDDLETON HOUSE



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/2015/0267
Scale: 1:1000
Date : 08/09/15

No: 4
Number: H/2015/0266
Applicant: Ms Jill Welch St Oswald House 32 Victoria Road
HARTLEPOOL TS26 8DD
Agent: GAP Design Graeme Pearson St Oswald House 32
Victoria Road HARTLEPOOL TS26 8DD
Date valid: 14/07/2015
Development: Outline application for the erection of dwelling with some
matters reserved
Location: Land to the South of Hartdale Queensberry Avenue
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The site has no record of any recent planning history.

PROPOSAL

4.3 Outline planning permission for the erection of a single dwelling within the curtilage of Hartdale is sought with matters of access and layout to be considered with all other matters reserved.

4.4 Though details of a substantial two storey dwelling and detached garage have been submitted, these are indicative and for illustrative purposes with only the layout to be considered at this stage. The layout shows a 150sqm (approx) footprint for a broadly 'L' shaped west corner of the site. A 4.2m wide by 18m long driveway would link the garage to the 3m wide access to be formed on the eastern boundary. The hardstanding would utilize a 'no-dig' tree friendly porous method of surfacing in its construction. This would entail:

- Ground clearance and preparation in the root protection zones of trees by use of the 'no dig' technique. This avoids the use of mechanical digging methods and instead employs the use of hand tools to avoid damage to the tree root systems. No roots are to be damaged except where necessary to remove obstructions such as rocks and, damage to roots in excess of 2.5cm diameter will be avoided. All hollows are to be refilled using sharp sand clearing away any organic materials so as to avoid the build up of anaerobic conditions that would have the potential to damage tree root systems.
- Laying of a Fibretex non woven geotextile material directly onto the prepared levelled ground above the existing ground level and at least one metre distant from the trunks of the retained trees.

- Laying of a cellular confinement system above this.
- The laying of an interconnected layer formed of polyurethane strips welded together, capable of carrying domestic traffic of 3 tonnes and, at 200mm width, vehicles of up to 8 tonnes in weight during the construction period.
- A top layer would then be applied. This can consist of a number of finishes such as block paving; porous tarmac, loose gravel or even grass blocks or gravel infilled blocks.

4.5 A 3m wide access would be formed through the existing 2m high western brick wall of the site utilising 'no dig' techniques.

4.6 Trees identified as worthy of protection on the western boundary of the site are marked prefixed A & B on the tree protection plan and consist mainly of mature Sycamores. In addition, this Authority has, during the progress of the application, served Tree Preservation Orders (TPO) on six of the mature trees located on the publically visible Eastern and Southern boundaries of the site namely 5 sycamores and a Hazel.

SITE CONTEXT

4.7 The site forms part of the walled garden curtilage of the large semi detached dwelling at Hartdale, located on the southernmost section of Queensbury Avenue, close to its junction with Elwick Road. The house is adjoined laterally with Beechlands.

4.8 Historically, Hartdale once formed a single dwelling with the adjoining Beechlands and together, the grounds of this dwelling once occupied a large area of land between Queensberry Avenue and the bend in Elwick Road. Since then, both sites have subject to some sub-division with two dwellings added to the north of Beechlands on the old tennis courts of the dwellings (The Courts) and to the north and adjacent to Hartdale (22a Queensberry Road) during the 1960s

4.9 Situated in the development limits of Hartlepool, the location is primarily residential with a mixture of substantial detached dwellings close-by with a grouping of detached bungalows located to the east across the street and a mixture of dwellings located nearby to the north in Queensberry Avenue. Recreational green space is located directly to the South, across Elwick Road, At Burn Valley Gardens.

PUBLICITY

4.10 The application has been advertised by way of a site notice posted close to the entrance of the site and 9 neighbour letters. Amended plans have been advertised by neighbour notification and site notice.

4.11 To date, there have been 4 letters of objection. The concerns raised are:

- Overlooking of properties;
- Overlooking of bedroom;
- Loss of privacy by overlooking of gardens;

- Location of garage close to boundaries of neighbouring properties at Hartdale and Beechlands;
- Size of the proposed dwelling;
- Damage to tree cover, loss of mature trees;
- Disruption caused during construction and off street parking during this period;
- Preference for a bungalow to be located on this site.

Copy Letters A

4.12 The period for publicity has expired.

CONSULTATIONS

4.13 The following consultation replies have been received:

HBC Traffic and Transportation: The new access would require a drive crossing constructed in accordance with the Hartlepool BC Design Guide and implemented by a NRASWA approved contractor. No further highway or traffic concerns.

HBC Building Control: A foundation design would be required due to the amount of and size of the trees in the surrounding area.

HBC Engineers: A surface water condition would be required on this application as no details have been provided.

HSB Tree Officer: The trees shown to be removed have limited visibility from outside the site and are relatively small in comparison to the more dominant and visually appealing Sycamores around the perimeter of the site. The current application shows that the perimeter trees are to remain although there may be some issues regarding tree roots where the access road is shown but this can be addressed through suitable engineering solutions. The applicant has submitted a detailed tree survey showing the arboricultural impact assessment on all trees and a roots constraints plan showing areas around the trees that have to be avoided during the construction phase. No objections are made on this development.

HBC Public Protection: No objection raised.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

HSG9: New Residential Layout – Design and Other Requirements

National Policy

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

Paragraph 13 - The National Planning policy Framework constitutes guidance

Paragraph 14 - Presumption in favour of sustainable development

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

Paragraph 53 Development in residential gardens

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

Paragraph 57 - High quality inclusive design

Paragraph 58 – Quality of Setting, Sense of place

Paragraph 60 - Promotion or reinforcement of local distinctiveness

Paragraph 61 - The connections between people and places

Paragraph 64 - Improving the character and quality of and area

Paragraph 66 - Community involvement

Paragraph 96 - Minimise energy consumption

Paragraph 118 – Conserving and enhancing biodiversity.

Paragraph 196 - Determination in accordance with the development plan

Paragraph 197 – Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

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

- The principle of development;
- Location of a dwelling in a garden site;
- Protection of trees within the site;
- Highway Safety;

- An assessment of any material impacts upon the character of the locality;
- An assessment of the impacts upon the residential amenities enjoyed by local residents.

PRINCIPLE OF DEVELOPMENT

4.18 The site is within a substantial plot in a residential street within the development limits of Hartlepool. There have been no changes, to date, to the 2006 Local Plan policies and, given the absence of an up to date plan and the current absence of a five year housing land supply, saved Policy Hsg9 of the Hartlepool Local Plan is considered to be partially compliant with the NPPF and, as such, cannot at present be used to restrict potential housing provision in the borough. The role of this policy is therefore limited to contributing toward sustainable development by seeking the delivery of additional housing provision that is appropriately designed. As such This Authority can only rely, in full, upon Policies GEP 1 – 3 of the Local Plan (2006) and any relevant sections of the NPPF in the determination of this application.

4.19 This development would need to demonstrate that its location and setting within the former garden of a dwelling in a residential area (Para 53 of the NPPF) can accommodate a dwelling without causing harm to the local area. Paragraph 58 of the NPPF requires that the development should function well within the context of its setting being of an architectural design and within a landscape setting that serves to contribute to the overall quality of the area thereby establishing a strong sense of place within the local street-scape.

4.20 Connectivity is also an important element for consideration in residential development and this is reflected in the requirements of paragraph 61 of the NPPF which emphasises the connectivity between people and places and the integration of the development into its environment.

4.21 In respect of maintaining and preserving natural environment paragraph 118 of the NPPF seeks to resist development that would result in the loss or deterioration of irreplaceable habitats. This includes the loss of veteran trees found outside of ancient woodland unless the need for and benefits of the development would clearly outweigh the loss.

4.22 Within easy reach of the town centre, close to essential services and public transport routes, the proposed use of the site has the potential to be able to serve the needs of its residents without necessity or dependence on car borne journeys in compliance with Para 14 of NPPF. The site is considered sustainable and given its location the principle of residential development on the site is considered acceptable subject to the detailed consideration of the matters below.

LOCATION OF THE SITE

4.23 Though constituting an outline application with only access and layout for consideration at this stage, the submitted drawings indicate the intended layout of the site within the context of the redline boundary of the site of some 739 square metres (0.074ha).

4.24 Broadly centrally positioned within the site, the proposed footprint of the dwelling would be some 25 metres to the south of the dwelling at Hartdale and some 27m from the dwelling at Beechlands located respectively across common boundaries to the north and the North West. Even with some internal tree reduction internally within the application site, there would remain dense tree and hedge screening on either side of the respective boundaries with Hartdale and Beechlands, sufficient to avoid any loss of residential amenity from window to window overlooking and would also assist in maintaining acceptable levels of privacy between garden spaces. Separation distances of in excess of 25 metres would also be sufficient to avoid loss of light or overshadowing to these adjacent dwellings thereby protecting their amenities in these respects. Similarly, the footprint would be located in excess of 25 metres distant to the closest dwellings to the east located across Queensberry with intervening 2 metre high boundary walls. Sufficient distance with intervening boundary screening would remain between the host dwelling at Hartdale and the application site to maintain their separateness of character within the local streetscape. With its own vehicular access onto the highway and with a sufficient depth and width of curtilage, the dwelling would function well in its location and have the character of an infill dwelling located at the end of the street at its junction with Elwick Road.

4.25 At nearly 740 square metres in area, the site has sufficient land to provide an adequate garden area to service the needs of a large family dwelling and reflect, in terms of its scale, the prevailing local built character of mainly detached dwellings located within their own curtilages. The proposal would therefore comply with paragraphs i & ii of saved Policy Hsg9 of the Local Plan in being able to demonstrate that its location and setting within the former garden of a dwelling in a residential area (Para 53 of the NPPF) can accommodate a dwelling without causing harm to the local area.

PROTECTION OF TREES WITHIN THE SITE

4.26 A total of eight trees on the western boundary of Hartdale have been subject to Tree Preservation Orders, six of which are included within the boundary of the application site. Though landscaping is a reserved matter it would be relevant to note in this report, in respect of access and layout, that the TPO'd trees and other major trees within the site would be screened by a protective barrier on the western and southern walled boundaries of the site consisting of a 2.3m high wire-mesh metal fence affixed by scaffolding to the ground to form no build zones. Protection of trees would comply with guidance contained in paragraph 118 of the NPPF which seeks to resist development that would result in the loss or deterioration of irreplaceable habitats loss of veteran trees. It is considered that with the measures proposed the development could proceed without significant damage to the protected trees.

HIGHWAY SAFETY

4.27 The applicant has already recognised the valued contribution that the tree screen within the site makes to the local landscape and has already considered detailed root protection in respect of the provision of 3 metre wide access through the existing 2m high wall linked to hardstanding area to be located adjacent to the northern perimeter of the site. Both the hardstanding and access would utilize the principle of 'no dig' construction with details as indicated above to avoid any permanent damage to the root systems of the protected trees.

4.28 Vehicular access onto Queensberry Avenue, a non classified adopted highway would be provided by the formation of a new crossover as indicated above. The Council's Traffic and Transportation Department have raised no concerns in respect of this access but comment that the new access would require a drive crossing constructed in accordance with the Hartlepool BC Design Guide and implemented by a NRASWA approved contractor. As such, the proposal would be capable of providing a satisfactory level of access and egress from the dwelling in accordance with the requirements of the Hartlepool BC Design Guide in this respect and in highway safety terms the proposal is considered acceptable.

IMPACTS UPON THE CHARACTER OF THE LOCALITY

4.29 Key features such as the 2m high brick wall and the tree screen on the eastern and southern boundaries of the site facing onto Queensberry Avenue and Elwick Road would be retained. Any visual impacts upon the street scene would be considerably mitigated, as now, by the retention of these key features. Trees to be removed from the interior of the site have been identified by the Council's Arboriculturalist as being of poor quality; not readily visible from the public domain and, easily replaced within the context of a domestic garden planting scheme carried out by any future occupier.

4.30 Potential for disruption during construction can be mitigated by the creation of a temporary site compound allowing for the internal storage of construction materials, equipment and the parking of builders vehicles.

4.31 Though some concern has been expressed in respect of the visual presence of any dwelling proposed to be located within the site, this is hard to evaluate at the present time as matters of appearance is a reserved matter not for determination at this time. The elevation drawings submitted are purely illustrative and cannot be used as an accurate representation of what could eventually be built upon the site. However, the illustrative dwelling design submitted indicates a building with a substantial footprint, reflecting in terms of scale and design, the general building lines of dwellings already present on Queensberry Avenue.

4.32 The illustrative design drawings serve their purpose in demonstrating that the location is capable of accepting a single dwelling within this location within the context of the substantial curtilage and maintaining the existing landscape features such as the boundary wall and tree cover on the eastern boundary. The proposed development is therefore able to comply with guidance contained in paragraph 58 of the NPPF in that it would function well within the context of its landscape setting,

and, as a developed site, would serve to contribute to the overall quality of the area thereby establishing a strong sense of place within the local street-scape. In this respect, the proposal would also meet the requirements of saved Policy Hsg9 of the Local Plan in maintaining the scale, character and appearance of the local street scene. In terms of its impact on the character of the area and the proposal is considered acceptable.

RESIDENTIAL AMENITY

4.33 Window to window separation distances between the footprint of the proposed dwelling and nearby properties at Beechlands to the North West and across Queensberry Avenue to the east are all in excess of 25 metres, across mature tree screens and, in the case of the properties in Queensberry Road, over two 2m high walls. Even with a two storey dwelling on this site, separation distances would match and, in many cases exceed separation distances already in existence elsewhere across the street in Queensberry Avenue. The separation distances achieved on this site would meet local planning guidelines and be sufficient to maintain acceptable levels of privacy, outlook and light to local residents. As such, the proposal would not be of any significant detriment to the residential amenities enjoyed by local residents in compliance with saved policy Hsg9 of the Local Plan. Whilst the development of the site would inevitably cause some temporary disruption it is not considered the development could be resisted on these grounds.

CONCLUSION

4.34 It is considered the site is able to accommodate a dwelling without causing harm to the local area in compliance with guidance contained within Para 53 of the NPPF and is able to function well within the context of its landscape setting to contribute to the overall quality of the area thereby establishing a strong sense of place within the local street-scape in accordance within guidance contained within Paragraph 58 of the NPPF

4.35 The site is within an older and well established residential district of the town close to public transport route, essential services such as schools and shops and within easy reach of the town centre. The site would therefore not be dependant on car borne journey to access these services. The proposal would therefore satisfy the requirements of paragraph 61 of the NPPF which emphasises the connectivity between people and places and the integration of the development into its environment.

4.36 Retention of the established mature screen eastern boundary would serve to maintain important natural habitats compliance with paragraph 118 of the NPPF as well as maintaining the character and appearance of the local street scene.

4.37 The proposed vehicular crossover onto Queensberry Avenue would, constructed in accordance with the Hartlepool BC Design Guide and implemented by a NRASWA approved contractor, provide a satisfactory level of vehicular access and egress from the dwelling in accordance with the requirements of the Hartlepool BC Design Guide.

4.38 The proposal would maintain acceptable levels of privacy, light and outlook to local residents. As such, the proposal would not be of any significant detriment to the residential amenities enjoyed by local residents in compliance with saved policy Hsg9 of the Local Plan.

4.39 Having regard to the policies identified in the Development Plan, it is considered that the proposal would comply with the requirements of policies GEP1 - 3 and HSG9 of the Hartlepool Borough Local Plan

EQUALITY AND DIVERSITY CONSIDERATIONS

4.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.41 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.

4.42 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, scale and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
For the avoidance of doubt.
3. The development hereby permitted shall be carried out in accordance with the plan number 1434:P.10/RevB and The Arboricultural Method Statement received by the Local Planning Authority on 25th August 2015.
For the avoidance of doubt.
4. Prior to the commencement of development details of the hard landscaping of this site shall be submitted to and approved in writing by the Local Planning Authority. This shall include the provision of a 'No Dig' porous surfacing for the construction and laying down of driveway, parking areas and turning areas of the site, details of which shall be submitted to and approved in writing by

the Local Planning Authority prior to the commencement of the development and be in place prior to the first occupation of the dwelling.

In the Interests of visual amenity by the protecting the root systems of surrounding trees.

5. Details of trees to be retained on the site in terms of location and species shall submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The specified trees must be protected by the erection of protective barriers, as detailed in the Arboricultural Method Statement submitted in support of this application, and these shall remain in place during the period of construction.
In order to protect the surrounding trees and in the interests of visual amenity.
6. Details of the location of the works/contractors compound, to be located outside of the root protection areas of surrounding trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
In order to maintain the amenity of the area and to protect the root system of surrounding trees.
7. The new 3m wide vehicular access to the site with footpath crossover to be formed through the boundary wall onto the highway at Queensbury Avenue; shall utilize a 'No Dig' porous surfacing and shall be constructed in accordance with the Hartlepool Borough Council Design Guide.
In the interests of highway safety.
8. Development shall not commence until a detailed scheme for the disposal of surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To ensure discharge of surface water from the site does not increase the risk of flooding from sewers.
9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.
11. Details of all walls, fences and other means of boundary enclosure, including the new vehicular opening/gates in the wall at the entrance to the site, shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.

12. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
13. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan 2006 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

BACKGROUND PAPERS

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

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

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LAND SOUTH OF HARTDALE, QUEENSBERRY AVENUE



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 Department of Regeneration and Planning

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H/2015/0266
Scale: 1:1000
Date : 08/09/15

No:

5

Number: H/2015/0175
Applicant: Mr & Mrs Paul Harrison 4 Kingfisher Close Bishop Cuthbert HARTLEPOOL TS26 0GA
Agent: Mr & Mrs Paul Harrison 4 Kingfisher Close Bishop Cuthbert HARTLEPOOL TS26 0GA
Date valid: 22/05/2015
Development: Retrospective application for the erection of a retaining wall with fence above and alteration to levels of rear garden (Retrospective)
Location: 4 Kingfisher Close HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND (relevant planning history)

5.2 The following applications have been approved on the site:

H/2012/0460 – Erection of a two storey extension to side and rear and a single storey extension to provide bedrooms, en suites, lounge, sitting room, dining area and kitchen and lounge extension to front, approved 11/10/2012.

H/2014/0111 - Erection of a two storey rear extension and side inglenook and chimney extension, approved 11/06/2014.

PROPOSAL

5.3 This application seeks retrospective planning permission for the erection of a retaining wall with fencing above and alterations to the levels of the rear garden area of 4 Kingfisher Close.

5.4 The works primarily relate to the erection of a retaining wall along the southern section of the rear garden boundary with the provision of closed boarded fencing above. The wall extends for approximately 24m in length and then features a curved wall section that cuts back into the main garden area. There is a drop in levels between the raised garden level and the ground level of this section. This is illustrated through photo 5 of Appendix A. An approximately 2.1m high fence is present along the southern boundary to this section.

5.5 Closed boarded fencing has been erected at the edge of the retaining wall and steps down in height from approximately 1.8m to 1.5m from west to east (when measured from the garden level of the host dwelling). These fences measure approximately 2.4m – 2.1m in height when measured from the planting 'strip'/the

other side of the fence/retaining wall. This is illustrated through photos 1, 2 and 3 of Appendix A.

5.6 A strip of hedge planting was originally present beyond the rear boundary of the host dwelling and the properties to the south along Redshank Close. This has been removed. The applicant has since implemented infant laurel hedge planting within this section and has submitted a hedge planting scheme, in consultation with the Council's Arboricultural Officer. This will be discussed in further detail within the main body of the report.

5.7 The submitted plans indicate that the previously sloping rear garden (sloping north to south and west to east) has been levelled (facilitated by the retaining wall) with the land raised by approximately 0.5m -0.9m (max.).

5.8 The application has been referred to Planning Committee owing to the number of objections received (more than 2).

SITE AND SURROUNDINGS

5.9 The application site relates to a two storey detached dwelling, located within the cul de sac of Kingfisher Close, Hartlepool. To the east is No 3, to the west is No 5 and beyond the rear boundary to the south are No's 6-10 (inclusive) Redshank Close.

PUBLICITY

5.10 The application has been advertised by way of neighbour letters. To date six objections have been received which are summarised as follows;

- the applicant has removed the original planting/the hedgerow between the rear boundary of the application site and the properties to the rear along Redshank Close
- The removal of the hedge has resulted in a loss of privacy for properties along Redshank Close
- the submitted plans are inaccurate and do not reflect the works as built including ground levels
- no details of the retaining wall have been provided
- The applicant's submitted supporting statement is inaccurate
- The 'quality' of the retaining wall is 'very dubious' which could result in land slippage in the future
- Concerns are raised over the foundations of the retaining wall.
- The erected fences are out of keeping with the wider estate
- The development will result in property devaluation
- The hedge was protected by a legal covenant (in the homeowners restrictive deeds)
- Some of the replacement planting has failed and the installed irrigation system is inadequate.
- Further screen planting should be implemented along the rear boundary to provide extra screening

- If approved, the application would set an undesirable precedent for similar developments within the area

5.11 A seventh objection was also received from a neighbouring property raising concerns regarding a loss of privacy and a request for additional fencing and planting to be erected along a rear boundary. However a formal letter has been received withdrawing this objection.

5.12 A representation has been received raising no objections to the scheme.

Copy Letters **G**

5.13 The period for publicity has expired.

CONSULTATIONS

5.14 The following consultation replies have been received:

HBC Landscape

Although there has previously been a mixed hardwood line of trees running along this boundary that have subsequently been removed, the new planting with Cherry laurel will, once established, provide a visually solid screen between the applicants garden and the adjoining properties at the rear.

There is no right and wrong species to choose from when selecting hedging plants here and consideration should be given to any future maintenance. As the nature of these trees provides dense cover they are frequently used by birds to nest in and do provide some wildlife refuge.

To conclude, I consider that this type of hedge will define the boundary to the property and fulfils the role being a visual barrier between those properties involved.

Additional comments;

3m would be an acceptable height and this would allow for the additional screening above fence height. The weed issue can easily be addressed with a pesticide but once established these trees will suppress weed growth by shading them out.

Environmental Engineering

No surface water or land drainage comments.

Engineering Design & Management (Principle Engineer)

The calculations supplied (based on construction information provided by the owner) demonstrate that the wall is adequate.

PLANNING POLICY

Local Policy

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

Emerging Local Plan

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.

National Policy

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

Paragraph 12 – Core Planning Principles

Paragraph 56 – Ensuring Good Design

Paragraph 109 - Conserving and enhancing the natural environment

Paragraph 121 – Ensuring the site is suitable for its new use taking account of ground conditions and land instability.

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.17 The main planning considerations with respect to this application are the impacts on the character and appearance of the surrounding area (including landscape features), the impact on the amenity and privacy of neighbouring properties and matters of land stability. These and any other material considerations are set out below.

CHARACTER AND APPEARANCE

5.18 The raising of the garden level, erection of the retaining wall and associated fencing are considered to be of a design and scale that are not considered to be out of keeping with the application site, which is located within a predominantly residential area.

5.19 Objectors have commented that the erected fencing is out of keeping with the surrounding area. However given the siting of the fencing to the rear of the site, and notwithstanding views from the rear gardens of neighbouring properties, the erected fencing and retaining wall are not readily viewable from wider surrounding areas/within the main street scene to the front of the site.

5.20 Furthermore, the applicant has implemented infant hedge planting within the 'strip' of land beyond the rear boundary, to which the Council's Arboricultural Officer has confirmed that the *"new planting with Cherry laurel will, once established, provide a visually solid screen between the applicants garden and the adjoining properties at the rear"*.

5.21 It is considered that the maintenance of this planting at a minimum height of 3m (for up to 5 years, which is a standard timescale) would assist in both screening the erected retaining wall and fencing. The requirement for a 5 year maintenance and minimum height can be secured by a planning condition, which would include the replacement of any planting that fails or dies within the 5 year period. It is further noted that semi-mature tree planting has been implemented north of the fencing, within the raised garden area of the host dwelling, which further assists in softening the impact of the development and reducing views to/from the garden area of the host dwelling.

5.22 In view of the above, it is considered that on balance, the development will not adversely affect the character and appearance of the surrounding area or result in an unacceptable loss of visual amenity.

AMENITY AND PRIVACY OF NEIGHBOURING PROPERTIES

5.23 The case officer has visited the application site and has assessed the scheme from within the 'strip' of land between the rear boundaries of the host dwelling and those properties along Redshank Close. It is acknowledged that there is a difference in levels between the rear garden of the host dwelling and the rear gardens and rear elevations of the properties along Redshank Close (which is a relationship that has been in place since the properties were built).

5.24 A minimum separation distance of approximately 10m would remain between the erected retaining wall with fencing above, and the rear elevations of the neighbouring properties to the south along Redshank Close. Included within this distance is the landscape 'strip' which varies in width from approximately 2m (widest) to 1.4m (narrowest, to the rear of No's 9 and 10 Redshank Close). Approximately 1.6m – 1.7m high fences are present along the rear boundaries of the properties along Redshank Close.

5.25 As set out above, the applicant has planted infant hedge planting within the 'strip' of land beyond the retaining wall, which the Council's Arboricultural Officer has confirmed is both acceptable and "*once established, provide a visually solid screen between the applicants garden and the adjoining properties at the rear*". This can be secured by a planning condition.

5.26 Subject to this condition, and taking into account the above referenced separation distances and relationships, it is considered that on balance, the scheme will not result in an unacceptable loss of amenity and privacy in terms of both direct overlooking and a perception of overlooking, or result in an overbearing and overshadowing impact for existing and future occupiers of the properties along Redshank Close, such as to warrant a refusal of the application.

5.27 With respect to the impact on No's 3 and 5 Kingfisher Close, owing to the siting and orientation of these neighbouring properties in relation to the raised garden level and retaining wall (with fencing) and taking account the remaining separation distances and existing boundary treatments, it is considered that, on balance, the development will not result in an adverse loss of amenity and privacy for these properties.

LAND STABILITY

5.28 As set out above, objections have been received raising concerns regarding the structural integrity of the retaining wall with the potential for land slippage.

5.29 Para 121 of the NPPF states that planning decisions should ensure that "*the site is suitable for its new use taking account of ground conditions and land instability*".

5.30 Following the concerns raised, the Council's Engineering Design Principle Engineer has undertaken a site visit and viewed the retaining wall and fencing. The applicant has subsequently employed a qualified person to undertake structural calculations of the retaining wall (and the associated fencing above). The report concludes that the retaining wall "*is adequate to support the imposed loads*". The report has also been considered by the Council's Principle Engineer who has confirmed that the supplied calculations "*demonstrate that the wall is adequate*". The scheme is therefore considered to be acceptable in this respect.

RESIDUAL MATTERS

5.31 The Council's Environmental Engineer Manager has raised no objections to the scheme in terms of flooding and drainage.

5.32 Objectors have made reference to restrictive covenants and property devaluation however these are not material planning considerations.

5.33 Precedent is not a material planning consideration and each application should be considered on its own individual merits.

5.34 Objectors have also commented that the submitted plans are “home-made and are totally inaccurate”. As set out above the case officer has visited the site on two occasions and has undertaken a number of measurements, including within the planting ‘strip’. The submitted plans of the erected retaining wall and fencing are generally considered to reflect the built development on the ground. It is however noted that there are some anomalies on the drawings, including the indicative garden/ground levels of the properties along Redshank Close. Notwithstanding these anomalies, taking into account the case officer’s assessment on site and the submitted information/plans, and the retrospective nature of the application it is considered that, on balance, the Local Planning Authority can be satisfied that there is sufficient information to consider the impacts of the development, and subsequently determine the application.

5.35 With respect to the submission of a retrospective planning application, the applicant has submitted a retrospective application to regularise the situation. Whilst the Local Planning Authority does not condone such applications, to seek the submission of a planning application is the first line of planning enforcement action (unless there is significant material harm that would require an Enforcement Stop Notice). Furthermore the recommended planning condition would make the development acceptable in planning terms and enable the Local Planning Authority to consider the serving a Breach of Condition Notice if the planning condition was not complied with.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.38 There are no Section 17 implications.

REASON FOR DECISION

5.39 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 submitted hedge planting scheme (HBC0002, date received 19th May 2015), implemented between the rear boundary of the host dwelling and the adjacent boundaries to 6-10 (inclusive) Redshank Close (south), once established shall be maintained to a minimum height of 3m (three metres) from the given ground level. Any trees or plants within the agreed landscaping scheme which within a period of five years from the date of planting die, are removed, become seriously damaged or diseased shall be replaced in the

next planting season with others of a similar size and species unless the Local Planning Authority gives written consent to any variation.

To ensure satisfactory landscaping to prevent an adverse loss of visual amenity and loss of privacy for neighbouring properties.

BACKGROUND PAPERS

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Appendix A – Case Officer site photos taken 30.06.2015



1) view from raised garden towards rear/south with properties along Redshank Close beyond



2) view west to east across rear/southern boundary



3) view east to west across southern/rear boundary

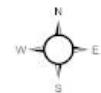


4) view to 'curved' retaining wall section (approx. 1.1m lower than raised garden level)



5) View east to west along planting strip (boundaries to west form properties along Redshank Close)

4 KINGFISHER CLOSE



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POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

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

Com4 (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

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

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

Hsg9 (New Residential Layout – Design and Other Requirements) - Sets out the considerations for assessing residential development including design and effect on new and existing development, the provision of private amenity

space, casual and formal play and safe and accessible open space, the retention of trees and other features of interest, provision of pedestrian and cycle routes and accessibility to public transport. The policy also provides general guidelines on densities.

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

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

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

Rec14 (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

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

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

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.

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.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

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.

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

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.

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

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

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.

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.

121. Planning decisions should also ensure that:

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

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage

assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

171. Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.

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.

PLANNING COMMITTEE

30th September 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT GLEBE FARM, WORSET LANE,
HARTLEPOOL – APPEAL REF:
APP/H0724/W/15/3133288 – CONVERSION OF
BARN TO DWELLINGHOUSE

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 conversion of a barn to a dwelling house at Glebe Farm, Worset Lane, Hartlepool (H2015/0013). 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 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/2015/0013

Proposal Conversion of barn to dwellinghouse

Location Glebe Farm Worset Lane HARTLEPOOL

PS Code: 13

DELEGATION ISSUES 1) Publicity Expiry	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	28/01/15 N/A No.4 16/03/2015
<p>2) Publicity/Consultations The following consultation responses have been received.</p> <p>HBC Traffic & Transportation: There are no highway of traffic concerns.</p> <p>HBC Engineering: We would require further details on the soakaway design and location, so could I please request a drainage condition.</p> <p>HBC Ecologist: The proposal meets the Council's criteria for requiring a bat survey in that it is an agricultural building of brick construction within 200m of woodland and water. However, the construction of the building and its current state of repair mean that it is of low risk for roosting bats. The reasons for this include that it is open at one end, therefore light and draughty. The roof is made of corrugated asbestos and the walls of single brick which leaves very little in the way of potential crevices for bats to roost in. There are also some light panels on the roof which again make the interior of the building light. Furthermore there is no cladding on the exterior which bats might be able to roost behind.</p> <p>The building is classed as low risk then the Council would not require a bat survey in order to determine the application. However, as bats are highly mobile and a bat can turn up in any location then the Council's standard bat informative should be attached to any permission.</p> <p>As the barn is open there is a high likelihood of breeding swallows in the building. Therefore the Council's standard condition on nesting birds should apply to any permission, but with the breeding bird season being taken to April – September inclusive in this case.</p> <p>Environment Agency: Objection. We object to the application as submitted because the applicant has not supplied adequate information to demonstrate that the risks of pollution posed to surface water quality can be safely managed. We recommend that planning permission should be refused on this basis.</p>		

Northumbria Water: No comments.

Ramblers Association: As no rights of way are affected we have no substantive comments.

3) Neighbour letters needed N

4) Parish letter needed N

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 14: Presumption in favour of sustainable development

PARA 55: Sustainable development in rural areas

PARA 56: Requiring Good Design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

Local Plan 2006

GEP1: General Environmental Principles

Rur7: Development in the Countryside

Comments:

6) Planning Consideration

The Site

The application site is Glebe Farm, which is located approximately 200m beyond the existing boundary of the village of Hart. The existing bungalow of Glebe Farm is located to the south of the main road, Palace Row. There is an existing garage to the north of the bungalow adjacent to the road. The barn subject to this application is situated to the west of the existing bungalow and store building. The site slopes gently upwards from the existing bungalow to the barn. The site is accessed by a single point of entry onto Palace Row.

Planning History

H/2009/0137 – Alterations, erection of extension to bungalow to form a house, a front entrance portico and erection of a triple garage block. Refused 14/05/09.

H/2010/0593 – Application for a Certificate of Lawful Development in respect of use of premises for residential use unconnected with agriculture or forestry. Approved 13/12/10.

H/2010/0701 – Erection of First Floor Extension to provide bedrooms and en-suites and detached triple garage.
Approved 08/02/11.

Main Issues

The main issues in this case are;

Whether the principle of development is acceptable;

Whether adequate drainage is proposed;

The impact of the proposal on the character and appearance of site and the surroundings;

The impact upon neighbouring dwellings and whether sufficient car parking and access would be provided.

Principle

Paragraph 55 of the National Planning Policy Framework (NPPF) states that local planning authorities should avoid new isolated homes in the countryside, unless there are special circumstances.

Policy Rur7 'Development in the Countryside' of the Hartlepool Local Plan requires development in the countryside to consider the visual impacts, operational requirements of the enterprise, landscaping, the viability of the enterprise, drainage and highways impacts.

National and local planning policy generally does not support the provision of isolated new dwellings in the open countryside unless it can be demonstrated that they are essential for the efficient functioning of agricultural, forestry or other approved or established uses in the countryside, the enterprise to which they are required is economically viable and they are of a size commensurate with the established functional requirement and the siting, design, scale and materials used will not significantly detrimental to the rural environment.

No information has been submitted to demonstrate an essential need for a rural worker to live permanently at or near their place of work. The applicant states that the proposal seeks to re-use a redundant barn that is no longer required. NPPF does allow the reuse of redundant or disused buildings in special circumstances such as where they lead to an enhancement of the immediate setting. However, it would remain an isolated dwelling and therefore would not be sustainable.

Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development. The application site is beyond the village envelope of Hart and would make little contribution towards the viable use of local facilities, it is not sustainable development. In any event what contribution it would make would not outweigh the harm that would be caused by allowing an unsustainable isolated dwelling in the countryside and therefore the proposal is contrary to the advice in NPPF.

Biodiversity

Paragraph 118 of NPPF states that local planning authorities should aim to conserve and enhance biodiversity.

The Council's Ecologist has been consulted and raises no objections subject to conditions.

Subject to conditions it is considered that the proposal would not have an adverse impact in terms of biodiversity and would accord with the advice in NPPF.

Drainage

Paragraph 109 of NPPF states that the planning system should contribute to and enhance the natural and local environment, by preventing both new and existing development from contributing to or being put at an unacceptable levels of water pollution.

Policy Rur7 states that amongst other matters the adequacy of sewage disposal arrangements will be taken into account in determining planning applications.

The application form states that the surface water will be disposed of via a soakaway. The applicant has submitted a Foul Drainage Assessment.

The Environment Agency consider that the proposed development may pose an unacceptable risk of causing a detrimental impact to surface water quality because the applicant has failed to supply percolation test results to show that a soakaway would be an appropriate method of discharge.

In conclusion, this proposal is contrary to paragraph 109 of the NPPF and policy Rur7 of the Hartlepool Local Plan 2006.

Character and appearance

Paragraph 56 of NPPF states that 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.

Policy GEP 1 states that amongst other matters the Council will take account of the

external appearance of the development.

Policy Rur7 of the Hartlepool Local Plan states that the design of the development should be compatible with its setting and landscape generally.

In terms of the character and appearance of the proposed dwelling, it would be very similar to that of the existing barn just with the insertion of additional doors and windows.

The applicant states that the opportunity exists to enhance the Tees Forest setting by means of a planning condition to require additional tree planting. However, this opportunity exists anyway and does not require the creation of a new dwelling and therefore is not a benefit specifically attributable to this application.

The proposed design changes the barn very little, expect that additional doors and windows are to be inserted. It would not adversely affect the character or appearance of the existing barn, or the surrounding area. Therefore the proposal would accord in this regard with the advice in NPPF and policies GEP1 and Rur7 of the Hartlepool Local Plan 2006.

Impact upon Neighbours

Policy GEP1 states that amongst other matters the Council will take onto account the effect on the amenities of the occupiers or adjoining or nearby properties.

The neighbours most likely to be directly affected by the proposal are those living in the existing bungalow of Glebe Farm. For them it is considered that the proposal would not have an adverse impact. There would be no windows in the flank wall of the converted barn that would face towards the existing bungalow. In any event due to the distance that these buildings are apart and the fact that they are both single storey, the proposal would not have an adverse impact and therefore in this regard would accord with Policy GEP1.

Highways

Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Policy GEP1 states amongst other matters that the Council will take into account the effect on highway safety.

Policy Rur7 states that applications for planning permission in the open countryside will amongst other matters take into account the adequacy of the road network.

The submitted site plan shows that there would be two parking spaces situated in front of an existing store building.

HBC Traffic and Transportation have been consulted and states that there are no highway or traffic concerns.

The proposal would therefore accord with the advice in NPPF and policies GEP1

and Rur7 of the Hartlepool Local Plan 2006.

Conclusion

Accepting new residential development in the countryside without sufficient justification, or controls results in harm to sustainability objectives of the NPPF. The proposed dwelling would be in an unsustainable location, being set beyond the settlement limits of Hart and would make little contribution to the overall sustainability of this village. The applicant has not provided information to demonstrate that the proposal would not have a detrimental impact to surface water quality. Notwithstanding the benefits of the proposal in terms of providing a single additional dwelling to help the Council towards achieving it's 5-year supply of deliverable housing sites, it would not overcome the identified harm and therefore it is recommended that this application be refused.

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 N

10) Recommendation: REFUSE

REASONS

1. The proposal would create an isolated dwelling in the countryside, which would not be sustainable. The proposal is therefore contrary to the advice in NPPF.
2. The application does not provide a sufficient basis for an assessment to be made of the risks of pollution of the water environment arising from the proposed development contrary to the advice in National Planning Policy Framework and policy GEP1 of the Hartlepool Local Plan 2006.

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

30th September 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT LAND AT HOME FARM, WORSET LANE, HARTLEPOOL – APPEAL REF: APP/H0724/W/15/3131584 – CONSTRUCTION, OPERATION AND DECOMMISSIONING OF A 13,992 MWP SOLAR PHOTOVOLTAIC (PV) ARRAY COMPRISING 55,968, 250W, 60 CELL 1650 X 990 X 35MM PHOTOVOLTAIC PANELS, MOUNTING SYSTEM, HOLTAB 400KVA STATIONS, DNO CONNECTION, MAINTENANCE TRACK, CABLING AND CABLE TRENCHES, CCTV, WEATHER STATION, SECURITY FENCING, TEMPORARY CONSTRUCTION AND STORAGE COMPOUND AND SITE ACCESS

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 Construction, operation and decommissioning of a 13,992 MWp solar photovoltaic (PV) array comprising 55,968, 250w, 60 cell 1650 x 990 x 35mm photovoltaic panels, mounting system, holtab 400kVA stations, DNO connection, maintenance track, cabling and cable trenches, CCTV, weather station, security fencing, temporary construction and storage compound and site access at land at Home Farm, Worset Lane, 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 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/2014/0513

Proposal Construction, operation and decommissioning of a 13,992 MWp solar photovoltaic (PV) array comprising 55,968, 250w, 60 cell 1650 x 990 x 35mm photovoltaic panels, mounting system, holtab 400kVA stations, DNO connection, maintenance track, cabling and cable trenches, CCTV, weather station, security fencing, temporary construction and storage compound and site access

Location Home Farm Worset Lane HARTLEPOOL

PS Code: 6

DELEGATION ISSUES 1) Publicity Expiry	Neighbour letters: Site notice: Advert: Weekly list: Expiry date:	21/11/14 21/11/14 11/12/14 No.47 23/03/15
<p>2) Publicity/Consultations</p> <p>The application has been advertised by way of 27 neighbour letters, a site notice and a press notice. To date there has been 1 letter of objection, 0 letters of support and 0 letters neither supporting or objecting to the proposed development.</p> <p>The following concerns have been raised;</p> <ul style="list-style-type: none"> • Loss of prime agricultural land • Loss of habitat for wildlife & fauna • Industrialisation of our village • Disruption during construction • Increase in traffic • We already have a sub-station at High Volts and wind turbines and don't need another eyesore. <p>HBC Traffic and Transportation: The Glint and Glare survey indicates that there will be no solar reflection encountered on the A179.</p> <p>Solar reflection will be experienced on the Lane running west to south along the site, this will be experienced early morning for a 15 minute period. Traffic volumes on this road are extremely low particularly at this time of the day.</p> <p>Screening will be installed around the western perimeter which will reduce the likelihood of solar reflection.</p> <p>The amount and intensity of solar reflection would be considered acceptable in highway terms.</p>		

HBC Conservation Officer: No objections. The designated heritage assets within Hart are located to the north of the village, namely the church and adjacent scheduled ancient monument. Given the location of the site to the southwest of the village, it is considered that the proposal would not impact upon the setting of the designated heritage assets in Hart.

HBC Public Protection: No objections.

HBC Ecology Officer: The application site is currently under arable production, so is of low ecological value.

The method section states that there was a record of Great Crested Newt (GCN) from within 500m of the site from 2004. This is very probably incorrect as there are no formally submitted records from close to the site with the record from 1.75km to the south-west mentioned in the Executive Summary being the closest that the GCN have been recorded. Given that the site itself has been in arable production, then I think that the chances of GCN being on the site are very low.

I consider that the only reasonable risk of harm to protected species from this proposal would be if the section of hedge were to be removed during the bird breeding season. Therefore the timing of the hedge removal should be controlled by the LPA's standard breeding bird condition.

The Ecological Impact Assessment report in combination with the Landscape Mitigation works plan lists a number of measures that would benefit biodiversity. These are additional, trees and hedge planting. A three metre ungrazed buffer around all boundaries and the creation of a wild flower meadow across the remainder of the site which will be lightly grazed. If all of these are implemented, then I consider that there would be a significant enhancement for biodiversity.

HBC Landscape Architect: Objection. The landscape mitigation is insufficient and the situation warrants an objection on the grounds of landscape and visual impact.

The report states that the main receptors affected are the Tilery Farm residential receptor, a local footpath and the A179 to the north of the site. This would appear to be the case as views from the east, south and west are generally obscured or restricted by topography and the existing screening elements, or degraded by the close proximity of service infrastructure. The report states that the views offered into the site from the A179 will be transient only and will not be of significance. However, it is evident from the site visits that the views offered from the A179 will readily identify the scale and the nature of the proposals, further increasing perceptions of the 'industrialisation' of the Hartlepool hinterland. Although the existing A179 planting will limit views, the number of glimpsed views offered and the fact that the PV panels will likely fill the view means that the large scale of the proposals will still be apparent by receptors. The views from the A179, therefore remain as a concern.

The report identifies a number of mitigation measures including:

- The Tilery Farm is to be additionally screened through proposed tree planting along the existing hedgerow.
- The local footpath is viewed against the backdrop of the existing sub-station but will additionally be screened by supplemental planting.
- A179 views offered through the existing tree cover will be supplemented by additional planting by new woodland planting to the rear of the existing trees.

The layout of the mitigation measures is sensible and the plant species suggested are appropriate for the area, however the stock size is entirely insufficient in providing adequate screening for the development. The small stock size proposed is suitable for long term planting, but is unlikely to offer much in the way of screening until approximately 15 years (as referenced in the report itself) following planting. This means that the planting will provide an insufficient screening during 60% of the development's expected lifespan. Failure rates could also mean that much of the planting does not reach a maturity required for screening. The recommendation would be to include a significant number of larger trees of the same species, from Light Standards up to Extra Heavy Standards, to provide screening from the short term onwards. This is especially important for the new woodland planting to the A179 frontage and the new access point, but it would equally apply to the intermittent planting to the field boundaries.

The large scale of the proposals mean that limiting views into the site that convey the size of the development will be a critical mitigation measure. The general layout of the landscape works is good, although it would be worth providing additional tree cover to the north-east corner of the site, which is particularly visible. The current proposed stock sizes, however, are not appropriate for anything but long term screening during the final years of the development's projected life.

HBC Arboricultural Officer: The application includes extensive areas of new native woodland planting to the perimeter of the site. The proposed woodland planting should, as it matures provide native screening to the proposed solar PV arrays. I would consider that the submitted details acceptable in relation to the landscaping of the site.

HBC Countryside Access Officer: There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site. Natural England: The proposed development is unlikely to lead to significant and irreversible long term loss of the best and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided that the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In the short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area.

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. As such, Natural England

would encourage the incorporation of GI into this development.

This application may provide opportunities to incorporate features in the design which are beneficial to wildlife. The authority should consider securing measures to enhance biodiversity of the site from the applicant if it is minded to grant permission for this application.

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 to the local community.

Tees Archaeology: There are no known heritage assets within the development area. It then goes on to discuss the archaeological potential for each principal time period (Pre-historic, Romano-British, Anglo Saxon and Medieval) and concludes in each case that the potential is low. I would broadly agree with this assessment, but suggest that the potential for pre-historic to Romano-British archaeology is medium rather than low.

Despite stating that the site has a low archaeological potential the report recommends mitigation, to be agreed with the LPA prior to development commencing.

Solar farms of this type are a relatively new phenomena and in forming my planning advice I have attempted to ascertain the level of damage such a development would cause to archaeological deposits should they be present. The solar arrays themselves are pole mounted on piled posts with a narrow diameter. These would cause limited and localised disturbance, but over a wide area. The section drawings for the access track, kiosks indicate a foundation depth of between 200-300mm, this is no deeper than a normal plough depth and should not cause damage to deposits beneath the ploughsoil. The elements of the proposal that might cause the most damage to archaeological deposits are the cable trenches (up to 1080mm in depth) but only 600mm wide and potentially also the compound access track.

Normally, when a site has archaeological potential, we would advise that the developer assesses the potential through the field evaluation (NPPF para 128). However, in this case the potential is low-medium and physical impact of the footprint of the development is also low. In this case, I feel I can support the developers proposal a scheme of mitigation as part of the development (NPPF para 141). This might involve a geophysical survey of the development area (if negative no further works would be required) or an archaeological monitoring of excavations over 300mm in depth, whichever is the most cost effective to the developer.

To safeguard the archaeological requirement, I recommend the following planning condition:-

Recording of a heritage asset through a programme of archaeological works

A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and

1. The programme and methodology of site investigation and recoding;
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording 4. records of the site investigation.
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation.
5. Provision to be made for archive deposition of the analysis and records of the site investigation.
6. Nomination of a competent person or persons/organisations to undertake the works set out within the Written Scheme of Investigation.

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

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set in the Written Scheme of Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition have been secured.

Environment Agency: No objections. The Environment Agency has no objections to the proposed development, but wishes to provide the following information:

The proposed development will only meet the requirements of the National Planning Policy Framework of the following measure(s) as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition

The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 1010358/CL001 and the following mitigation measures detailed within the FRA.

1. Ensuring the solar panels are mounted 800mm above ground level as stated in Section 6.1.
2. Ensuring grass cover below the installed solar panels is well maintained in order to allow the site to drain naturally as before.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the local planning authority.

Reason

1. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
2. To reduce the risk of flooding to the proposed development and future occupants.

Great Crested Newt

Our records show that there could be great crested newt in the area. These are

protected under the Wildlife & Countryside Act 1981 and The Conservation of Habitats and Species Regulations 2010.

Natural England

From the description of the development this application may impact on the best and most versatile agricultural land. However, we consider that the proposed development is unlikely to lead to significant irreversible long term and most versatile agricultural land, as a resource for future generations. This is because the solar panels would be secured to the ground by piles with limited soil disturbance and could be removed in the future with no permanent loss of agricultural land quality likely to occur, provided the development is undertaken to high standards. Although some components of the development, such as construction of a sub-station, may permanently affect agricultural land this would be limited to small areas. In short-term we recognise that it is likely that there will be a loss of potential agricultural production over the whole development area.

Highways Agency: No objections.

Police Architectural Liaison Officer: The placing of large solar photovoltaic panels in isolated areas has the potential to attract criminal activity who could target panels and remove them.

To deter this natural defences such as steep gradients substantial hedging should be taken into consideration to prevent vehicle access. Boundary protection where possible should be an appropriate distance from the panels to make it more difficult to move panels onto a vehicle and move from the site.

I am not aware of the security standards to the proposed boundary fence. The recommendations would be that the fencing meets security standards to current Government standards which meets the SEAP (Security Equipment Approved Panel) Class 1-3.

With CCTV and operational requirement should be carried out with regards its effectiveness at night. A monitored system would provide a more effective security measure. The use of security bolts and covert marking panels themselves would also provide an additional deterrent.

Cleveland Fire Brigade: No comments.

Ramblers Association: No rights of way are affected. We have no further comment.

Hartlepool Civic Society: We are very concerned that there must be immediate and natural screening for such an 'industrial type project.'

The elevated position of the site means that these panels would be viewed from miles around so further depleting the open countryside.

Appropriate screening must be a condition should the application be approved.

Hart Parish Council: No objections.

Teesmouth Bird Club: No objection.

The ecological mitigation measures proposed are excellent and should be made a planning condition should approval be granted. The club would remark that the intensity of the sheep grazing should be appropriate for a wild flower meadow management and the grazier should not be permitted to overgraze as there is an inevitable temptation to do so for obvious commercial reasons. Also, given the planned site security fencing, there is an excellent opportunity to erect a Barn Owl nest box at the south end of the site. (This bird is a target species on the Bap of the Tees Valley Wildlife Partnership).

Durham Bird Club: If this application is granted permission, I fully support the comments of Dr. McLee on behalf of the Teesmouth Club. I represent that the comment regarding overgrazing sheep is very pertinent and fully endorse it.

RSPB: No objection. The RSPB supports UK Government's commitment to reduce the UK's greenhouse gas emissions by at least 80% by 2050. We also support the Renewable Energy Directive target of generating 15% of the UK energy consumption from renewable sources by 2020. The RSPB supports the development of solar energy and other forms of renewable energy in order to contribute to these targets and reduce the UK's greenhouse gas emissions. However, we believe that renewable energy deployment must take place in harmony with the natural environment.

RSPB supports the Ecological Impact Assessment and would like to note the following points;

- The construction phase of the development should take place outside of the bird breeding season (March-August inclusive) or the site checked by a ecologist prior to works commencing.
- 35m of hedge is noted to be lost as a result of this development. This is to be compensated for by direct placement with native species.
- A 3m buffer zone to be left for wildlife around the hedgerows, and inaccessible to grazing livestock.

Both the EA and the county ecologist have noted that the site has great potential for wildlife enhancement; we are fully supportive of wildlife enhancements and would be happy to any ideas.

Because panels are raised above the ground on posts, greater than 95% of a field utilised for solar farm development is still accessible for plant growth and potentially for wildlife enhancements. Furthermore, solar sites are secure sites with little disturbance from humans and machinery once construction is complete. Most sites have a lifespan of at least 20 years, which is sufficient time for appropriate land management to yield wildlife benefits.

- Biodiversity gains are possible where intensively cultivated arable or grassland is converted to extensive grassland and/or wildflower meadows between and/or beneath solar panels and in field margins. The best results are likely to come from sites that contain both wild flower meadows and areas of tussocky un-cropped grassland.

- Planting wild bird or nectar mixes, or other crops could benefit birds and other wildlife. For example, pollen and nectar strips provide food for pollinating insects through the summer period and wild bird seed mixes provide food for wild birds through the winter.
- Bare cultivate strips for rare arable plants, and rough grassland margins could also be beneficial. For instance, small areas of bare ground may benefit ground-active invertebrates.
- It may be possible for panels to be at sufficient height for regular cutting, or grazing to be unnecessary. Rough pasture could then develop, potentially providing nesting sites for birds.
- Boundary features such as hedgerows, ditches, stone walls, field margins and scrub can provide nesting foraging areas, as well as means of wildlife to move between habitats.
- A variety of artificial structures can be built to provide suitable habitat for nesting and hibernating animals such as hibernacula for reptiles and amphibians, log piles for invertebrates, and nesting or roosting boxes for birds and bats. Built structures such as control buildings can be designed to promote access e.g. by providing access to loft spaces.
- Biodiversity enhancements should be selected to fit the physical attributes of the site and should tie in with the existing habitats and species of value on and around the site.

The following mitigation is recommended for consideration:

- Landscape features such as hedgerows and mature trees should not be removed to accommodate panels and/or avoid shading. If removal of a section of hedge is essential, any loss of hedge should be mitigated elsewhere on the site.
- All overhead power lines, wire supports should be designed to minimise electrocution and collision risk (for example, bird deflectors may be necessary).
- Time construction and maintenance to avoid sensitive periods (e.g. during the breeding season).
- Whilst solar farms generally do not have moving parts, any risk to grazing animals or wildlife from moving parts are present and must be avoided
- White borders and white dividing strips on PV panels may reduce attraction of aquatic invertebrates to solar panels.

Vegetation will grow under the solar panels and this will require management. Grazing by sheep or chickens should be acceptable and are preferable to mowing, spraying or mulching. Ideally sites should be maintained without chemicals, fertilisers and pesticides. In terms of future management, it is important the current interest is maintained or enhanced in line with national and local planning policies. So whilst grazing may be appropriate, there may be more appropriate management options for arable wildlife and farmland birds that could be incorporated.

3) Neighbour letters needed

Y

4) Parish letter needed

Y

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 headings – 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.

PARA14: Presumption in favour of sustainable development

PARA 93: Supporting the delivery of renewable energy

PARA 97: Increase the use and supply of renewable and low carbon energy

PARA 98: Determining applications for energy development

PARA 112 : Agricultural land

PARA 118 : Biodiversity

PARA 128: Significance of heritage assets

PARA 134: Heritage assets and public benefits

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles

GEP7: Frontages of Main Approaches

GEP9: Developers' Contributions

GN4: Landscaping of Main Approaches

PU7: Renewable Energy Developments

Rur14: The Tees Forest

Rur15: Small Gateway Sites

Rur7: Development in the Countryside

WL7: Protection of SNCIs, RIGSs and ancient semi-natural woodland

Comments: As a renewable energy generation scheme this proposal should be supported provided the Council is satisfied that there will be no adverse impact on the landscape, agricultural land quality, local biodiversity, and local amenity to adjacent occupiers and users. The Council should also be satisfied that the

development would not have an impact on the safety of users of the nearby A179.

A planning obligation should secure a contribution towards green infrastructure that could be used towards landscaping/planting along the A179 corridor and/or for enhancing biodiversity interest through hedgerow creation/enhancement around the application site. There has been no response to this suggestion from Parks and Countryside.

6) Planning Consideration:

The application and the site

The application seeks full planning permission for the construction of a 13,992 MW solar photovoltaic array comprising 55,968, 250w, 60 cell 1650 x 990 x 35mm photovoltaic panels, mounting system, holtab 400kVA stations, DNO connection, maintenance track, cabling and cable trenches, CCTV weather station, security fencing, temporary construction and storage compound and site access.

The application site is an existing arable field which measures approximately 22.4 hectares in area. It is situated in an undulating landscape. The level of the land to the south of the site is approximately 11.5m below the highest part of the site towards the middle. The northern boundary of the site is approximately 16.5m lower than the highest part of the field. To the north of the site is the A179 which is one of the main approach routes into and out of Hartlepool. Further north west is the village of Hart. To the west of the site are fields, electricity sub-stations and in the vicinity to the south west and south east turbines associated with High Volts Wind Farm. To the south is Worset Lane which is immediately adjacent to the site boundary. There is also an existing telecommunications mast located to the south. Further south and situated lower than the application is Tilery Farm, which is a bungalow, the rear of which faces directly towards the application site. To the east of the site are existing arable fields, which include a large wind turbine.

Main Issues

The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, the impact upon the character and appearance of the site and the surrounding area, the impact upon neighbours, impacts on historic heritage, highways, ecology and aviation safety

Principle of Development

National planning policy contained within the National Planning Policy Framework (NPPF) supports the development of renewable energy. Paragraph 93 of NPPF recognises the importance of planning in delivering renewable energy. Renewable energy is considered central to the economic, social and environmental dimensions of sustainable development.

Paragraph 97 of NPPF states that to help the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation.

Paragraph 98 of NPPF states that when determining planning applications, local planning authorities should not require applicants for energy development to demonstrate the overall need for renewable, or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions. In addition, Local Planning Authorities should approve the application if its impacts are (or can be made) acceptable.

The Secretary of State for Communities and Local Government issued a Written Ministerial Statement on Renewable Energy Developments on 10 October 2013. This states that NPPF includes a strong protection for the natural and historic environment. It goes on to state that some local communities have genuine concerns that when it comes to developments such as wind turbines and solar farms insufficient weight is being given to local environmental considerations like landscape, heritage and local amenity. The new guidance makes it clear that the need for renewable energy does not automatically override environmental protections and the views of local communities should be listed to.

The Secretary of State for Communities and Local Government issued a further written Ministerial Statement on 25 March 2015 stating that the Government's Solar Photovoltaic Strategy underlines the importance of focusing growth on domestic and commercial roof space and previously developed land. The Statement goes on to state as the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large scale solar farms which have sometimes been sited insensitively... 'Protecting the global environment is not an excuse to trash the local environment.'

The Planning Practice Guidance (PPG) published on 6 March 2014 states that increasing the amount of energy from renewable and low carbon technologies will help make sure that the UK has secure energy supply, reduce greenhouse gas emissions and slow down climate change and stimulate investment in new jobs and businesses. Planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable. The PPG also set out particular advice in terms of large scale ground mounted solar photovoltaic farms.

At a local level Policy PU7 of the Hartlepool Local Plan 2006 supports renewable energy developments projects in order to facilitate the achievement of national targets for new electricity generating capacity.

Policy PU7 states that in determining applications for such projects significant weight will be given to the achievement of wider environmental and economic benefits, account will also be taken of the potential effects upon;

- The visual appearance and character of the area;
- The amenity of local residents;
- Ecology
- Airport and radar telecommunications.

The impact of the development upon visual appearance and character of the area, the amenity of local residents, ecology and aviation safety are discussed in detail below.

Both national and local planning policy seeks to support the development of renewable energy providing the impacts are or can be made acceptable. Therefore it is considered that the proposal is acceptable in principle and would accord in this respect within the advice in NPPF and Local Plan Policy PU7 subject to detailed consideration of its potential effects.

Visual Impact on the Landscape

VISUAL IMPACT

Paragraph 13 of the PPG states that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-screened solar farm can be properly addressed within the landscape if planned sensitively.

PPG expects the proposals visual impact on the landscape to be considered in terms of glint and glare.

Policy GEP1 states that in determining planning applications that amongst other matters the council will take into account the external appearance of the development and it's relationship with the surrounding area.

Policy GEP7 states that when considering development proposals adjoining major corridors along the A179 will require a particularly high standard of design. This policy also seeks to ensure that landscaping and woodland planting are provided which will improve the visual environment.

Policy PU7 states that for renewable energy projects, account will be taken of the potential effects upon the visual appearance and character of the area.

Policy Rur7 states that in determining applications for planning permission in the open countryside amongst other matters the Council will consider the visual impact on the landscape.

Policy Rur14 states that development proposals considered appropriate in the countryside and which are located within the areas of the Tees Forest should seek to include tree planting, landscaping and improvements to the rights of way network.

As well as the photovoltaic panels, the proposal would also comprise CCTV, weather station, and security fencing.

The application site is set on the boundary between Natural England's National Character Area 23: Tees Lowlands and National Character Area 15: The Durham Magnesium Limestone Plateau. The Tees Lowlands area is described as amongst other key characteristics as;

- Being broad, low lying and open plain of predominantly arable agricultural land with low woodland cover and large fields, defined by wide views to distant hills.
- Major industrial installations around Teesmouth form a dramatic skyline, but

are juxtaposed with expansive mudflats, sand dunes and salt marshes, which are internationally designated for their assemblage of waterfowl.

- Principal transport corridors, power lines and energy infrastructure are conspicuous elements in the landscape.

The Durham Magnesium Limestone Plateau is described as:

“an open agricultural landscape ... Rural land cover consists of arable land and grazing pasture, with small, isolated areas of wildlife-rich habitat such as Magnesium Limestone grassland and ancient woodland in the narrow valleys (or denes) running down the coast... The area has been strongly shaped by its industry, with coal mining and quarrying in particular leaving a very clear mark on local landscape and identity.

The site is also with the ‘Undulating Farmland Landscape Character Area,’ according to the Hartlepool Landscape Character Assessment 2000, which is described as;

‘The undulating farmland classification encompasses predominantly arable farmland, areas of pasture, minor beck valleys, rounded hillocks and sparsely wooded areas... The farmland landscape covers the majority of the western Borough area, and largely defines the rural area of Hartlepool. Undulating farmland sites are by far the most numerous in the Borough. Within this landscape type it is possible to identify some distinctive areas, where sites of higher or lower value are clustered together. Most notably, sites of lower value exist around the High Volts Farm area, where field boundaries have been removed on a considerable scale. In some cases up to six fields have been amalgamated into one unit, which presents a sprawling and disproportionate field unit in the wider rural landscape.

The A179 which is one of the main approach routes into Hartlepool runs in an east-west direction between the A19 and Hartlepool. The applicant has submitted a number of photographs to show the views of the site from various points.

Photograph P1a is taken from a point approximately 400m west of Worset Road junction looking in a south east direction. Views are dominated by electricity distribution infrastructure, telecommunication mast and wind turbine on the skyline. The site itself is located beyond the ridgeline and is not visible to road users from this point, or west of this point.

Photograph P1b is taken from a point immediately to the west of Worset Lane junction, looking south east direction towards the Site. A gap in the vegetation allows glimpsed views into the site for drivers heading towards Hartlepool town centre.

Photograph P1c is a view from the A179 looking in a north westerly direction towards the site. Some screening is afforded by roadside planting although views are readily visible through it to the site during the winter when the trees are not in leaf.

The LVIA states that views into the site from the A179 and the degree of screening may vary as you travel along the road, depending on the topography and vegetation cover. The LVIA goes on to state that general views are screened by dense trees

although from some locations transient views into the site are possible. The magnitude of effect is described as being medium adverse in year 1 without mitigation and low adverse in terms of its magnitude of effect in 15 years with mitigation.

The Council's Landscape Architect however states that it is evident from the site visits that the views offered from the A179 will readily identify the scale and nature of the proposals, further increasing the perceptions of the 'industrialisation' of the Hartlepool hinterland. Although the existing A179 planting will limit views the number of glimpsed views offered and the fact that the PV panels will likely fill the views, means that the large scale proposals will still be apparent by receptors.

The applicant has also submitted a glint and glare assessment. This concludes that that no dwellings have been identified where the solar farm would be visible and a geometric solar reflection could occur.

The applicant does propose mitigation planting to provide additional screening, however the Council's Landscape Architect states that the stock size is entirely insufficient in providing adequate screening for the development. The small stock size proposed is suitable for long term planting, but is unlikely to offer much in the way of screening until approximately 15 years following planting. This means that the planting will provide an insufficient screening during 60% of the development's expected lifespan. In any event the existing screening is not sufficient and especially during the winter, the site is readily visible.

It is clear from visiting the site that it will be visible in the wider landscape with views towards the coast and other areas readily apparent from the higher parts of the site.

It is considered that due to the size of the proposed solar farm and that fact that it would be in an elevated undulating landscape would result in the proposed solar farm having an urbanising effect upon this part of the countryside, which would significantly adversely affect the character and appearance of the surrounding rural area. The proposal is on a main approach route into Hartlepool and views of the site are apparent especially during winter months when the trees which provide some screening of the site from the A179 are not in leaf. The arrays would be particularly prominent when viewed from Worset Lane looking northwards. The proposed mitigation is not sufficient to mitigate the harm that would be caused. In any event it will take a long time to mature and hence the proposal will cause considerable harm during this time. Therefore it is considered that the proposal would have an adverse impact upon the character and appearance of the site and the surrounding area, contrary to the advice in PPG and policies GEP7, PU7 and Rur7 of the Hartlepool Local Plan 2006. This impact must be balanced against the benefits of the proposal.

CUMULATIVE VISUAL IMPACT

PPG states that the approach to assessing cumulative landscape and visual impact of large scale solar farms is likely to be the same as assessing the impact of wind turbines.

The cumulative visual impact of the solar farm taken together with the other renewable energy developments such as wind turbines in the vicinity must also be taken into consideration.

The applicant states that in terms of cumulative landscape and visual effects, there are no other commercial scale solar PV array applications currently approved or awaiting determination within the Hartlepool or Durham planning authorities. Therefore in terms of 'like for like' development there would be no cumulative or sequential effects. However, if similar or associated types of development are taken into consideration including renewable energy generation, power distribution facilities and large utility infrastructure, then the proposals would give rise to localised cumulative effects.

The following utilities are located within 1000m of the site;

- Two electricity sub-stations either side of Worset Lane, with associated security fencing;
- A number of overhead electricity transmission and distribution lines, with radiate out from the sub-stations;
- Two tall telecommunications masts; and
- Three 2.75 MW win turbines (High Volts Wind Farm).

Collectively, these facilities have an urbanising effect on the locality and detract from the surrounding rural area. The proposed solar array will contribute to a cumulative intensification of power related uses in the immediate locality resulting in further urbanisation of the surrounding rural landscape. It is accepted that there are already similar uses in close proximity, but the addition of the solar farm, which would cover a large area of land when taken together with all of the existing energy and telecommunications, would have a significant adverse cumulative impact contrary to the advice in the PPG. This impact must also be balanced against the benefits of the proposal.

Ecology

Paragraph 118 of NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. It also states that opportunities to incorporate biodiversity in and around development should be encouraged.

Policy GEP1 states that amongst other matters, the Council will have regard to the effect on wildlife, natural habitats and features and species protected by law.

Policy PU7 states that whilst renewable energy development will generally be supported, in determining applications, significant weight will be given to the ecology of the area, in particular important, international, national and local wildlife sites.

The Council's Ecology Officer states that the application site is currently under arable production, so is of low ecological value. The applicant states that there was a record of Great Crested Newt from within 500m of the site from 2004. The Council's Ecology Officer states that this is probably incorrect, as there are no formally submitted records from close to the site with the record from 1.75km to the south west mentioned in the Executive Summary being the closest Great Crested

Newt that has been recorded. Given that the site itself has been in arable production the Council's Ecology Officer considers that the chances of GCN being on the site are very low. He considers that the only reasonable risk of harm to protected species from this proposal would be if the section of hedge that is proposed to be removed is done so during the bird breeding season. However, a condition can be attached to ensure that this is not done during the bird breeding season.

The Ecological Impact Assessment in combination with the Landscape Mitigation Works Plan lists a number of measures that would benefit biodiversity. These are additional, tree and hedge planting, a 3m un-grazed buffer around all boundaries and the creation of wildflower meadow across the remainder of the site, which will be lightly grazed. If all of these are implemented then the Council's Ecology Officer considers that there would be a significant enhancement for biodiversity.

In conclusion, it is considered that the proposal would result in a significant enhancement for biodiversity and would accord with the advice in NPPF. This is a material consideration that weighs in favour of the proposal.

Impacts on Historic Heritage

Paragraph 132 of NPPF states that when considering the impact of a proposed development on the significance of a heritage asset, great weight should be given to the assets conservation. The more important the asset, the greater the weight should be.

Paragraph 134 of NPPF states that where a development proposal will lead to less than substantial harm to the significance of the heritage asset, the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Planning Practice Guidance states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset, may cause substantial harm to the significance of the asset.

The Elwick Conservation Area is situated approximately 1.7km south of the site. The village centre includes four listed buildings. The Elwick Conservation Area Visual Assessment 2010 describes how the village is situated in a local valley and as a result, 'Elwick is largely concealed within the landscape.

The development would not adversely affect the setting of Elwick Conservation Area, which is located in a shallow, but steeply incised valley, preventing direct line of sight between the protected area and the proposed development.

There are four Scheduled Monuments within the 3km study area. Two of these are located within the village of Hart, less than 1km northeast of the Site:

- Fishponds 70m north of St Mary Magdalene's Church.
- Great House 50m west of St Mary Magdalene's Church
- Fishpond and enclosures and section of field system 165m north west of Elwick Hall which is located approximately 1.75km from the site
- Sheraton medieval settlement and open field system which is located approximately 1.7km northeast of the Site.

The two Scheduled Monuments at Hart (which lie approximately 1km to the northeast of the site) and the monument at Elwick (approximately 2km to the south) lie outwith the Zone of Theoretical Visibility and would not be affected by the development. Theoretical views are possible from the Scheduled Monument at Sheraton, although due to the existing screening the proposal would not have an adverse effect upon its setting.

The nearest listed buildings to the site are located in the village of Hart which is approximately 1.1km north east of the site. The Church of St Mary Magdalene is Grade I listed and within the village of Hart. Hart Mill Farmhouse is Grade II listed and located approximately 1km due east of the site. Clevecote, Voltigear Cottage, Home Farmhouse, Brus Wall and Farm Cottage are all Grade II listed buildings also within the village of Hart.

The applicant states that the setting of the listed buildings would not be adversely affected by the proposals although the development would be visible from the site of the disused Hart Windmill (Grade II Listed) which is located 1km east of the site next to Hart Quarry. The applicant states that the setting of the windmill has already been compromised by the quarry and the construction of commercial farm buildings to the west.

The Council's Conservation Officer has been consulted and states that the designated heritage assets within Hart are located to the north of the village, namely the church and adjacent Scheduled Ancient Monument. Given the location of the site to the southwest of the village, the Council's Conservation Officer considers that the proposal would not impact on the setting of the designated heritage assets in Hart.

In conclusion, it is considered that the proposal would not have an adverse impact upon the setting of heritage assets and therefore in this respect the proposal would accord with the advice in NPPF and PPG.

Archaeology

In terms of archaeology, the County Archaeologist has been consulted and states that he has no objections subject to conditions. He goes on to state that there are no known heritage assets within the development area and that the potential for pre-historic to Romano-British archaeology is medium rather than low. He also states that the solar arrays would cause limited and localised disturbance, but over a wide area. The section drawings for the access track and kiosks indicate a foundation depth of between 200-300mm, which is no deeper than normal plough depth and should not cause damage to deposits beneath the ploughsoil. Given that the archaeological potential is low-medium and the physical footprint is also low, the County Archaeologist supports the developers proposal for a scheme of mitigation.

This can be controlled by a suitable condition.

Loss of Agricultural Land

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

The applicant states that the use of the site as a solar PV array will not preclude farming activities during the operational period. It is anticipated that the grassland around the solar panels would be grazed by sheep. After decommissioning when the panels, fencing and associated infrastructure are removed the land would revert back to arable production. The applicant states that the proposals would not affect the long term fertility or productivity of the farmland.

The PPG seeks to focus large scale solar farms on previously developed and non-agricultural land, provided it is not of high environmental quality. The PPG goes on to state that where a proposal involves Greenfield land, it needs to be shown that it is necessary and that poorer quality agricultural land has been used in preference to higher quality land and the proposal should allow for the continued agricultural use where applicable and encourages biodiversity improvements around arrays.

Natural England has been consulted and they do not object. The application site is designated as Grade 3a agricultural land. Specifically, Natural England state that the proposal would only prevent the use of the land for crops during the lifetime of the development (25 years) and the development is such that the works are reversible and would not permanently damage the soil so that crop production could resume in the future.

On balance, it is considered that the proposal would not have an adverse impact upon agricultural land quality.

Impact upon neighbours

Policy GEP1 states that in determining a planning applications, the Council will amongst other matters take account of the affect on the amenities of occupiers of adjoining or nearby properties in terms of visual intrusion amongst other matters.

Policy PU7 of the Hartlepool Local Plan states that in determining applications for renewable energy development account will also be taken of the potential effects upon the amenity of local residents.

The applicant has submitted a Landscape and Visual Impact Assessment (LVIA), which examines the visual impact of the proposal. Figure 10 (R2) shows the view from Tilery Farm looking towards the site. Tilery Farm is located to the south of the application site, although views are partially obscured by garden vegetation to the north. The solar panels would be visible from Tilery Farm. The 'gappy' hedgerow provides limited screening of southerly views across the application site, although some screening is afforded by shrubs adjacent to the property. The LVIA states that the single storey property of Tilery Farm has windows orientated towards the site,

although views are partially obscured by garden vegetation to the north. The proposed PV array would be prominent from the access road and from elsewhere within the curtilage of the property. Existing gaps in the hedge along Worset Lane would be replanted to help reduce the number of panels visible, however this would take time to mature. The array would remain a prominent feature in the primary views from this property on the horizon to such an extent it would be oppressive. The applicant accepts that and states that this would have a high adverse effect in year 1 without mitigation and have a medium adverse effect in 15 years with mitigation, which is described as having a substantial significance.

It is considered that due to the undulating landscape that the photovoltaic panels will be readily visible to the occupiers of this property on the horizon when looking north. The extent of the arrays is such that that it would significantly adversely impact the outlook from this property and would appear as an oppressive feature on the horizon. Whilst this impact would reduce over time through additional planting this will take time to mature and therefore would not provide adequate mitigation. The proposal would be contrary to policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

Highways and Access

Paragraph 32 of NPPF states that development should only be prevented or refused on transport grounds where residual cumulative impacts of development are severe.

Policy GEP1 states that the Council will amongst other matters take into account the effect on highway safety.

Access will be from the A179 to the north, via Worset Lane. The proposed access point will be located between the electricity sub-station and Worset Lane/A179 Junction.

The applicant has submitted a Glint and Glare Assessment, which amongst other matters examines the impact upon road users. The assessment states that road users located on the road running west and south of the solar farm (Worset Lane) could possibly experience a solar reflection from the solar farm at various times of the day. No solar reflections are possible towards the A179.

Both HBC Traffic and Transportation and the Highways Agency have been consulted and neither object to the proposal.

The proposal is considered to be acceptable in highway safety terms and in accordance with policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

Other Matters

Aircraft Safety

PPG expects proposals for large scale ground mounted solar farms to be considered with regard to aircraft safety.

The applicant has submitted a Glint and Glare Assessment, which examines the impact of the proposed solar farm in terms of aviation activity. There are three operational airfields within 20km of the site. Peterlee Airfield is approximately

9.6km from the proposed solar farm. Fishburn Aero Club is approximately 11.1km from the proposed solar farm. Yeadby Airstrip is approximately 19.1km from the proposed solar farm. Durham Tees Valley Airport is approximately 34km away. The applicant states that based on the distances from the airfields the proposed solar farm would not have a detrimental impact upon aviation activity. The applicant also states that a solar reflection may be experienced by aircraft in the airspace above the solar farm, however if a solar reflection is experienced by a pilot, the reflection would be similar to those experienced from large areas of still water (such as lakes or reservoirs) and less intense than those experienced from large glass covered buildings or metal structures.

Both Durham Tees Valley Airport and The Civil Aviation Authority have been consulted but neither has responded.

Rights of Way

The Council's Countryside Access Officer states that there is no data that implies that there are any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of the site.

CONCLUSION

National and local planning policy in principle supports the development of renewable energy proposals, subject to the detailed consideration of any scheme. However, the need for renewable energy does not automatically override environmental protections. The proposal would have benefits in terms of generating renewable energy, increased landscaping and biodiversity enhancements. These matters weigh in favour of the proposal. The proposal would not adversely affect rights of way, or the provision of the best and most versatile agricultural land over the long term. However, the proposal would have a significant adverse impact upon the character and appearance of the agricultural field and the surrounding rural area. The proposal will have a significant adverse cumulative impact, when viewed together with the existing electricity and telecommunications infrastructure in this part of the countryside. The extent of the arrays and the undulating landscape is such that that it would significantly adversely impact the outlook from Tilery Farm. Whilst this and the other impacts would reduce over time through additional planting this will take time to mature and in any event would not overcome the identified harm. Therefore notwithstanding the benefits of the proposal, on balance it is recommended that the application should be refused.

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

REASONS

1. The proposal would have an adverse impact upon the character and appearance of the agricultural field and the surrounding rural area contrary to the advice in paragraph 98 of National Planning Policy Framework (NPPF), paragraph 013 of Planning Practice Guidance and policies GEP1, GEP7, Rur7 and PU7 of the Hartlepool Local Plan 2006.
2. The proposal when viewed together with the existing renewable energy, electricity and telecommunications infrastructure in this area will have a detrimental cumulative visual impact, which would have a significant adverse impact upon the character and appearance of the surrounding countryside, contrary to the advice in the Planning Practice Guidance paragraphs 013 and NPPF paragraphs 98 and 109 and policies GEP1, GEP7, Rur7 and PU7 of the Hartlepool Local Plan 2006.
3. The proposal by virtue of the undulating landscape and the extent of the area of the photovoltaic arrays would significantly adversely affect the outlook for the occupiers of Tilery Farm contrary to the advice in paragraph 98 of National Planning Policy Framework and policies GEP1 and PU7 of the Hartlepool Local Plan 2006.

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

30th September 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT 74 HUTTON AVENUE, HARTLEPOOL, TS26 9PP. APPLICATION FOR LOFT CONVERSION INCLUDING REAR DORMER WINDOW (H/2015/0107)

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal was dismissed. A copy of the decision is attached.

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal.

3. CONTACT OFFICER

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Appeal Decision

Site visit made on 27 August 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 01/09/2015

Appeal Ref: APP/H0724/D/15/3049382
74 Hutton Avenue, Hartlepool, TS26 9PP

- 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 James Rutter against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0107, dated 17 March 2015, was refused by notice dated 13 May 2015.
 - The development proposed is a loft conversion with a rear dormer extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Grange Conservation Area.

Reasons

3. The appeal site is occupied by a 1930's terraced two-storey dwelling and is located within the Grange Conservation Area in a predominantly residential area of Hartlepool.
4. The Council has highlighted that the proposed rear dormer extension would, by virtue of its size and design, fail to preserve or enhance the character or appearance of the conservation area. In this respect, I noted at my site visit within the vicinity of the appeal site, that whilst the majority of properties where the rear roof elevation was visible had not been extended, several dwellings possessed a similar style of rear dormer extension to that proposed, albeit that they appeared to be slightly smaller. Nevertheless, from my observations, I am satisfied that the 'box-style' dormer could not be classified to be a prevailing or widespread characteristic of the conservation area, or that this would set a precedent for future similar development.
5. The Council's heritage consultation response makes reference to *The Grange Conservation Area Character Appraisal*. In particular, I have noted that modern dormers with boxy, horizontal proportions are identified as being intrusive to the architectural character of the area. In assessing the appeal proposals in the context of the existing dwelling and area, I agree with the assessment that such a form of roof extension would not be reflective of the architectural detailing and characteristics of the conservation area.

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Furthermore, whilst I note that the proposed dormer extension would utilise matching materials which would to a certain degree assist with its assimilation with the host dwelling, the proposed dormer extension would nevertheless appear as a bulky, obtrusive and prominent addition to the rear of the dwelling, particularly as viewed from the junction between Mulgrave Road and Grange Road.

6. On this basis, I conclude that the proposed dormer extension would fail to preserve or enhance the character and appearance of the Grange Conservation Area. The development conflicts with saved Policies GEP1, HE1, and HSG10 of the Hartlepool Local Plan 2006 (with amended saved Policies April 2009), which seek to ensure that the scale and design of development preserves or enhances the character or appearance of the conservation area, and that extensions to residential properties are of a size and appearance that harmonises with the existing dwelling and do not appear obtrusive within the street. The harm identified would amount to “less than substantial harm” which the National Planning Policy Framework (the Framework) advises must be weighed against the public benefits of the scheme. In this respect, no public benefits resulting from the dormer extension have been cited which would outweigh the harm that would be caused to the Grange Conservation Area. I therefore conclude that the development also fails to comply with national policy as outlined in the Framework.

Other Matters

7. The appellant has highlighted that the proposed dormer would have been regarded as permitted development had it not been located within the conservation area. However, whilst this may or may not be the case, the appeal site is located within a conservation area where the level of assessment and scrutiny of new development must reflect the need to make a positive contribution to local character and distinctiveness, whilst safeguarding the special architectural or historic interest of the conservation area.
8. I have had regard to the personal circumstances of the appellant as set out in his submitted evidence, and the stated need for additional space for a growing family. However I am not persuaded that this would be sufficient to outweigh the harm which I have identified in respect of the main issue.

Conclusion

9. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR

PLANNING COMMITTEE

30th September 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 the outcome of the above appeal.
- 1.2 The appeal was allowed. A copy of the decision is attached.

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal.

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Appeal Decision

Site visit made on 7 August 2015

by M Seaton BSc (Hons) DipTP MRTPI

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

Decision date: 17/08/2015

Appeal Ref: APP/H0724/D/15/3032532

94 Silverbirch Road, Hartlepool, TS26 0BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Caroline Hoffman against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0094, dated 8 March 2015, was refused by notice dated 6 May 2015.
 - The development proposed is a two storey rear extension.
-

Decision

1. The appeal is allowed and planning permission granted for a two storey rear extension at 94 Silverbirch Road, Hartlepool, TS26 0BD, in accordance with the terms of the application, Ref H/2015/0094, dated 8 March 2015, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drawing Nos. P15.7(9-)3, P15.7(9-)1, P15.7(21)2, and P15.7(00)2.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows or other openings shall be inserted in the elevation of the extension facing No. 96 Silverbirch Road.

Main Issue

2. The main issue is whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 96 Silverbirch Road, having regard to outlook

Reasons

3. The appeal site is occupied by a two-storey semi-detached dwelling with private rear garden. The design of the dwelling incorporates an existing ground floor projection to accommodate the kitchen, which is set away from the boundary shared with the 'other half' of the semi-detached pair of

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dwelling, No. 96 Silverbirch Road. The proposed development would include extensions at both ground and first floor, with a 1.575 metre first floor bedroom extension positioned on the boundary with No. 96 Silverbirch Road, which the Council has indicated within the delegated report is the element of the proposals with which it is concerned.

4. In reaching its decision, reference has been made to Hartlepool Supplementary Note 4: Guidelines for House Extensions (the Supplementary Guidance) as it relates at Guideline 1 to rear extensions. In particular, my attention has been drawn to the guidance that two storey extensions which extend along a shared boundary with an attached neighbouring property will not normally be permitted. In this instance I accept that the proposals would include a two-storey element set on the shared boundary, although from my observations on site the degree of projection of the extension would be relatively limited and its orientation from neighbouring windows would not result in any significant loss of light to habitable rooms. Whilst the existing outlook from the rear of No. 96 Silverbirch Road would undoubtedly be eroded, I do not consider that the impact of the size and bulk of the extension would be so severe as to result in an unacceptable effect on the living conditions of the neighbouring occupiers.
5. Whilst the proposed extension would not strictly accord with the guidance related to rear two-storey extensions as set out within the Supplementary Guidance, I am satisfied that the proposal would not result in an unacceptable impact on the living conditions of the neighbouring occupiers of No. 96 Silverbirch Road, having regard to outlook. The proposal would therefore accord with policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006, which require development to take account of the effect on the amenities of occupiers of adjoining or nearby properties by visual intrusion, and residential extensions to not result in a poor outlook for adjacent or nearby occupiers. Furthermore, I am satisfied that the proposed extension would accord with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure a good standard of amenity for all existing occupants of land and buildings.

Conditions

6. The Council has suggested a number of conditions which it considers would be appropriate were the appeal to be allowed. I have considered these in the light of paragraph 206 of the National Planning Policy Framework.
7. In the interest of proper planning, conditions relating to timeliness and the identification of plans would be necessary. A condition ensuring the use of matching materials would be in the interest of the character and appearance of the dwelling and the area. The removal of permitted development rights for the insertion of windows in the elevation facing 96 Silverbirch Road would safeguard the privacy of neighbouring occupiers.

Conclusion

8. For the reasons given above and subject to the conditions listed, the appeal should be allowed.

M Seaton

INSPECTOR

PLANNING COMMITTEE

30 September 2015



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT WORSET LANE, HARTLEPOOL
APPEAL REF: APP/H0724/W/15/3013845
OUTLINE PLANNING APPLICATION WITH SOME
MATTERS RESERVED FOR THE ERECTION OF 7
NO SELF-BUILD RESIDENTIAL PLOTS TOGETHER
WITH ASSOCIATED ACCESS AND LANDSCAPING

1 PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal was allowed. A copy of the decision letter is attached. The appellant did not make a claim for costs against the council.

2 RECOMMENDATION

- 2.1 That Members note the outcome of the appeal.

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Appeal Decision

Site visit made on 7 July 2015

by Richard McCoy BSc MSc DipTP MRTPI IHBC

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

Decision date: 21 August 2015

Appeal Ref: APP/H0724/W/15/3013845

Land east of Worset Lane, Hartlepool TS26 0WA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Leebell Developments Ltd against the decision of Hartlepool Borough Council.
- The application Ref H/2014/0570, dated 8 December 2014, was refused by notice dated 6 March 2015
- The development proposed is the erection of 7no. self-build residential plots together with associated access and landscaping.

Procedural matter

1. The application was submitted in outline with matters of scale, layout and appearance reserved for future determination, though an indicative layout was supplied and a number of details given in the Design and Access Statement.

Decision

2. The appeal is allowed and outline planning permission is granted for the erection of 7no. self-build residential plots together with associated access and landscaping at land east of Worset Lane, Hartlepool TS26 0WA in accordance with the terms of the application Ref. Ref H/2014/0570, dated 8 December 2014, subject to the conditions in the attached Annex.

Main Issues

3. These are the effect of the proposal on the character and appearance of the area, biodiversity and archaeological deposits, and whether this would be a sustainable form of development having regard to national and development plan policies in respect of housing land supply.

Reasons

Housing Land Supply

4. National Planning Policy Framework (NPPF) paragraph 47 states that local authorities should boost significantly the supply of housing and should identify and update annually a supply of specific deliverable sites sufficient to provide 5 years worth of housing against their housing requirements with an additional buffer of either 5% or 20% depending on previous delivery.
5. NPPF paragraph 49 makes clear that applications should be considered in the context of the presumption in favour of sustainable development. Relevant

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policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a 5 year supply of deliverable housing sites.

6. I note from paragraph 1.5 of the officer report that *the Council is not able to demonstrate a 5 year housing land supply and thus the housing policies within the 2006 Local Plan are deemed currently to be out of date*. There is nothing before this appeal to show that this situation has changed. In the absence of evidence to the contrary, I consider that the Council is unable to demonstrate a 5 year supply of deliverable housing land and I have afforded this matter substantial weight in my consideration of this appeal.

Character and appearance

7. The appeal site is an overgrown, wedge-shaped piece of land extending to around 1.48 hectares which borders Worset Lane and Hart Lane. It is located on the outskirts of Hartlepool and is bounded in part by mature hedgerows and low dry-stone walls.
8. Both Worset Lane and Hart Lane, in the vicinity of the appeal site, are narrow with dwellings along one side. I note that in response to the Council's concerns regarding the narrow width of Worset Lane and the absence of a footpath, it is proposed to widen the carriageway and provide a path. This would involve removing the existing mature hedge and dry stone wall along the site boundary. I observed that this part of Worset Lane has a rural character arising from the narrowness of the carriageway, and the height and appearance of the mature hedge and dry stone wall. The intimate quality arising from this rural character gives the locality its distinctiveness and sense of place.
9. While there would be no conflict with saved Policy GEP7 of the adopted Hartlepool Local Plan (LP) as a high standard of landscaping could be secured by way of a suitably worded condition attached to any grant of outline planning permission, I nevertheless consider that by removing the existing mature hedgerow and dry stone wall to enable the widening the carriageway and the creation of a footway, the proposal would dilute the area's rural character.
10. Such development affecting the hedgerow and wall along Worset Lane would be subject to saved LP Policy GNB3. This seeks to strictly control development affecting key green space areas, including highway verges. The proposed removal of this verge to widen the carriageway would be harmful to the character of the locality and as such would conflict with this policy. While the proposed landscaping scheme would recreate a roadside verge to replace the removed green space, and the widened carriageway and footpath would improve highway safety in the area, this mitigation would not fully compensate for the loss of the mature hedge and wall.

Biodiversity

11. The appeal site is not subject to any national designation as a protected site in respect of ecology/biodiversity. Moreover, I note that with the exception of the hedge along Worset Lane, the Council's Ecologist considered it unlikely that there would be any significant ecological issues associated with the appeal site. However, in its Statement, the Council points out that it would be unlikely that the hedge would meet the necessary criteria under the Hedgerow Regulations and I further note that the Council's Ecologist, while stating its removal would

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be significant, considers that its loss could be compensated for by a substantial landscaping scheme.

12. The appellant submitted an inspection report on the hedgerow prepared by Elliott Consultancy Ltd. This concluded that the hedge is dominated by Common Hawthorn and as a remnant of a larger hedge, lacks connectivity with other green features. The report concludes that it is not significantly aged or ancient and does not display species diversity.
13. In my judgement, from the submitted evidence, I am unable to conclude that the hedgerow is a feature that is significant in biodiversity/ecological grounds. I consider that were outline planning permission to be granted, it could be subject to a condition which would require details of the types and species of tree and shrub planting, to compensate for the loss of the hedge along Worsted Lane, as noted in the officer report. Accordingly, in this regard, I am satisfied that there would be no conflict with saved LP Policies GEP1 and GEP12.

Archaeology

14. The appeal site has no formal designation as a heritage asset. However, following concerns raised regarding its status as an archaeological resource, an Archaeological Evaluation of the site was carried out on the appellant's behalf by Archaeological Services Durham University, and submitted with the application. This included a full geophysical survey of the site and a series of trial trenches. While the trench evaluation revealed evidence of well-preserved deposits relating to the medieval settlement of High Throston, the Council's archaeological advisor, Tees Archaeology, did not consider that the significance of the deposits warranted physical preservation.
15. From my assessment of the evidence, I have no reason to disagree and consider that the site could be subject to further archaeological recording which could be secured by way of a planning condition, along the lines of that suggested in the officer report, were outline planning permission to be granted. This would satisfy the requirements under NPPF paragraphs 135 and 141. Accordingly, in this regard, the proposal would not conflict with saved LP Policy GEP1.

Sustainable development

16. Having established that the relevant LP Policies for the supply of housing are out of date, the presumption in favour of sustainable development in NPPF paragraph 14 is engaged. The NPPF confirms that there are 3 dimensions to sustainable development: economic, social and environmental.
17. With regard to the economic and social dimensions, the proposal would be likely to provide construction work and bring new inhabitants to the area, which would help to support the local facilities. As for the environmental dimension, the proposal would be located within the development limits of Hartlepool in an area which offers public transport links and a range of services. While I note the concerns raised by local residents regarding the need to cross a busy road to access public transport and local services, I also note that the Council's Traffic and Transport Team raised no objection to the amended proposal on highway safety grounds.
18. Furthermore, although there would be the loss of a key green space with the removal of the roadside verge, I consider that the green space in question is

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not of the highest value and represents a small amount of the overall resource in the Borough. In addition, the scheme would improve highway safety in the area by providing a footpath and widened carriageway to Worset Lane, were outline planning permission to be granted.

19. Against this background, I am satisfied that the proposal, in its totality, would amount to sustainable development.

Other matters

20. With regard to the effect on the living conditions of the occupiers of nearby dwellings, while detailed layout proposals are a matter reserved for future determination, I nevertheless consider that intervening distance and a suitably designed landscaping scheme that could be secured by way of a condition attached to any grant of outline planning permission, could reduce the likelihood of any harmful change occurring in respect of outlook, overshadowing and noise disturbance.
21. Furthermore, I note that in terms of highway safety, and flooding and drainage, the Council as advised on these matters by its Traffic and Transportation Team and the Environment Agency, raised no objections, subject to suitably worded conditions being attached to any grant of outline planning permission. From my assessment, I have no reason to disagree.

Planning balance

22. I have concluded that the proposal would conflict with saved LP Policy GNB. However, the conflict would be mitigated to some extent as a new roadside verge would be created through a landscaping scheme secured by condition. In which case, I give moderate weight to the residual harm arising from the replacement of the hedge along Worset Lane. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. In circumstances where relevant policies are out of date, this means granting planning permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF taken as a whole.
23. The provision of 7 dwellings in a District where there is a shortfall in the provision of housing land is a material consideration, to which I attribute substantial weight. In addition, I have concluded that the proposal would not conflict with saved LP Policies GEP1, GEP7 and GEP12, and would improve highway safety in the area through carriageway widening and the provision of a footpath. I have also considered the 3 dimensions of sustainable development as set out in the NPPF and found that the proposal would be in conformity.

Conditions

24. Several conditions have been suggested which I have considered in the light of the advice within the NPPF and the national Planning Practice Guidance. In the interests of good planning, it is necessary to impose conditions setting out time limits regarding the submission of reserved matters and to relate development to the submitted plans. I have also, in the interests of preventing any increase in flood risk, imposed conditions relating to the submission of details in respect of the disposal of foul water and a surface water management system.

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25. A condition requiring an investigation into site contamination and a remediation scheme is also required in the interests of ensuring that risks from any land contamination to the future users of the land and neighbouring land are minimised, along with conditions requiring the submission of a detailed landscaping scheme, planting schedule, tree protection and site clearance, in the interests of visual amenity and protecting breeding birds. In addition, conditions are necessary to require details of materials, site levels and means of enclosure, in the interests of visual amenity.
26. I also agree in the interests of the safeguarding the living conditions of the occupants of nearby dwellings and visual amenity that conditions should be imposed restricting permitted development rights regarding extensions and curtilage development. Furthermore, I agree that it is necessary to restrict the hours of construction work in the interests of residential amenity and to require a scheme of archaeological recording to be undertaken to ensure the proper recording of an undesignated heritage asset through a programme of archaeological works.
27. Finally, in the interests of highway safety and for the avoidance of doubt, I consider it necessary to attach conditions in respect of the submission of details regarding visibility splays, road widening and footpath provision, and restricting the development to 7no. dwellings, respectively.

Conclusion

28. For the reasons given above, I conclude that the appeal should be allowed.

Richard McCoy

INSPECTOR

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Annex

1. Details of the appearance, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
3. The development hereby permitted shall begin not later than 2 years from the date of approval of the last of the reserved matters to be approved.
4. Development shall not commence until a detailed scheme for the disposal of foul water from the development including the provision of a new sewage pumping station, 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.
5. No development shall commence until such time as a scheme for the surface water management system within the site including the detailed drainage / SuDS design, has been submitted to and approved in writing by the local planning authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the life time of the development to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
6. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation

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

(i) a survey of the extent, scale and nature of contamination;

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(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. archaeological 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 2 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.

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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.

7. 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.
8. 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.
9. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

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10. The clearance of any vegetation including trees and hedgerows shall take place outside of the bird breeding season. The breeding season is taken to be March- August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
11. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.
12. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
13. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
14. The development hereby permitted shall be carried out in accordance with the site layout plan Project No: 521-BEL Dwg No: SD-10.03 Rev C received by the Local Planning Authority on 22 January 2015.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
16. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
17. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 08:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
18. No development shall take place until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation

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5. Provision to be made for archive deposition of the analysis and records of the site investigation

6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

No development shall take place other than in accordance with the Written Scheme of Investigation approved under this condition. The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under this condition and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

19.No development shall be commenced until a scheme for the provision of visibility splays of 2.4 metres x 43 metres at the entrance to the site from Worset Lane has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

20.Prior to the commencement of development final details of the road widening works and footpath provision to Worset Lane shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

21.Notwithstanding the details submitted details of the proposed footway on the eastern side of the development (Hart Lane) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the details so approved.

22.The total quantum of development hereby approved shall not exceed 7 no. dwellings (C3 Use Class).

PLANNING COMMITTEE

30 September 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 officer monitoring regarding the construction of a shop front to conceal an existing traditional shop front at a property on The Front, Seaton Carew.
2. An investigation has commenced and is coming to end in response to a complaint regarding collection of car parts and unrendered garage walls in the side and rear garden of a residential property on Moffitt Road. As a result of helpful assistance from the property owner, work is ongoing to resolve the problems mentioned.
3. An investigation has been completed in response to officer monitoring regarding an addiction recovery office opening in a former Solicitors office on Victoria Road. The office use falls within the same use class and accordingly planning permission is not required.
4. An investigation has been completed in response to a complaint regarding uncut grass at a vacant former residential care home on Brierton Lane. The grass has been mown. No action necessary.
5. An investigation has been completed in response to a high hedges complaint at a Wooler Road. In this instance the complaint was redirected to the Council's Arboricultural Office to investigate and take action if necessary.
6. An investigation has commenced in response to a complaint and officer monitoring regarding the installation of plastic windows in a property on Hutton Avenue, located in the Grange Conservation Area and protected by an Article 4 Direction. In terms of appearance and style the windows are considered acceptable, the property owner intends to submit a retrospective planning application.

7. An investigation has commenced in response to a Councillor's complaint regarding the long term storage of a folding camper van and overgrown front garden of a property on Westbrooke Avenue.
8. An investigation has commenced in response to a complaint regarding the siting of a steel container in the rear car park of public house and hotel on The Front, Seaton Carew.
9. An investigation has been carried out and completed in response to an anonymous complaint regarding the alleged construction of front boundary wall. The site visit revealed no works had been carried out accordingly the complaint has been closed.
10. An investigation has commenced in response to a complaint regarding a change of use from a dwelling house to flats at a property on St Paul's Road.
11. An investigation has commenced in response to an anonymous complaint regarding the construction of a high side boundary at a property on Catcote Road.
12. An investigation has been completed in response to a complaint regarding the repositioning of an existing summerhouse in the rear garden of a property on The Green, Elwick. Permitted developments right apply in this case. No action necessary.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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