

PLANNING COMMITTEE AGENDA



Wednesday 16 March 2016

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 17 February 2016.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

1. H/2015/0525 Change of use to Bowling Alley – 12-25 The Front (*page 1*)
2. H/2015/0517 Variation to allow for resiting of dwelling – 182 Stockton Road (*page 17*)
3. H/2012/0551 Change of use to keeping of horses, creation of menage, erection of fencing, siting of cabin and creation of vehicular access (retrospective) – Marite House, Brierton Lane (*page 25*)



5. ITEMS FOR INFORMATION

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

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

6. CHANGES TO PLANNING LEGISLATION/ POLICY

6.1 Housing and Planning Bill and New Homes Bonus Government Consultations – *Assistant Director (Regeneration)*

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

8. LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006

EXEMPT ITEMS

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

9 ITEMS REQUIRING DECISION

9.1 Enforcement Action - Land Adjoining Marite House, Brierton Lane, Hartlepool – *Assistant Director (Regeneration)*

9.2 Whistlewood Close - Enforcement Action to Require Compliance with Conditions 2, 6 & 7 – *Assistant Director (Regeneration)*

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

FOR INFORMATION

Date of next meeting to be confirmed.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

17 February 2016

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 and George Springer

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

Officers: Damien Wilson, Assistant Director (Regeneration)
Alyson Carman, Legal Services Manager
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Highways, Traffic and Transportation Manager
Graeme Joynt, Senior Environmental Health Officer
Fiona McCall, Planning Officer
Jo Stubbs, Democratic Services Officer

99. Apologies for Absence

Apologies were submitted by Councillors George Morris and Carl Richardson

100. Declarations of interest by members

Councillor Stephen Akers-Belcher declared a personal interest in Planning Application H/2015/0471 (Red Gap Farm)

101. Confirmation of the minutes of the meeting held on 20th January 2016

The minutes were confirmed

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

Number:	H/2015/0471
Applicant:	AIRVOLUTION ENERGY (RGM) LIMITED C/O Agent
Agent:	Peter Brett Associates Mr Edward Buckingham 16 Brewhouse Yard Clerkenwell LONDON
Date received:	26/11/2015
Development:	Variation of conditions 3 (Approved Plans), 8 (Construction Traffic Management Plan), 9 (Abnormal Loads Routing Plan), 11 (Detailed Design), 12 (Noise Levels) and 18 (Blade Icing) of planning permission H/2013/0555 (Variation of conditions 14 (Archaeological Evaluation) and 22 (Air Traffic Controllers) of planning application H/2012/0598) to allow for amendments to include changes to dimensions of turbine (increase in rotor diameter from 90m to 103m) and switch room / sub station, a new noise limit for Redgap Cottage, and amendments to supporting plans/documents.
Location:	Red Gap Farm Sunderland Road Wolviston

Councillor Kevin Cranney addressed the Committee in his capacity as Chair of Regeneration Services Committee. He spoke in favour of the application, not only in terms of the creation of jobs and financial benefits to the community but also in terms of renewable energy. The UK government had agreed to reduce carbon emissions by 34% by 2020 and applications such as this one would help toward that target

Jenny Rawlings, the Project Manager for the application, spoke in favour. She highlighted that the application itself had already been approved in March 2011. What was being requested was a variation allowing them to use slightly different turbines. These would produce more energy with no change in height and a barely discernible change in appearance. Additionally by approving this amendment the rate of community funding payable would increase from the £4 thousand per turbine in 2011 to £20 thousand per turbine. She urged members to support the application

Neal Jackson spoke against the application. He referred to the impact the application would have on the local area in terms of shadow flicker and noise. Increasing the rotor size as was proposed here would increase wind shear. He felt that the original noise impact report had been flawed and requested that a new noise survey be carried out to offer protection to site neighbours. The Planning Team Leader advised that concerns over shadow flicker were covered in the legal agreement whilst the Council's public protection team had been consulted and raised no objections to the proposal. The Senior Environmental Health Officer clarified that noise limits were to be conditioned

Members were supportive of the variation commenting that they would wish to see the neighbours benefit from the community fund rather than it go into a central pot. The Chair advised that this was not something the Committee could instigate.

Members supported the variation by a majority.

Decision: **Planning Permission Approved** subject to the variation of the legal agreement relating to the site to account for the new permission

CONDITIONS AND REASONS

1. The permission hereby granted is valid for a period of 25 years after the date of commissioning of the development. Thereafter the turbines and related structures shall be removed and the land restored to a condition to be first agreed in writing by the Local Planning Authority in excess of 6 months prior to the decommissioning and restoration taking place. Written confirmation of the date of commissioning of the development shall be provided to the Local Planning Authority no later than 1 calendar month after that event.
To prescribe the exact period of permissible wind farm operation and to enable the local planning authority to identify a starting point for the operation of the wind farm.
2. The development hereby approved shall be carried out strictly in accordance with the submitted application and the following document(s) and following plans submitted in connection with the original approval H/2009/0231 as amended by planning permission H/2012/0598 and the current application H/2015/0471: Red Gap Wind Farm Environmental Statement and Annexes (including Annex B Schedule of Mitigation) dated March 2009: Supplementary ES supporting information provided by ERM dated 18th June 2009: Amended ES Chapter 5 - Landscape and Visual Impact Assessment (LVIA) and related Annexes: Drawing Ref. 08.6045.007.GLA/PL/004 (Turbine Base Details, January 2009); Drawing Ref: 08.6045.007.GLA/PL/005 (Contractors Compound, Cable Trench and Access Track Detail, January 2009); Drawing Ref. 08.6045.007.GLA/PL/006 (Permanent and Temporary Masts, January 2009); Drawing Ref. Figure 3.6 (Typical Permanent Meteorological Mast, March 2009); Drawing Ref. Figure 3.8 (Proposed Access Track Section, March 2009); Planning, Design and Access Statement (28/06/2012); 'Environmental Report' dated 28th June 2012, Environmental Impact Review Report (13/12/2013), Drawing Ref. 150922/SKL-001 Rev: 00 (Proposed Site Layout Plan received 30/10/2015); Drawing Ref. PLTUB125-103 Rev: A (Typical Wind Turbine Detail received 30/10/2015); Drawing Ref. RGM - TSCBD - 001 Rev: A (Typical Substation & Control Building Details received 30/10/2015); Drawing Ref.08.6045.007.GLA/PL/001 (Location Plan received 30/10/15) and the Environmental Report dated Nov 2015

(received 26/11/2015).

To ensure that the development is carried out in accordance with the approved documents.

3. The methodology set out in the Avian Ecology Pre-construction Survey Methodology - Breeding Birds report (approved 3rd Nov 2015) shall be fully implemented and adhered to. Should breeding birds be found on site works shall cease until a scheme of mitigation has been submitted to and agreed in writing by the Local Planning Authority.
To conserve protected species and their habitat.
4. The development shall be carried out in compliance with the approved Construction Method Statement received by the Local Planning Authority on 8 October 2012 in connection with planning permission H/2009/0231 as amended by planning permission H/2012/0598 and approved by the Local Planning Authority on 2 November 2012.
In the interests of the amenities of the area.
5. Pursuant to condition 4, all planting, seeding or turfing measures set out in the approved Construction Method Statement (CMS) shall be carried out in the first available planting season following the first operation of the development and any trees or plants which within a period of 5 years from the first operation of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
In the interests of the amenities of the area.
6. The development hereby approved shall be carried out in accordance with the Surface Water Management Strategy (SWMS) submitted to the Local Planning Authority 27/07/2012 in connection with planning permission H/2009/0231 as amended by planning permission H/2012/0598. Prior to the first operation of the development an as built drawing shall be submitted to the local planning authority for written approval.
In the interests of the amenities of the area.
7. The development shall be carried out in accordance with the traffic management arrangements contained in the Construction Traffic Management Plan Report dated Nov 2015 received on 12/1/2016.
To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
8. The movement of abnormal loads to the development site via the trunk road network shall be carried out in accordance with section 7 and appendix A of the Construction Traffic Management Plan dated Nov 2015 received on 12/01/2016.
To safeguard the safety and free flow of traffic on the A19 trunk road to an extent that would be compatible with the use of the trunk road as part of the national system of routes for through traffic in accordance with Section 10(2) of the Highways Act 1980.
9. Prior to the commencement of development written confirmation of the following details shall be provided to the Local Planning Authority, Ministry of Defence and Civil Aviation Authority: 1) Proposed date of Commencement of the Development 2) The maximum extension height

of any construction equipment. Within 28 days of the commissioning of the final turbine, the Company shall provide written confirmation of the following details to the Ministry of Defence and Civil Aviation Authority: 1) Date of completion of construction; 2) The height above ground level of the highest potential obstacle (meteorological mast or wind turbine). 3) The position of that structure in latitude and longitude; 4) The aviation lighting details.

In the interests of aviation safety.

10. Prior to the installation of the turbines details of (1) The exact model, heights, specification and location of the turbines including colour finish: (2) The exact locations, heights and specifications of the switch room and meteorological monitoring mast: (3) The specification, location and width of internal access tracks and water course culverts: (4) Samples of the materials and/or details of the surface finishes (including colours) to be used on the external surfaces of all above ground components: (5) Details of any security, fencing and lighting measures required for the development during its operation, shall be submitted to and agreed in writing with the Local Planning Authority.

In the interests of visual amenity.

11. The Wind Turbine Noise Levels as measured in accordance with clause (a) below: shall not exceed 60dBLA90 10 min between the hours of 07:00 and 23:00 and 54dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: High Stotfold, The Old Mill, Middle Stotfold, Meadowvale, Stotfold Crest and Sunderland lodge. And shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 46dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Close Farm, Embleton Farm, Low Swainston, Amerston Hall, Hole House and Hill House. And shall not exceed 45dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Cottage. And shall not exceed 51dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following locations: Amerston Hill and Stotfold Moor. And shall not exceed 48dBLA90 10 min between the hours of 07:00 and 23:00 and 45dBLA90 10 min between the hours of 23:00 and 07:00 at wind speeds not exceeding 8 metres per second at the following location: Red Gap Farm. (a) The measurements undertaken to determine compliance with the noise levels specified in the conditions above shall be made using a sound level meter of at least type 1 quality (as defined in International Electro technical Commission (IEC) 61672-1: 2002 Class1) incorporating a windshield with a half inch diameter microphone in free-field conditions between 1.2 and 1.5 metres above ground level and at least 10 metres from any wall, hedge or reflective surface (using a fast time weighted response). "Wind Turbine Noise Level" means the measured noise level due to the combined effect of all the wind turbines excluding the existing background noise level "Background Noise Level" means the

ambient noise level within the background environment (in the absence of noise generated by the development) "Free-Field Conditions" means an environment in which there are no reflective surfaces affecting measurements within the frequency region of interest.

In the interest of the amenities of the area.

12. No development shall take place within the area of prehistoric/Romano-British settlement (Area 1 - see Fig. 2 of Archaeological Evaluation Report No. Y065/12) until a phased programme of archaeological work in accordance with a written scheme of investigation submitted by the applicant and approved in writing by the Local Planning Authority has taken place. This condition may be waived in whole or in part if the developer can demonstrate, to the satisfaction of the Local Planning Authority, that appropriate provision has been made for preservation in situ of the archaeological remains during the development.
The site is of archaeological interest.
13. Not later than six months after the development hereby approved becomes operational, a Decommissioning Method Statement (DMS) for the site, providing for the site shall be submitted to and be approved in writing by the Local Planning Authority. The site's decommissioning and restoration shall be undertaken in accordance with the approved DMS and shall be carried out and completed within 12 months from the date that the planning permission hereby granted expires.
In the interests of the amenities of the area.
14. Any of the turbines hereby permitted which is not in operation for a period in excess of six months shall be dismantled and removed, and that part of the site restored in accordance with the approved DMS, unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
15. Development shall take place in accordance with the mitigation strategy set out in the 'Badger Mitigation Plan' received by the Local Planning Authority on 27 July 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 and approved by the Local Planning Authority on 4 October 2012.
To conserve protected species and their habitat.
16. Pursuant to Condition 15 as badgers are known to frequent the general area, precautionary working practices as detailed in the 'Badger Mitigation Plan' received by the Local Planning Authority on 27 July 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 and approved by the Local Planning Authority on 4 October 2012 shall be followed on site, to ensure that no badgers are harmed during works.
To conserve protected species and their habitat.
17. The measures set out in the Ice Mitigation System Report (received 30/10/2015) shall be adhered to and retained for the lifetime of the development. If the turbines installed differ from the models referred to in the submitted report, prior to the commencement of operation, details of ice mitigation measures shall be submitted and approved in writing by the Local Planning Authority. The measures so approved shall be adhered to and retained for the life time of the development.
In order to ensure adequate safety in specific conditions.

18. Development shall take place in accordance with the Baseline Television and Radio Signal Survey and Broadcast Reception Impact Assessment received by the Local Planning Authority on 27 July 2012 and the e-mail received by the Local Planning Authority on 27 September 2012 in connection with planning permission H/2009/0231 as amended by H/2012/0598 setting out the agreement with Arqiva to a period of 1 year from the date when the final turbine comes into generating service (i.e. when all turbines are operational together) for reception complaints to be received, as approved by the Local Planning Authority on 4 October 2012.
In the interests of residential amenity.
19. No turbine shall be erected until a detailed scheme for the provision to air traffic controllers of Durham Tees Valley Airport ("the Airport") of Additional Radar Information in respect of aircraft and other radar returns over or within three nautical miles of the boundary of the site which is subject of this planning permission has been submitted to and approved in writing by the Local Planning Authority in consultation with the Airport operator and all necessary approvals for the installation, testing and operation of the requirements of the approved detailed scheme have been obtained to the satisfaction of the Local Planning Authority in consultation with the Airport operator, including the regulatory approval by the Civil Aviation Authority where necessary.
In the interests of aviation safety.
20. The wind farm shall not commence operation until the requirements of the approved detailed scheme set out in condition 19 of this permission have been installed, effected, tested and become operational and any further necessary approvals for the same, including the regulatory approval of the Civil Aviation Authority, have been obtained, all to the satisfaction of the Local Planning Authority in consultation with the Airport operator. No variation to the approved scheme, including its implementation, shall take place except with the prior written consent of the Local Planning Authority.
In the interests of aviation safety.

The Committee considered representations in relation to this matter.

103. Appeal at 34 Glentower Grove, Hartlepool *(Assistant Director (Regeneration))*

Members were informed that a planning appeal had been submitted against a decision, made under delegated powers, to refuse planning permission for an extension and alterations to 34 Glentower Grove. The appeal was to be determined by written representation.

Decision

That officers be authorised to contest the appeal

104. Update on current complaints *(Assistant Director (Regeneration))*

Members were informed on 21 ongoing issues currently being investigated.

Decision

That the report be noted

105. 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 107 – (SEECAH Village Briefing Note) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information) and (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Minute 108 – (Wind turbines) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

106. 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.

- 107. SEECAH Village Briefing Note** This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information) and (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

Details are given in the closed section of the minutes.

Decision

That the update be noted.

- 108. Wind turbines** This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 3) information relating to the financial or business affairs of any particular person (including the authority holding that information)

Details are given in the closed section of the minutes

Decision

That the update be noted

The meeting concluded at 11.00 am.

CHAIR

No: 1
Number: H/2015/0525
Applicant: Mr Lloyd Nichols The Front Seaton Carew HARTLEPOOL TS25 1BS
Agent: Niven Architects Mr Christian Cooling 41 Coniscliffe Road DARLINGTON DL3 7EH
Date valid: 22/12/2015
Development: Change of use from amusement arcade (sui generis) to bowling alley (D2) including two single storey extensions and external alterations including a remodelled entrance and alterations to the roof
Location: 12 - 25 The Front HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The site has a long history of applications including signage, extensions and alterations. The most recent and relevant are set out below.

H/2015/0526 Display of three illuminated signs and one non-illuminated sign. Approved.

H/2011/0412 Erection of single storey extension to the rear, internal and external alterations to provide 3 level soft play facility and cafe including raising height of soft play area and infilling internal yard area. Approved.

H/2009/0033 Change of use and alterations to provide restaurant. Approved.

PROPOSAL

1.3 Planning permission is sought for a change of use from amusement arcade (sui generis) to a bowling alley (D2) including two single storey extensions and external alterations including a remodelled entrance and alterations to the roof.

1.4 The two extensions proposed are to accommodate the bowling alley. The first extension is to the rear of the unit and projects approximately 2.1m from the rear wall of an existing single storey extension. The proposed roof is mono pitched with an eaves height of 3.2m (approx) and a maximum height of 4.2m (approx). It should be noted that the adjacent ground level (to the west) is approximately 0.55m lower. The second extension involves the provision of a flat roof over an external court yard area in the central area of the unit. This will adjoin the original property with the extension to the rear and will provide additional internal floor space.

The proposed alterations to the roof, involves the provision of a new flat roof to the existing rear extension.

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

SITE CONTEXT

1.6 The proposed site is located at 12 – 25 The Front, Seaton Carew, Hartlepool. The application relates to unit 14 which is primarily an amusement arcade (sui generis) with some ancillary uses (children's soft play and cafe). Units 12 - 25 are interlinked and are largely in use as amusement arcades. The properties have been adapted extensively in the past to accommodate the uses. To the rear of unit 14 there is a large flat roof extension.

1.7 The site is within the commercial centre of the Seaton Carew Conservation Area. The site is bounded to the north by residential properties; to the west by retirement accommodation at Major Cooper Court, to the east across the road are the Longscar building, car parking and open space and to the south commercial properties.

PUBLICITY

1.8 The application has been advertised by way of neighbour letters (50), a press advert and site notice. One letter of support and three of objections were submitted. The objections were received from residents at Major Cooper Court. The concerns raised are outlined below.

- The wall adjacent to 7 Major Cooper Court appears to be unsafe and will potentially impact on the garden area. Cladding from this wall has fallen into the garden area in the past.
- Noise from the bowling alley.
- Security and anti social behaviour would be a problem due to the location of the toilets and emergency exit. The existing emergency exit is already used as a short cut. Anti social behaviour is experienced due to the amusement arcades and this will escalate when work is completed.
- The construction period will create issues such as, noise, dust, vehicle access, disposal of waste. This will prevent the use of the external areas. Access could not be taken from Major Cooper Court due to vulnerable residents which live here and it would also impact on garden areas. This would also lead to health and safety issues. Construction will also restrict access of support workers.
- Construction would restrict the access of flats 1-8 to the main building
- If scaffolding is placed in Major Cooper Court it could restrict 4 emergency fire exits.
- The position of the toilets and odours would affect Major Cooper Court.

1.9 The proposed alterations to the entrance were amended in view of comments from the Council's Heritage and Countryside Manager. A neighbour re consult was undertaken on amended plans. One letter of do not object was received. Six letters

of objection were received from residents, three of which had previously raised concerns. Original concerns were raised and the additional points below were stated.

- The amended plan shows an extension to the south wall that was not on the original plan, concerns that this wall will create dirt and disturbance and may restrict access to the main building during construction.
- Construction work will restrict movement of adjacent residents, particularly those who use wheel chairs etc.
- Work on the roof has started. An incident occurred when a large sheet of metal corrugated roofing fell into the communal garden area.
- Original objections stand regarding, noise, extended opening hours, anti social behaviour, construction period, health and safety etc. The original plans did not show a south extension wall to be constructed, this now appears on the amended plans. This wall is 7m from the front doors of number 7 and number 8 Major Cooper Court and adjacent to a footpath which links these properties to the main building. Concerns regarding access to the main building and properties during building works.
- How will the construction site be secured.
- Concerns regarding parking.

Copy Letters **B**

1.10 The period for publicity has expired.

CONSULTATIONS

1.11 The following consultation replies have been received:

Northumbrian Water – No comments.

Cleveland Police - These types of premises do not normally cause Police problems in relation to incidents of crime and disorder. I understand however the opening times are proposed to be increased from the present opening times of 10.00pm to 12.00am and local residents have raised concerns in relation disturbance this will have to be considered by The Local authority when deciding to grant this application.

HBC Engineers – No comments.

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

HBC Public Protection - Whilst I do not object to this proposal in principle, a sound insulation condition should be imposed which must be agreed before works commence. The proximity of the impact area to nearby housing creates potential noise problems which must be addressed. In addition, the toilets are close to housing and detail of the planned ventilation should also be agreed prior to works commencing.

HBC Heritage and Countryside Manager - When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation

areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 and 131, NPPF).

Further to this at a local level, Local Plan policy HE1 is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.”

The “Shop Front and Commercial Frontages Design Guide” SPD should also be consulted when considering alterations to commercial premises. It notes that, “The age and architecture of the building should be taken into consideration in any new design or alterations.” Further to this it is stated that, “The finished materials should be chosen to complement the design of the host building and surrounding property”.

Seaton Carew Master Plan and the policies within it are also relevant. Of particular note are those relating to design which states, “any development, both within and in the vicinity of the Conservation Area should compliment and reinforce existing character, particularly with respect to views and vistas along the promenade and The Front. Proposals should respond to the surrounding development in terms of scale, height, massing, alignment and materials.”

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential and the south is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stall risers are usually rendered or tiled; shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

The site along with Nos. 15 and 16/17 The Front benefitted from substantial grant assistance through a Heritage Economic Regeneration grant scheme supported by Historic England (then, English Heritage). This provided funding for various works including the restoration of the shop fronts, re-roofing works, windows, doors and render.

The property is a substantial arcade located within the centre of the commercial area of Seaton Carew. Many of the buildings have been altered with the majority of the original properties being subsumed into modern structures unified by a single shop front. To the centre of these properties are three buildings of a more traditional style. These premises have been restored using traditional materials and reflect the original character of properties within the area. They are the most significant properties within this group and make an important contribution to the character of the conservation area in this part of the commercial area. To the rear of these properties would have originally been long, gardens, these have also been

developed and the only evidence of this which remains is a small courtyard area to the rear of 15 - 16/17 The Front.

The proposal is to provide two extensions; one to the rear of the property, one to the courtyard area at the centre of the property, and remodel the front of the building. Each element of the application will be dealt with in turn.

The extension proposed to the rear of the property is to an area of the building already extended. The existing extension is of a functional design and the proposal follows this with a design that proposes to infill an area of space up to the rear boundary of the site. This proposed extension will have little impact on the character of the conservation area as a further addition to the bulky extensions which have subsumed many of the original buildings located in this part of The Front.

A second extension is proposed to a courtyard area of the development. This proposal is to provide a flat roof to adjoin the bulkier extension which lies to the rear of this building, in order to increase internal floor space. This area of the building received grant assistance in the past and from the frontage is one of three buildings which have retained an individual identity. The rear courtyard space is the only evidence on this site of the garden and yard areas which would have been found in this location. In adjoining this property with the large bulky extensions this reinforces the links of these properties with the larger modern extensions leaving little distinction to provide evidence of the original building lines or original grain of the site.

The proposal to remodel the shop front removes a majority of the windows, frames and door which were installed with the benefit of grant. The existing structure was designed to reflect the wider character of the conservation area and restore traditional detailing which had been lost. The modern design proposed jars with the traditional designs of the adjacent property and does not reflect the character of traditional shop fronts round within the area, namely those with large display windows sitting on stall risers and recessed doors. The Shop Fronts SPD states, "Ensure that proportions of glazing are appropriately balanced with the shop front frame and any other windows on the building". In this instance the large expanse of glazing is at odds with the glazing not just on this property but also elsewhere in the conservation area.

To conclude there would be no objections to the proposed extensions to the rear of the main building. The proposal to provide a roof to adjoin the modern extension to the rear, resulting in an increased floor area, would reduce the space to the back of those buildings which display some of the original character once found in this part of the conservation area and further integrate the premises with the modern structures. This will diminish the character of the conservation area and therefore this part of the application should be resisted. Further to this the proposed alterations to the shop front do not reflect the character of the conservation area.

The NPPF (para 132), states, "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." It is considered that these two elements of the application would cause less than substantial harm to the designated heritage asset

(Seaton Carew Conservation Area). In such instances, “this harm should be weighed against the public benefits of the proposal” (NPPF para 135). There is no evidence provided within the application to suggest that the harm caused would be outweighed by the public benefits of the proposal.

In view of the above, the applicant’s agent submitted a rebuttal to address the comments from the Council’s Heritage and Countryside Manager. A summary is provided below.

- The shop front design will be re addressed in view of the comments.
- The external yard area was provided with decking and seating to serve the cafe and amusement arcade. There have been management issues with this area e.g. smokers, litter and anti social behaviour. The area has a lack of purpose and does not have a public benefit.
- At ground floor level the external yard area has little original features. The original roofs are clearly visible denoting the buildings domestic beginnings. The large flat roof extensions to the rear mean that the yard area is difficult to locate (from an aerial view).
- Internally it is almost impossible to recognise the form of the original buildings, due to the open plan nature of 12 – 25.
- Much of the expansion and adaption were made before the Conservation Area was established. Additionally the building is not listed.
- The NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including its optimum viable use”. The document also has sections relating to supporting the economy and economic growth. It is considered that the proposal meets and addresses the requirements set out in this document as a whole rather than policy purely relating to conservation matters.
- Benefits of scheme include; a standalone year round venue, maintaining and creating employment opportunities, encourage visitor numbers, enhance local businesses, tourism and local investment.
- The only detriment to the Conservation Area is the loss of the external yard area, currently not accessible or visible from outside the site.

The Council’s Heritage and Countryside Manager provided additional comments to the rebuttal letter from the agent. Please see below.

HBC Heritage and Countryside - In 2003 the applicant received grant funding of some £87,000 for three properties 14, 15 and 16/17 The Front which are included within the application site. The funds were for extensive works to the building including, structural works, reroofing, render and the restoration of traditional details including windows, doors and shop fronts. In particular the application site (No. 14) received £11,420 for windows, doors, rendering and a new shop front which constitutes 43% of the total grant provided to that property.

The proposal would result in the loss or alteration of much of that public investment through the alteration of the shop front and the roofing over the court yard space

which would result in the loss of a number of traditional windows installed through the grant.

Further information has been provided outlining the issues with the outside space including the collection of rubbish in the area and the misuse of the space, these appear to be management issues rather than fundamental problems with the space. Furthermore whilst the benefits that will be created are noted these are not supported by the Business Plan referred to, no evidence is provided of the public consultation that has been carried out to suggest that there is a demand for this type of use nor evidence to show how this would support businesses elsewhere in Seaton.

Details are not provided to demonstrate that this use could not be provided elsewhere in the building, given the floor area that is occupied by this business.

Whilst the evidence presented by the applicant is noted, this would not outweigh the less than significant harm caused to the conservation area.

An amended plan was submitted for the alterations to the entrance in order to address the concerns raised by the Heritage and Countryside Manager. The Heritage and Countryside Manager was re-consulted. Comments are outlined below.

HBC Heritage and Countryside - I have considered the amended plans provided showing alterations to the design of the front elevation of the building. Whilst it is disappointing to lose the traditional shop front which was installed as part of the previous grant scheme the proposed stall riser, timber window frames and doors more closely reflect the character of the conservation area and therefore address the concerns raised regarding this element of the proposal.

PLANNING POLICY

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

Local Policy

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

Com6: Commercial Improvement Areas
GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
HE1: Protection and Enhancement of Conservation Areas
HE2: Environmental Improvements in Conservation Areas
To3: Core Area of Seaton Carew

National Policy

1.14 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning

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

PARA 007 : 3 dimensions of sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 019 : Sustainable economic growth
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 126 : Positive strategy for the historic environment
 PARA 128 : Heritage assets
 PARA 129 : Significant heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA 134 : Harm to heritage asset
 PARA 137: Opportunities for new development
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

The main planning considerations are the principle of development, the economic benefits of the proposal, neighbour amenity, the impact of the development on the character of the surrounding area/impact on the conservation area, highways, anti-social behaviour and residual matters.

PRINCIPLE OF DEVELOPMENT

1.15 The development is within an area covered by 2006 Local Plan Policy Com6 (Commercial Improvement Areas). The policy supports development which makes an environmental improvement within these areas and also improves the commercial performance of businesses. Policy To3 (Core Area of Seaton Carew) also applies to this site. The proposals are for leisure and family related activities within the core area of Seaton Carew, as such the proposed use is compliant with this policy.

1.16 The Seaton Carew Supplementary Planning Document (SPD) has three aims which the development complies with. These are:

- to develop a clean, family friendly environment;
- to enhance public amenities, space and facilities for visitors and residents; and
- to support the economic vibrancy of the area.

1.17 This site is opposite 'The Front' which is one of the key development sites for regeneration outlined within the Seaton Carew SPD; the proposal should complement this. In summary it is considered that the principle of the development is acceptable when assessed against the policy framework subject to an assessment of all other material planning considerations.

ECONOMIC BENEFITS

1.18 Section 1 of the NPPF emphasises the need to build a strong and competitive economy. Paragraph 19 states that significant weight should be placed on the need to support economic growth through the planning system.

1.19 Supporting information has been submitted with the application outlining the economic benefits of the scheme. It was emphasised that the scheme would create a standalone year round venue rather than a seasonally based business. Benefits would also include, ensuring current local employment, creation of future jobs, promotion of tourism / encouragement of visitor numbers, enhancement of local businesses, provision of a new recreational facility and local investment.

1.20 The applicant also owns Olympia Bowl in Scarborough and supporting details were submitted regarding visitor numbers to this leisure facility. It was stated that this business has recorded approximately 70,000 games of bowling per year which equates to approximately 50,000 people visiting the area. It was outlined that it would be assumed that a new facility in Seaton Carew would attract a similar number of players over the same period.

1.21 It is considered that a new leisure facility, such as the one proposed, could attract additional visitors to Seaton Carew, potentially benefiting other businesses in the immediate area and subsequently helping to support the local economy.

NEIGHBOUR AMENITY

1.22 To the north and south of the proposed bowling alley are the interlinked amusement arcades. To the west is the vacant Longscar Centre (previously in commercial use). It is considered that these non-residential properties are not sensitive uses.

1.23 To the west is Major Cooper Court which provides residential accommodation for the elderly. The single storey extension to the rear will project towards the main building of Major Cooper Court. The two nearest sections of the main building to the extension are single storey offshoots which form a hall and a service facility (gas and electricity). The east facing elevations of these offshoots are blank gable walls.

1.24 A separation of approximately 17m will be retained between the proposed extension to the rear and the main east facing elevation of Major Cooper Court (the main building to the west). There are a number of windows in the east elevation of Major Cooper Court which serve the residential properties (at ground, first and second floor level). No windows are proposed in the west facing elevation of the extension. It is considered due to the separation which will be retained, the extension will not have a significant impact on these adjacent windows in terms of overbearing impact or overshadowing. It is considered that the proposal will not result in a loss of privacy to these windows.

1.25 To the south of the extension to the rear are number 7 and 8 Major Cooper Court. A blank gable wall, of number 7 and 8, faces towards the proposed extension (north facing elevation). A fire exit is proposed on the south facing elevation of the extension. A separation of approximately 5m will be retained. In view of this it is considered that this element of the scheme will not have an adverse impact on these neighbouring properties in terms of overshadowing, overbearing or loss of privacy.

1.26 Due to the location of the external court yard extension (surrounded on all sides by commercial units) and it's massing, it is considered that this proposal will not have a significant impact on neighbour amenity.

1.27 It is also considered that the alterations to the roof and the modifications to the frontage will not have a significant impact on neighbour amenity due to the nature of these proposals, their massing and location.

1.28 Concerns have been raised by neighbouring residents regarding the potential noise and odours from the proposed bowling alley and associated toilets. The Council's Public Protection section were consulted on the application. No objections were raised, however the proximity to adjacent residential properties was acknowledged and the potential for noise issues. It was stated that a sound insulation condition should be imposed and should be agreed before work commences. It was also stated that due to the location of the proposed toilets which are also in close proximity to housing, ventilation details should be conditioned. Noise mitigation measures and ventilation details have therefore been conditioned accordingly.

1.29 Concerns were raised by local residents regarding the proposed opening hours (10am until midnight seven days a week). No objections were received by the Council's Public Protection section with regards to the hours proposed, they are therefore considered acceptable and conditioned accordingly.

CHARACTER OF THE SURROUNDING AREA / IMPACT ON THE CONSERVATION AREA

1.30 When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance

of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

1.31 Further to this at a local level, Local Plan policy HE1 is relevant, this states, “Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.” The Shop Front and Commercial Frontages Design Guide SPD and The Seaton Carew SPD also set out design principles which also apply.

1.32 The Council’s Heritage and Countryside Manager was consulted on the application. No concerns were raised with regards to the extension to the rear of the property. It was commented that proposal follows the design of the existing rear extension up to the rear boundary of the site. This proposed extension will have little impact on the character of the conservation area.

1.33 Concerns were originally raised regarding the remodelled entrance by the Heritage and Countryside Management. Alterations were made to the scheme in view of the comments and amended plans submitted. The Heritage and Countryside Manager was consulted on the amended plans and it was stated, whilst it is disappointing to lose the traditional shop front which was installed as part of the previous grant scheme the proposed stall riser, timber window frames and doors more closely reflect the character of the conservation area and therefore address the concerns raised regarding this element of the proposal.

1.34 Concerns were raised by the Heritage and Countryside Manager with regards to the extension over the external courtyard area. It was highlighted that the rear courtyard space is the only evidence on this site of the garden and yard areas which would have been found in this location. In adjoining this property with the large bulky extensions this reinforces the links of these properties with the larger modern extensions leaving little distinction to provide evidence of the original building lines or original grain of the site. It was stated that this element of the scheme will diminish the character of the conservation area and should be resisted. This element of the scheme would cause less than substantial harm to the conservation area.

1.35 In such instances paragraph 134 of the NPPF states “Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use”. The Heritage and Countryside Manager acknowledged the benefits of the scheme which were put forward by the applicant’s agent, however does not consider them significant enough to outweigh the potential harm to the conservation area.

1.36 It should be noted that within National Planning Practice Guidance (para 020), it is outlined that public benefits follow from many developments and can include anything which delivers economic progress. They should however not be of a private benefit but a benefit to the wider public. Although the proposal would result in less than substantial harm to a designated heritage asset (the conservation area), it is considered that on balance the economic benefits of the scheme, including the potential positive effects on the local economy and the viable use of the unit,

outweigh the harm to the conservation area. It is considered that the proposed leisure facility will assist in attracting additional visitors to the area, subsequently helping to support other local businesses and contributing towards the regeneration of Seaton Carew. It should also be acknowledged that the extension over the external court yard area is situated to the rear of the property and public views are extremely restricted. The impact of this element of the development on the wider conservation area is therefore limited.

1.37 The comments from the Heritage and Countryside Manager regarding the amount of grant funding which the properties have received in the past are noted. It is unfortunate that some of the results of this funding would be lost due to the proposed scheme, however, financial grants and previous works are not a material planning consideration.

HIGHWAYS

1.38 The Council's Traffic and Transport section have been consulted on the application. No objections or concerns were raised. The proposal is therefore considered to be acceptable in terms of parking and highways safety.

ANTI SOCIAL BEHAVIOUR

1.39 Concerns were raised by neighbouring residents regarding anti social behaviour. Cleveland Police have been consulted on the application and have raised no objections to the scheme, commenting that they are not aware of these types of premises causing any increase in crime or disorder incidents. Whilst there is no evidence linking such issues to the proposed use, any potential problems arising from this behaviour can be dealt with by other methods such as the police service or community enforcement and would not be a reason to warrant refusal of the application.

RESIDUAL MATTERS

1.40 Concerns were raised by neighbouring residents regarding a wall adjacent to 7 Major Cooper Court as it appears to be unsafe and will potentially impact on the garden area. It was also stated that cladding from this wall had fallen into the garden area in the past. From the site visit conducted cladding/ render had eroded from the wall to the east of number 7. This section of 12 – 25 The Front does not form part of the application site and is therefore not a consideration. The maintenance of the wall is a matter for the owner.

1.41 The position of the proposed emergency exit was also a concern of neighbouring residents and the potential that this will be used frequently as a short cut by those using the bowling alley. A condition will be placed on any permission, restricting this exit to emergency use only.

1.42 Concerns were raised from neighbouring residents regarding the potential impact of building work, e.g. noise, dust, debris and the movement of construction vehicles. These issues are not material planning considerations on a development of this scale and would be dealt with under separate legislation.

1.43 With regards to the comments raised on construction access from Major Cooper Court, the potential use of scaffolding in the garden areas and the impact on the movement of neighbouring residents / support workers, these are all civil matters between the applicant and the residents/management agency of Major Cooper Court. Notwithstanding this, due to the cramped nature of the site, a construction management plan has been conditioned to be submitted to the Local Planning Authority prior to the commencement of development. Details to be submitted will include construction hours, storage of materials and access. This will assist in mitigating the impacts of construction on adjacent neighbouring properties.

1.44 Any health and safety issues relating to the construction period, including the blocking of emergency exits of adjacent properties would be dealt with under separate legislation. For a scheme of this size, the way in which the site is secured during the construction period would be a matter for the developer and not a material planning consideration.

1.45 On two of the responses from residents regarding the amended plans, it was stated that a new extension was proposed on the southern wall of the unit and this was not shown on the original plans. For clarification, the extension to the rear of the unit was on the original proposed plans and the only changes made were to the remodelled entrance.

CONCLUSION

1.46 The principle of the development is considered acceptable when assessed against the policy framework. It is acknowledged that the proposal will result in less than substantial harm to the Seaton Carew conservation area, however on balance it is considered that this harm is outweighed by the economic benefits of the scheme. The proposal is therefore recommended for approval subject to the conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.48 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.

2. The development hereby permitted shall be carried out in accordance with the plans (Drawing No. 2002 Proposed First Floor Plan Revision C, Drawing No. 2701 Proposed Roof Plan Revision C) and details which had been received by the Local Planning Authority at the time the application was made valid on 22/12/2015 and the amended plan (Drawing No. 2010 Proposed Elevations Revision F) received on 09/02/2016 and the amended plans received on 23/02/2016 (Drawing No.001 Site Location Plan Revision B), 25/02/2016 (Drawing No. 002 Block Plan Revision A) and 03/03/2016 (Drawing No.2001 Proposed Ground Floor Plan Revision F).
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The premises shall only be open to the public between the hours of 10:00 - 00:00 on any day.
In the interests of the amenities of the occupants of neighbouring properties.
5. The premises shall be used as a bowling alley (Class D2 use) and for no other purpose, including any other purpose in Class D2 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification.
In the interests of the amenities of the occupants of neighbouring properties.
6. Prior to the commencement of the development, sound insulation details shall be submitted to and approved in writing by the Local Planning Authority.
Thereafter the approved scheme shall be retained during the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
7. The use hereby approved shall not commence until ventilation details of the proposed toilets have been submitted to and approved in writing by the Local Planning Authority. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturer's instructions for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
8. The exit proposed on the rear extension shall be used in emergencies only and be kept closed at all other times.
In the interest of the amenities of the occupants of neighbouring properties.
9. Prior to the commencement of the development, a construction management plan shall be submitted and approved in writing by the Local Planning Authority. This shall include, construction hours, details regarding the storage of materials and means of access. The approved scheme shall be adhered to at all times during the construction of the development.
In the interests of the amenity of neighbouring residents.

BACKGROUND PAPERS

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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12-25 THE FRONT



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

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H/2015/0525
Scale: 1:1000
Date : 26/02/2016

No: 2
Number: H/2015/0517
Applicant: Mr Lee Rutherford 182 Stockton Road Hartlepool TS25 5DB
Agent: SJR Architectural & Interior Designers Mr David Johnson
SUITE 109 THE INNOVATION CENTRE VENTURE
COURT QUEENS MEADOW BUSINESS PARK
HARTLEPOOL TS25 5TG
Date valid: 16/12/2015
Development: Variation of condition on H/2012/0622 to allow alteration to the siting of the dwelling within the plot (retrospective application)
Location: 182 STOCKTON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The application site was previously occupied by a detached single storey property with a dual-pitched roof and a mock Tudor gable to the front elevation. Planning permission was granted to demolish the existing bungalow and replace it with a two storey dwelling (H/2012/0622). This application was subsequently amended to include a garden room to the rear of the proposed dwelling house (H/2013/0176). A further amendment was submitted to substitute the rear hipped roof for a gabled roof, alteration to the balcony detail and substitution of utility room window with a door. There is a two-storey detached dwelling on the south side of the site (184 Stockton Road) and a single storey dwelling with rooms in the roof space on the north side (180 Stockton Road). Following a complaint that the development had deviated from the approved plans the current application seeks to regularise the situation.

PROPOSAL

2.3 Retrospective planning permission is sought to vary condition 2 of planning permission H/2014/0094 for a revised site layout which includes amendments to the site boundaries and the reposition of the dwelling house within the plot.

2.4 The application has been referred to Planning Committee at the request of a Councillor due to the retrospective nature of the proposed development.

SITE CONTEXT

2.5 The application site comprises a detached two storey dwelling house in a predominately residential area. There is a mix of bungalows and houses within the immediate area.

2.6 The property to the north of the site is a bungalow with rooms in the roof space and to the south of the site is a two storey dwelling house. The application site is set back from the highway with a garden area to the front, and a large rear garden.

PUBLICITY

2.7 The application has been advertised by way of neighbour letters (8). To date, there has been 1 letter of objection received.

2.8 The concerns raised are summarised as follows:

- Not built in accordance with the original approved plans
- The build affects us more than the original approval
- It is too close
- It is intrusive
- It affects light and standard of living
- Out of character with the surrounding area

Copy Letters **A**

2.9 The period for publicity has expired.

CONSULTATIONS

2.10 The following consultation replies have been received:

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

HBC Landscape - No objection

HBC Public Protection – No objection

HBC Engineering Consultancy No objection

PLANNING POLICY

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

Local Policy

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

GEP1 – General Environmental Principles
GEP2 – Access for All
GEP3 – Crime Prevention by Planning and Design
HSG9 – New Residential Layout – Design and Other Requirements

National Policy

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

Paragraph 14 – Presumption in favour of sustainable development
Paragraph 56 – Requiring Good Design
Paragraph 196 – Primacy of the Development Plan
Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

PRINCIPLE OF DEVELOPMENT

2.15 The site is located in an established residential area. In principle the development is considered acceptable. The principle of development has been established by virtue of the established residential use of the site and the previous permissions.

IMPACT ON VISUAL AMENITY

2.16 In terms of visual amenity it is considered that the proposal is acceptable. This is a retrospective application for the reposition of the dwelling within the plot. The design and materials of the development have previously been accepted by the approval of the previous permissions. The area is predominately residential with a mix of both single storey and two storey dwellings being constructed in a mixed palette of materials. The dwelling is of a modern design which incorporates traditional features which include mock Tudor gable detailing to the front elevation and cream render, these features are shared with many of the properties in the immediate area. It is considered that the design of the property is in keeping with the area as a whole. It is not considered that the materials and design would have a detrimental impact upon the visual amenity of the area.

2.17 The proposal is considered to be in accordance with policies GEP1, GEP2, GEP3 and Hsg9 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

IMPACT ON RESIDENTIAL AMENITY

2.18 In terms of amenity, one of the main relationships for consideration is that with 180 Stockton Road, which has four windows in the ground floor side elevation facing the application site. One is an obscurely glazed bathroom window, the other three serve a large kitchen, dining and garden room which has double glazed doors located in the rear elevation opening out into the rear garden. There is also an obscurely glazed dormer window in the roof space which serves a bathroom and three velux windows spread across the roof slope which serve bedrooms and landing.

2.19 The originally approved dwelling was shown to be built closer to 180 Stockton Road than the original bungalow. The principle elevations of 180 Stockton Road, are oriented to face east to west. It was considered that, on balance, a refusal could not be sustained for the dwelling on the grounds of the impact upon 180 Stockton Road and the relationship was considered to be acceptable. However there were discrepancies in the site survey and the dwelling as built has been built closer to 180 Stockton Road than originally proposed. The current application seeks to regularise this discrepancy.

2.20 It is acknowledged that the property as built is closer to 180 Stockton Road, than was originally approved. It is acknowledged that there will be some additional impact on the outlook and light to the side windows of 180 Stockton Road and these impacts are discussed below.

2.21 The principle elevations 180 Stockton Road are oriented to face east to west and so any impact on its main outlook front and rear, given the new houses location to the side, is limited. It is not unusual for properties to be located with side elevations close together, and even closer than is proposed here. The design of the property is such that the eaves height is lower than the original bungalow that was demolished though it is closer to the neighbour. The eaves of the original bungalow were approx 2.9m and the new build eaves are approx 2.2m. The roof slopes away from the boundary and reaches a height of approx 7.8m at its highest point, the

original bungalow was approx 6m to its highest point. There are eight windows in the side/roof elevation of 180 Stockton Road facing the site. One of the first floor windows serves a bathroom and is obscurely glazed the other velux type windows serve a landing and bedrooms. Given the elevated nature of these windows it is not considered that the development unduly affects the outlook from, or light to, these windows. At ground floor again one of the windows serves a bathroom and is obscurely glazed as this is not a habitable room the impact on this window is considered acceptable. Two of the other windows serve a kitchen/dining area whilst the other side window serves a lounge/family room adjoining to the rear. The lounge/family room is separated from the kitchen by internal glazed panel doors and has rear glazed panel doors which look out on to the extensive rear garden. The kitchen/dining room adjoins the lounge/family room and benefits from borrowed light and views into the garden through the lounge/family room internal glazed doors. It is noted that there is a 1.8m closed boarded fence along the shared boundary opposite the side windows at 180. It should be noted that the outlook and light to these side windows will have been impinged upon by the original bungalow. It is acknowledged that the development will have an additional impact on the outlook from, and light to, these side windows. However, taking all the above into account it is not considered that the additional impacts arising from the development would affect the living conditions of the occupiers of number 180 to such a degree as to warrant a refusal of the application. It is considered that given the design and relationship between the new dwelling and the dwelling at 180 any impacts upon the amenity of the occupiers of this property in terms of impacts on light, outlook and any overbearing effect are acceptable.

2.22 The occupants of 180 Stockton Road raise concerns with regard to the loss of privacy and overlooking from the bathroom window and roof lights in the north facing roof slope of the application site. The bathroom windows are obscurely glazed with film, with the bath being sunk into the floor directly below the window which makes it difficult to look out of the bathroom window. The roof lights that serve the landing/stairwell and the bedrooms are obscurely glazed with film; this reduces the impact of overlooking. The roof lights which serve the kitchen are clearly glazed however given the angle of the roof slope and the height that the roof lights are positioned it would be difficult to sustain an objection in terms of overlooking issues. A condition is proposed to ensure relevant windows remain obscurely glazed. In light of the above it is not considered that there is a significant impact in terms of loss of privacy or overlooking to a level that would sustain an objection.

2.23 The property on the south side 184 Stockton Road is a two storey dwelling with a blank gable facing the application site. The proposed dwelling house does not project beyond the front of the dwelling. The closest two storey part of the proposed dwelling projects beyond the rear wall of the property. However as 184 is to the south and given the separation and design of this neighbour's property it is not considered that the development unduly affects light or outlook to this neighbour or is overly dominant.

2.24 The proposed development is considered to be in accordance with policies GEP1 and Hsg9 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

IMPACT UPON HIGHWAY SAFETY

2.25 The Council's Traffic and Transport have been consulted and have raised no objections. The development is considered acceptable in highway terms.

CONCLUSION

2.26 It is not considered the development will unduly affects neighbouring properties to a level that could sustain an objection in terms of loss of light, privacy, outlook, or in terms of any overbearing impact. It is considered that the siting and design is acceptable and that the development does not appear incongruous within the street scene. The proposal is acceptable in highway terms.

2.27 With regard to the relevant Hartlepool Local Plan (2006) policies and the relevant planning consideration set out above, the proposal is considered acceptable subject to conditions below.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development hereby approved shall be carried out in accordance with the amended plan(s) no(s) SJR12:25 Dwg No: 201 (Approved and as Built Footprint), Dwg No: TD02 Rev D (Proposed Ground and First Floor Plans) and TD03 Rev E (Proposed Elevations) received 5 February 2016 and Dwg No: 200 (Site Plan as Approved and as Built) and site location plan received 1 December 2015.
For the avoidance of doubt.
2. The window(s) facing 180 Stockton Road which serve the bathroom, landing/stairwell and bedroom shall be obscurely glazed and shall be retained as such at all times while the window(s) exist(s).
In the interests of the amenities of the occupants of neighbouring properties and to prevent overlooking.
3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows(s) shall be inserted

in the elevations of the dwelling facing 180 or 184 Stockton Road without the prior written consent of the Local Planning Authority.

In the interests of the amenities of the occupants of neighbouring properties and prevent overlooking.

4. The flat roof section of the single storey rear extension shall not be used as a balcony, sitting out area or any similar external amenity area without the granting of further specific permission from the Local Planning Authority. To enable the Local Authority to exercise control in the interests of the amenity and privacy of neighbouring properties.
5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority. To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
6. The balcony screen detail as approved under discharge of condition application D/2014/0033 shall be retained as approved for the life time of the development, unless some variation is otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

BACKGROUND PAPERS

2.31 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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182 STOCKTON ROAD



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

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H/2015/0517
Scale: 1:1000
Date : 02/02/2016

No: 3
Number: H/2012/0551
Applicant: Mr A Stokle Oxford Street HARTLEPOOL TS25 1TA
Agent: Mr A Stokle 14 Oxford Street HARTLEPOOL TS25 1TA
Date valid: 17/10/2012
Development: Change of use from agriculture to the keeping of horses, creation of a menage, erection of fencing, siting of cabin and creation of vehicular access (retrospective)
Location: Land adjoining Marite House Brierton Lane
HARTLEPOOL BILLINGHAM

PURPOSE OF REPORT

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

BACKGROUND

3.2 A retrospective application for the change of use of the land from agricultural use to use the land for the keeping of horses was originally submitted on the 17th October 2012. The Council's Traffic and Transport section raised concerns regarding the use of the access on to Brierton Lane as sight lines for the access are poor due to the high hedge on either side of the gate. However a significant part of the hedge in question is not within the application site and as such is out of control of the applicant. Therefore the applicant has no control over the height of the hedge and as a result it was considered that the required sight lines could not be demonstrated.

3.3 The applicant was contacted by letter on numerous occasions and most recently on 1st February 2016 to try to resolve this matter. The applicant has not contacted the planning department at any stage. Therefore this report is seeking to refuse the application to provide conclusion to the application.

PROPOSAL

3.4 Retrospective approval is sought for the change of use of the land from agricultural use to allow the applicant to keep horses. The applicant had confirmed in the original Design and Access Statement that the land would be for personal use to allow his daughter to keep horses on the site.

3.5 The application also seeks permission for the erection of post and rail fencing which has been erected to divide the land into fields, creation of a ménage for exercising horses, installation of a cabin on site and creation of a new access onto Brierton Lane. At the time of the officer site visit all the works had been carried out.

SITE CONTEXT

3.6 The application site is an area of land consisting of approximately 1 hectare which is enclosed to the south, adjacent to Brierton Lane, by a mature hedge. There is a residential dwelling located to the east of the site known as Marite House. The land to the west of the site appears to be in equine use and there is agricultural land to the north as such the surrounding area is rural in nature.

PUBLICITY

3.7 The application has been advertised by way of neighbour letters (6), and site notice. No representations have been received.

3.8 The period for publicity has expired.

CONSULTATIONS

3.9 The following consultation replies have been received:

HBC Countryside Access: There are no known recorded or unrecorded public rights of way that are affected by this planning application.

HBC Ecology: There do not appear to be any ecological issues associated with this application therefore I have no further comments. However concerns raised should significant length of hedge be removed and replacement landscaping of at least equivalent value should be provided.

HBC Traffic and Transportation : There are some concerns with the new access onto Brierton Lane.

The sight lines coming out of the new access are poor due to the high hedge on either side of the gate, a minimum sight line of 2.4 x 70m should be provided.

Further comments (25/02/2016) (Despite work being done to reduce the height of the hedge to the left of the access) Similar works to the right hand hedge would also need to be carried out in order to provide a 2.4 X 70 metre in either direction.

A condition would need to be imposed which required the sightlines to be maintained for the lifetime of the development. I understand that the right hand hedge is not within the ownership of the applicant and it would not be possible to control. I would therefore need to maintain my objection.

HBC Public Protection: No Objections

PLANNING POLICY

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

National Policy

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. The following paragraphs are of particular relevance to the application.

PARA 002 : Primacy of Development Plan
Contribute to the achievement of sustainable development

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 028 : Rural economic growth

PARA 056 : Design of built environment

PARA 061 : Architecture of individual buildings

PARA 196 : Planning system is plan led

PARA 197 : Presumption in favour of sustainable development

PARA 196 : Primacy of the Development Plan

PARA 197 : Presumption in favour of sustainable development.

3.12 The following Local Planning policies are considered to be relevant;

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

Rur1: Urban Fence

Rur14: The Tees Forest

Rur7: Development in the Countryside

Planning Policy Summary

(24th February 2016): There are no planning policy concerns with regard to the principle of development in this location, however Planning Policy would like to see that the cabin is removed and replaced with a permanent building that is more in keeping with the rural area.

PLANNING CONSIDERATIONS

3.13 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 with particular regard to the principle of the development in policy terms, the impact on the rural character of the surrounding area, the impact on the amenity of neighbouring land users and highway safety.

PRINCIPLE OF DEVELOPMENT

3.14 The application site is located outside development limits as defined by the Local Plan (2006) and as such is located within a rural setting. The applicant submitted a Design and Access Statement when the application was originally submitted. This confirms that the use related solely to private use of the land for family horses and does not constitute a business use. The core planning principles set out within paragraph 17 of the NPPF states that development should “take account of the different roles and character of different areas”. Policy Rur7 of the Local Plan is relevant when considering development in the countryside. The justification for this policy states that certain types of development may need to be accommodated within the countryside. Given the rural nature of the equine use it is considered that the principle of the use of the land for keeping horses is acceptable however this is subject to a number of matters listed in policies Gep1 and Rur7. These are considered in detail in the following report.

CHARACTER OF THE SURROUNDING AREA

3.15 Paragraph 17 of the NPPF outlines the core principles which underpin planning decisions it states that development should “*always seek to secure high quality design*” and “*take account of the different roles and character of different areas... recognising the intrinsic character and beauty of the countryside*”

3.16 Paragraph 56 of the NPPF asserts that “*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*”.

3.17 Policies Gep1 and Rur7 require the visual impact of the development and the compatibility of the design of the development with the landscape to be considered. Rur 7 also requires traditional or sympathetic materials to be used in construction within the countryside. In connection with the use of the land for keeping horses the applicant has erected a number of post and rail fences in order to divide the land into grazing paddocks and a ménage to provide an area for riding. The erection of fencing and provision of a ménage in itself is considered to be in keeping with the rural nature of the surrounding area.

3.18 The development also includes the siting of a cabin. The appearance of the cabin, which is located within the south west corner of the site, is temporary in nature and is not considered to consist of appropriate materials to reflect the rural character of the surrounding area. Given its location, within the south west corner of the site, it is clearly visible from surrounding fields and the highway which is directly to the south of the site. Paragraph 64 of the NPPF is clear in that *“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”*. Furthermore whilst the council’s planning policy section have raised no objections to the principle of development, concerns are raised that permanent retention of the cabin would not be acceptable in this rural location.

3.19 Taking into account that the cabin is sited in a visually prominent location and given that the materials and appearance of the cabin are considered to be out of keeping with the character of the surrounding area it is considered that the cabin would result in an incongruous feature within the open countryside. By virtue of siting and design it is considered to be detrimental to the rural character of the surrounding area contrary to paragraphs 17 and 56 of the NPPF and policies Gep1 and Rur7 of the Hartlepool Local Plan (2006) in this regard.

IMPACT UPON AMENITY OF NEIGHBOURING LAND USERS

3.20 The surrounding area is rural in nature with equine uses and agricultural uses adjacent to the north, south and west of the application site. There is a residential dwelling to the east of the application site however owing to the distance from this neighbouring property it is not considered that the development has a detrimental impact upon the amenity of this neighbouring property.

IMPACT UPON HIGHWAY SAFETY

3.21 Paragraph 32 of the NPPF states that decisions need to take into account whether *“safe and suitable access to the site can be achieved for all people”*. Policy Gep1 of the Hartlepool Local Plan also requires the effect on highway safety to be taken into account when determining planning applications.

3.22 The development includes the provision of a new access to the site from Brierton Lane. The Council’s Traffic and Transport section were consulted and have stated that the sight lines coming out of the new access are poor due to the high hedge on either side of the gate. A minimum sight line of 2.4 x 70m would be required. A plan has been produced by the Traffic and Transport section demonstrating the sight lines, this shows that the hedge to the front of the site and adjacent sites would need to be removed or significantly reduced in height to accommodate the required sight lines. However part of the hedge is not in the control of the applicant. Therefore it is not considered that the required sight lines can be accommodated.

3.23 At a recent officer site visit (24/02/2016) it was confirmed that the hedge to the front of the property to the east, enclosing the front boundary of Marite House (which is to the left of the proposed access) has been significantly reduced in height

however it does not appear this is in the control of the applicant and will grow over time. A condition would need to be imposed which required the sightlines to be maintained for the lifetime of the development. However it does not appear this hedge is in the control of the applicant therefore there is no guarantee that this hedge will remain at this lower level height. Furthermore the Council's Traffic and Transport section have considered the development and have confirmed that similar works to the right hand hedge would also need to be carried out in order to provide a 2.4 X 70 metre in both directions. Again it does not appear that the applicant has control over the full length of the hedge where ongoing maintenance would be required. Therefore the Traffic and Transport section maintain the objection to the development.

3.24 Given that it does not appear the required sight lines at the new access can be accommodated it is considered that the development would be detrimental to highway safety and contrary to paragraph 32 of the NPPF and policy Gep1 of the Hartlepool Local Plan (2006).

CONCLUSION

3.25 Whilst the principle of development is considered to be acceptable the materials and temporary appearance of the cabin within the south west corner of the site is considered to be inappropriate and as such is at odds with the rural character of the surrounding area. As such the proposal is contrary to paragraphs 17 and 56 of the NPPF policies Rur7 and Gep1 of the Hartlepool Local Plan (2006) in this regard.

3.26 Furthermore to accommodate the required sight lines for the new access on to Brierton Lane a significant amount of hedge would need to be removed or reduced in height. It appears part of the hedge is not in the control of the applicant and as such cannot be satisfactorily maintained to ensure sight lines are permanently retained. As such the proposal is considered to be contrary to policy Gep1.

3.27 Therefore the application is recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.28 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.29 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.

3.30 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons

1. In the opinion of the Local Planning Authority by virtue of its prominent location and inappropriate materials it is considered that the cabin, within the south west corner of the site, is out of keeping with the rural character of the surrounding area. Therefore the cabin is not suitable for permanent retention on the site and as such it is contrary to paragraphs 17 and 56 of the NPPF and policies Gep1 and Rur7 of the Hartlepool Local Plan (2006).
2. The applicant has failed to demonstrate that adequate visibility splays at the access onto Brierton Lane can be provided and maintained for the life of the development. Therefore it is the opinion of the Local Planning Authority that the development is detrimental to highway safety contrary to paragraph 32 of the NPPF and policy Gep1 of the Hartlepool Local Plan (2006).

BACKGROUND PAPERS

3.32 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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MARITE HOUSE, BRIERTON LANE



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

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H/2012/0551
Scale: 1:5000
Date : 26/02/2016

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

Com6 (Commercial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated commercial improvement areas.

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.

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

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

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.

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

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

To3 (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and

innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and
- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

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

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

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

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

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

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be

made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals, such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

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

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

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

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

32. All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

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.

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.

126. LPA's should set out in their local plan a positive strategy for the conservation and enjoyment of the historic environment.

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to

understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131: In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

134. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

137. LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

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

(16TH March 2016)



Report of: Assistant Director (Regeneration)

Subject: APPEAL AT GLEBE FARM, WORSET LANE,
HARTLEPOOL – APPEAL REF:
APP/HO724/W/15/3133288 – CONVERSION OF
BARN TO DWELLING HOUSE

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of the above appeal.
- 1.2 The appeal and application for an award of costs was allowed. A copy of the decisions is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the appeal decision.

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Appeal Decision

Site visit made on 13 January 2016

by **K A Ellison BA, MPhil, MRTPI**

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

Decision date: 10th February 2016

Appeal Ref: APP/H0724/W/15/3133288
Glebe Farm, Worset Lane, Hartlepool TS27 3BE

- 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 NE Properties Ltd against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0013 dated 9 January 2015 was refused by notice dated 26 February 2015.
 - The development proposed is the conversion of a redundant barn to form a single dwelling.
-

Decision

1. The appeal is allowed and planning permission is granted for the conversion of a redundant barn to form a single dwelling at Glebe Farm, Worset Lane, Hartlepool in accordance with the terms of the application Ref H/2015/0013 dated 9 January 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 the following approved plans: HL/14/006/001/A, Location Plan; HL/14/006/002/A Site Plan; and HL/14/006/00HL/14/006/003 Proposed Floor Plan and Elevations.
 - 3) No development shall take place until a scheme for the disposal of foul and surface water has been submitted to and approved in writing by the local planning authority. Development shall be carried out as approved.
 - 4) No development shall take place until a scheme for the identification and protection of nesting birds on the site prepared by a suitably qualified person has been submitted to and approved in writing by the local planning authority. The scheme shall propose measures to ensure that no harm is done to them in the course of the development. Any approved measures shall be implemented in the course of the development.

Preliminary Matters

2. An application for costs was made by NE Properties Ltd against Hartlepool Borough Council and is the subject of a separate Decision.
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Main Issue

3. The Council originally gave two reasons for refusal relating to the location of the dwelling in the countryside and the risk of pollution to the water environment. The appeal was accompanied by a percolation test which shows that the proposed means of foul drainage would be acceptable. This information was sufficient to satisfy the Environment Agency so that the Council confirms it no longer wishes to pursue that reason for refusal.
4. On that basis, the main issue in this appeal is whether the proposal is in overall accordance with planning policies for the provision of new housing in the countryside.

Reasons

5. The appeal site lies a short distance beyond the built up area of Hart village, outside the village envelope as defined in the Local Plan. It is situated next to Glebe Farm, a dwelling which is no longer part of a working farm. The site contains a relatively modern, brick-built barn. The proposed conversion would create a single storey dwelling which would share the existing access for Glebe Farm. Although there would be no change to the overall size of the building, the change in its character from agricultural to residential would be evident from the addition of windows to most of the elevations.
6. Relevant development plan policies are contained in the saved policies of the Hartlepool Local Plan 2006. Under saved policy RUR12, isolated dwellings will only be permitted in limited circumstances, none of which apply to the appeal scheme. The proposal therefore conflicts with policy RUR12. The Council also refers to policy RUR7, which lists various factors to be taken into account in determining planning applications in the open countryside, but identifies no conflict with that policy. In view of the limited nature of the alterations and the relationship of the proposed dwelling to the existing house at Glebe Farm, I agree that the proposal satisfies policy RUR7.
7. The Council notes that it cannot demonstrate a five year supply of deliverable housing sites. Under the terms of NPPF paragraph 49 therefore, the Council confirms policy RUR12 should be considered as not up to date, since it concerns the supply of housing. In that context, the appeal proposal should also be assessed under NPPF paragraph 55, which deals with housing in rural areas. The Council has also provided its recently adopted *New Dwellings Outside of Development Limits* Supplementary Planning Document (SPD), which supports policies RUR7 and RUR12. The stated purpose of the SPD is to provide guidance on whether the principle of a new dwelling in the countryside is appropriate in the light of NPPF paragraph 55 (SPD paragraph 1.3).
8. Noting that NPPF paragraph 55 makes clear that new isolated homes in the countryside require special justification, the SPD introduces a 'justification test' and sets out those circumstances where it will apply. Those elements of the test which apply to the appeal proposal are set out at SPD Table 1 and concern:- whether the building is redundant or disused; the period of vacancy and marketing efforts to secure the existing use; and whether redevelopment would lead to an enhancement.
9. The Council has not disputed the Appellant's assessment that the building is redundant or disused and I have no reason to disagree. Nor does the Council

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suggest that the proposal would fail to enhance the immediate setting. During my site visit I noted that the appeal site is in a somewhat unkempt state, which is at odds with the generally well-kept character of the adjacent countryside. The proposed alterations are reasonably sympathetic to the building's character and in bringing the building and proposed garden area into active use, it is reasonable to expect that the appearance of the site would be improved. I am satisfied therefore, that the proposal would lead to an enhancement of the immediate setting.

10. The Appellant provides no information to specifically address SPD question 3.2, concerning the period of vacancy and marketing efforts. However, I note that the justification in Table 1 of the SPD is worded so as to require an applicant to demonstrate that a building is both redundant and disused, which is not consistent with NPPF paragraph 55. In addition, there is some lack of clarity as to how the SPD expects efforts to secure an 'existing use' to be applied in the circumstances of this appeal, which concerns a building on a former farm. For these reasons, I attach very limited weight to the failure of the proposal to demonstrate that it satisfies question 3.2 of the justification test.
11. Consequently I consider that the proposal does not conflict with the SPD when the document is taken as a whole.
12. The Council contends that the proposal is also contrary to national policy. It draws particular attention to the opening sentence of NPPF paragraph 55, which promotes sustainable development through expecting housing to be located where it will enhance or support rural communities. Reading that paragraph objectively and in context however, it is clear that the special circumstances where a new isolated dwelling need not be avoided include where the development would re-use redundant or disused buildings and lead to an enhancement of its setting. As my assessment under the justification tests in the SPD demonstrates, the proposal satisfies paragraph 55 in these particular respects.
13. The Council also draws attention to the location of the site outside the main built up area of the village and the relatively limited range of facilities in the village itself. I recognise that this points to a likely reliance on the private car but mode of transport forms only one part of an assessment of whether a development is sustainable overall. When considered in the round, this proposal would represent a sustainable form of development since it would deliver other benefits in the form of the reuse of a building and an enhancement to the immediate surroundings.

Conclusions

14. Although I have not identified any conflict with the *New Dwellings Outside of Development Limits* SPD, it is clear that the proposal would be contrary to policy RUR12, which is the development plan policy of particular relevance. I consider that the proposal would be contrary to the development plan as a whole. However, under NPPF paragraph 49 that policy should not be considered up to date. The proposal meets the requirements of more recent national policy set out in NPPF paragraph 55 and is entitled to benefit from the presumption in favour of sustainable development set out at NPPF paragraph 14. That is sufficient to outweigh the conflict with the development plan in this instance. On that basis, I conclude on my main issue that the

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proposal is in overall accordance with planning policies for the provision of new housing in the countryside.

15. I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of good planning. Details of arrangements for the disposal of sewage are necessary to ensure a satisfactory form of development. The building has been assessed as potentially suitable for nesting swallows so that a condition to ensure their protection in the course of development is necessary in the interests of nature conservation. Given the limited visibility of the building from public viewpoints and the domestic character of the proposed use, I consider that it would not be reasonable or necessary to require submission of details of the external materials or a landscaping scheme. I have worded the conditions to accord with the advice in the Planning Practice Guidance.
16. For the reasons given above, I consider that the appeal should succeed.

K.A. Ellison

Inspector



Costs Decision

Site visit made on 13 January 2016

by **K A Ellison BA, MPhil, MRTPI**

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

Decision date: 10th February 2016

Costs application in relation to Appeal Ref: APP/H0724/W/15/3133288 Glebe Farm, Worset Lane, Hartlepool TS27 3BE

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by NE Properties Ltd for a full award of costs against Hartlepool Borough Council.
 - The appeal was against the refusal of planning permission for the conversion of a redundant barn to form a single dwelling.
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Decision

1. The application for an award of costs is allowed in the terms set out below.

Reasons

2. The costs application was submitted in writing. No response was made by the Council.
3. Planning Practice Guidance (PPG) advises that, irrespective of the outcome of the appeal, costs may only be awarded against a party who has behaved unreasonably and thereby caused the party applying for costs to incur unnecessary or wasted expense in the appeal process.
4. PPG Paragraph 049 (Reference ID: 16-049-20140306) identifies those types of behaviour which might give rise to a substantive award of costs against a local planning authority. These include not determining similar cases in a consistent manner.
5. The Appellant has provided two examples of decisions where the Council has interpreted NPPF paragraph 55 on the basis that the policy would be met where a proposal involved the re-use of redundant or disused buildings provided it led to an enhancement of its setting. As my decision on the appeal makes clear, I agree with that interpretation of the policy. I see no logical basis to interpret the policy differently and the Council offers no explanation as to its reasons for taking a different approach in relation to the appeal proposal. I therefore conclude that this amounts to unreasonable behaviour within the terms of PPG.

Costs Order

6. In exercise of the powers under section 250(5) of the Local Government Act 1972 and Schedule 6 of the Town and Country Planning Act 1990 as amended, and all other enabling powers in that behalf, **IT IS HEREBY ORDERED** that
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Appeal Decision APP/H0724/W/15/3133288

proposal is in overall accordance with planning policies for the provision of new housing in the countryside.

15. I have imposed a condition specifying the approved plans for the avoidance of doubt and in the interests of good planning. Details of arrangements for the disposal of sewage are necessary to ensure a satisfactory form of development. The building has been assessed as potentially suitable for nesting swallows so that a condition to ensure their protection in the course of development is necessary in the interests of nature conservation. Given the limited visibility of the building from public viewpoints and the domestic character of the proposed use, I consider that it would not be reasonable or necessary to require submission of details of the external materials or a landscaping scheme. I have worded the conditions to accord with the advice in the Planning Practice Guidance.
16. For the reasons given above, I consider that the appeal should succeed.

K.A. Ellison

Inspector

PLANNING COMMITTEE

16 March 2016



Report of: Assistant Director (Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding the erection of side boundary fencing to the front of a residential property in Fieldfare Road.
2. An investigation has commenced in response to a complaint regarding excavations and alterations to ground levels in the rear garden of a residential property in Hylton Road.
3. An investigation has commenced as a result of Officer monitoring regarding the siting of shipping containers and various other structures at a small holding on Dalton Back Lane.
4. An investigation has commenced in response to a complaint regarding the display of an over-sized 'For Sale' sign at a residential property in Ripon Close.
5. An investigation has commenced as a result of a complaint regarding non-compliance with a landscaping condition at an area of public open space to the rear of Buttercup Close.
6. An investigation has commenced in response to a complaint regarding the display of an illuminated fascia sign at a commercial premises on The Front.
7. An investigation has commenced in response to a complaint regarding the external illumination of a guesthouse at The Cliff.
8. An investigation has commenced in response to a complaint regarding a partially collapsed portable building at the site of a former filling station on Stockton Road.

9. An investigation has commenced in response to a complaint raised by the Council's Estates and Regeneration Team regarding the untidy appearance of a former public house in Musgrave Walk.
10. An investigation has commenced in response to a complaint regarding the erection of an ornamental lamppost in the rear garden of a residential property in Riverston Close.
11. An investigation has commenced in response to a complaint regarding the erection of a rear extension at a residential property at The Green, Elwick.
12. An investigation has commenced in response to a complaint regarding the erection of a side boundary fence to the front of a residential property in Tennyson Avenue.
13. An investigation has been completed as a result of concerns raised by the Council's Public Protection Team regarding the installation of an externally illuminated fascia sign at a commercial premises in York Road. Following helpful co-operation by the premises manager, the means of external illumination have been removed.
14. An investigation has been completed in response to a complaint regarding the erection of a front and side boundary fence at a residential property in Redstart Close. The property is located in an open plan estate enforced by a condition linked to the housing development planning consent. Following negotiations with the property owner, the fence has been removed.
15. An investigation has been completed in response to a complaint regarding the use of a vacant first floor residential flat as a site office in Owton Manor Lane. Following negotiations with the property owner, the temporary use of the property as a site office has now ceased. The property owner has been advised that, if in future they intend to use vacant properties as site offices, they must first seek appropriate planning advice.
16. An investigation has been completed in response to a complaint regarding car wash premises in Bertha Street being used as living accommodation. Following negotiations with the site personnel, the premises are no longer being used as temporary living accommodation. No further action is recommended.
17. An investigation has been completed in response to a complaint regarding the running of a construction business from a residential property on Egerton Road. It was found that the business is run from an industrial unit, but that the owner has recently been carrying out work to his own property. It is considered that a material change of use had not occurred, and therefore that no further action is recommended.
18. An investigation has been completed in response to a complaint regarding the running of a cat breeding business at a residential property in Fens Crescent. Although there are many cats kept at the property, these are considered household pets and the breeding aspect is at a level which would be considered a hobby rather than a commercial enterprise. No further action is recommended.

19. An investigation has been completed as a result of a complaint regarding non-compliance with a condition relating to the use of an annexe in Stockton Road. It was found that the property's layout and use is in accordance with the approved plans and did not breach the relevant condition.

20. An investigation has been completed in response to a complaint raised by the Council's Public Protection Team regarding the change of use of a shop to a dance studio at a premises in Tower Street. As a result of the intervention by the Council's Public Protection Team, the dance school has since vacated the premises.

2. RECOMMENDATION

2.1 Members note this report.

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PLANNING COMMITTEE

16 March 2016



Report of: Assistant Director (Regeneration)

Subject: HOUSING AND PLANNING BILL AND NEW HOMES BONUS GOVERNMENT CONSULTATIONS

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the Government's consultation on the Housing and Planning Bill (Bill) and proposed changes to the awarding of New Homes Bonus (NHB) and the potential implications of the changes to the way the Council approaches Planning.
- 1.2 The Government consultation is seeking views on the proposed approach to implementation of measures in the Bill; the closing date for consultation is 15th April 2016. Responses to the consultation will inform the detail of the secondary legislation which will be prepared once the Bill gains Royal Assent. Further to this the Government is proposing changes to the way New Homes Bonus is awarded to Local Authorities via a Technical Consultation which closes on 10th March 2016.

2. BACKGROUND

- 2.1 The Government is committed to making ongoing changes to the way Local Authorities undertake their Statutory duties in Planning both in terms of decision taking and also planning performance set against established targets. The Bill represents the latest stage in the Government's planning reform agenda. The proposed significant implications of the Bill are outlined in this report in section 3 and depending upon the outcome of the public consultation may make their way into regulations in due course.
- 2.2 The Government has historically sought to reward positive planning performance and first introduced this concept via the Planning Delivery Grant (PDG). Over time and subsequent changes the Government reformed the PDG into the Housing and Planning Delivery Grant (HPDG) and then into the current structure of New Homes Bonus (NHB).

2.3 Planning controls the amount and timing of New Homes Bonus (NHB) delivered in the Borough; via the mechanism of granting residential planning permissions. For every new dwelling delivered in the Borough the Council receives a payment of NHB for a period of 6 years on that property. As an example:

- Quarry Farm/Tunstall Farm/Elwick Road type development of 200 dwellings.
- 200 x dwellings (typically band D @ £1,467.98 per dwelling NHB payment)
- Each Year = £293,596 NHB payment
- Total for 6 Year Period = £1,761,576 NHB payment

2.4 NHB is the Government's central method of incentivising Local Authorities to grant planning permission for new dwellings and facilitate delivery in the future. The Government is proposing to change the way NHB is awarded to Local Authorities and the implications are outlined in section 4 of this report; again depending upon the outcome of the public consultation may make their way into regulations in due course.

3. IMPLICATIONS OF THE HOUSING AND PLANNING BILL

Changes to Planning Application Fees

3.1 All planning fees relating to planning applications are set by the Government; there is no flexibility for the Council to raise or reduce fees accordingly. The Government is proposing to increase the standard national planning fees in line with inflation. However the Government further proposes that underperforming Local Authorities (against established planning performance targets) will not receive the increase in national fees.

3.2 The Government proposes that Local Authorities could be allowed the flexibility to offer a "fast track" service of determining planning applications. Any fast track application process would accordingly be likely to involve a higher planning application fee.

Creation of Permission in Principle

3.3 The Government is seeking to introduce a new "permission in principle" route for obtaining planning permission. This is designed to separate decision making on 'in principle' issues (such as land use, location and amount of development) from matters of technical detail (such as what the buildings will look like).

3.4 Permission in principle could be granted via (i) allocation of the site in a Development Order/Local Plan/Neighbourhood Plan/Brownfield Register or (ii) a "permission in principle" application. Both

approaches will be dealt with in the usual manner (i.e. bespoke new application, new fee, public consultation, 3/5 year permission etc.). Full planning permission will only be granted when “technical details consent” have been secured. Early observations suggest this may be similar to the current “Outline” and “Reserved Matters” approach but more streamlined/light touch in detail and time taken.

Brownfield and Small Sites Registers

- 3.5 The Government is aiming to introduce a Statutory brownfield register which all Local Authorities have to prepare and keep up to date. This will involve the Council’s Planning Services team identifying all brownfield sites in the Borough and assessing their suitability for housing. The Government’s agenda is to ensure that 90% of suitable brownfield sites have planning permission for housing by 2020.
- 3.6 The Government is expecting all Local Authorities to take a positive, proactive approach when including sites in their registers, rejecting potential sites only if they can demonstrate that there is no realistic prospect of sites being suitable for new housing. All suitable brownfield sites will then by definition be granted “permission in principle” for housing development; subject to the “technical details” being approved.
- 3.7 Details on how to prepare a brownfield register will be published in the National Planning Practice Guidance (NPPG) in due course. The NPPG update will provide detail on the principle of using (i) SHLAA, and (ii) additional “call for sites” process if necessary in drawing up the brownfield register.
- 3.8 The brownfield register exercise will still need to consider national and local planning policies/guidance and regulations and will need to be publicly consulted on in accordance with the Council’s Statement of Community Involvement (SCI). Further to the proposed brownfield register the Government is proposing a similar register (as illustrated above) but which specifically looks at sites only capable of allowing 1 to 4 dwellings in size.
- 3.9 Depending upon the detailed guidance to be published in the NPPG this may place an obligation on the Council to undertake a significant piece of work involving which will lead to the following:
- Significant officer time in Planning Services and Estates teams.
 - Significant public consultation exercise with possible significant public interest/opposition to the “in principle” decisions on sites affected across the Borough.
 - The register would result in the “over-night” granting of planning permission “in principle” on numerous sites across the Borough.

Changes to Neighbourhood Planning

- 3.10 The Government is proposing changes to way Local Authorities deal with any Neighbourhood Plans in their Borough. Changes are proposed to remove the Council's power to amend/accept the Neighbourhood Plan boundary; essentially the Council would have to just accept any proposed boundaries in any subsequent Neighbourhood Plans.
- 3.11 In terms of reaching a decision on any Neighbourhood Plan Local Authorities will be required to reach a decision on the designation of a neighbourhood forum within 13 weeks and also on whether to go to a referendum within 5 weeks from the date the Local Authority receives the examiners report. Further to this the Council would have to hold the referendum within 10 weeks of the referendum decision.

Changes to Local Plan Preparation

- 3.12 The Government is seeking to increase transparency in the Local Plan preparation across the country. It is seeking to publish league tables on each Local Authority identifying what stage they are up to in their Local Plan preparation. This will be achieved through looking at the Local Development Scheme (LDS) on the Council's website and checking periodically to see if we are keeping to the established timetable. The Government will do this from June 2016 onwards, and will update the league table every 6 months allowing direct comparison between Local Authority performance.
- 3.13 The Government will seek to intervene where no Local Plan is produced by March 2017. If the Council does not produce a Local Plan by March 2017 the Council is at risk of being "designated" and placed in special measures. The consequence of designation is that a new Local Plan will be prepared for the Council by a Planning Inspector rather than by officers and Elected Members; the Council would essentially just be a "consultee" in the Local Plan preparation process. Bearing this in mind officers are seeking to prepare the emerging Local Plan to meet this deadline as set out in the recently endorsed LDS.

Expanding the Approach to Planning Performance

- 3.14 All Local Authorities are required to determine planning applications in an agreed period of time (i.e. 8, 13 or 16 weeks depending upon the nature of the application) unless extensions are agreed with the applicant.
- 3.15 The Council is monitored by the Government on its performance against these performance targets, should the Council not meet these targets it runs the risk of being "designated" or falling into special

measures, whereby the Planning Inspectorate (PINS) takes over the decision making from officers and the Planning Committee. If the Council were to be designated this would have significant implications on Elected Members and their ability to make decisions on planning applications and also on fee income which would also go to PINS. Essentially planning powers would be removed from the Council and the final decision would be made by a Planning Inspector rather than the Council's Planning Committee.

3.15 The Growth and Infrastructure Act 2013 introduced the existing performance approach for determining major planning applications; by which the Council has to achieve. Through the Bill the Government is seeking to extend the target driven approach to also include:

- Major Applications. These are: (i) over a 2 year period 50% "on time" and (ii) 10% of a LAs decision overturned on Appeal then we'd be at risk of designation.
- Non Major Applications. These are: (i) over a 2 year period 60-70% "on time" and (ii) 10-20% of a Local Authority's decision overturned on Appeal then the Council would be at risk of designation.

3.16 For reference the Council's planning performance over the last 2 years has exceeded all of the proposed targets.

Testing Competition in the Processing of Planning Applications

3.17 The Government is proposing that in a number of specific geographic areas across the country, for a limited period of time, a planning applicant would be able to apply to either the Local Authority or an "approved provider" to determine their planning application. This arrangement to a similar extent currently operates in Building Regulations.

3.18 The approved provider could be another Local Authority or a private provider. At this stage no further details have been released by the Government on the actual specific geographic areas proposed or the nature of the private providers (i.e. a recruitment company like Capita or a specific planning consultant offering the service). At this stage it appears that Elected Members (subject to the Scheme of Delegation) would still make the decision though but the application would be processed by an approved provider rather than its own Council officers.

Information about Financial Benefits

3.19 Through the Bill the Government is proposing to place a duty on Local Authorities to ensure that planning reports (either delegated or for Planning Committee), explicitly record details of financial benefits that are likely to accrue to the area as a result of the proposed development such as:

- S106 Planning Obligations
- Government Grants
- New Homes Bonus
- Council Tax Revenue estimates
- Business Rate Revenue estimates

3.20 The Government is also considering going further to include things like “community fund” benefits such as those one would normally expect as part of wind/solar developments; where traditionally these would have fallen outside of the material planning considerations.

4. IMPLICATIONS OF THE NEW HOMES BONUS CHANGES

Changing the Number of Years Which Payments are Made

4.1 The Government’s preferred option is to from 2017/18, the number of years for which legacy payments under the NHB are to be paid will be reduced from 6 years to 4 years. Whilst this is the Government’s preferred option it is also considering whether to move further and reduce payments to 3 or 2 years.

Withhold New NHB Allocations in Areas with No Local Plan

4.2 When awarding NHB the Government at present does not differentiate between Local Authorities who do or do not have a Local Plan in place. At present, the Council still receives NHB payments as part of new developments even though we haven’t got an up-to-date Local Plan in place. The Government’s preferred option is that from 2017/18 onwards, Local Authorities who have not submitted a Local Plan should not receive new NHB allocations for the years for which that remain the case.

4.3 The Government have confirmed that if the above situation occurred the legacy payments relating to allocations in previous years would be unaffected. An alternative approach advocated by the Government would be for Local Authorities to receive a set percentage (i.e. 50%) of the NHB allocation where they have published a Local Plan but not yet submitted it to the Secretary of State for examination. This approach would recognise progress against the different stages in the plan-making process.

4.4 Taking these proposals in account, and to ensure continued NHB payments post 2017/18, officers (in accordance with the endorsed LDS) are working to submit the emerging Local Plan to the Secretary of State by March 2017.

Reducing NHB Payments for Homes Built on Appeal

- 4.5 Currently the Council receives NHB payments on developments no matter what their route of determination is at the planning application stage. The Government's preferred approach is to reduce new NHB payments to individual authorities where residential development is allowed on appeal by 50%, or 100% (exact figure to be confirmed). This adjustment would be applied to all six years for which the Bonus would otherwise have been paid in full.
- 4.6 For information and comparison, in recent years the Council has lost appeals on Worset Lane (7), Quarry Farm (81) and Tunstall Farm (110) which were subsequently granted after being refused. If this were to be repeated (to the level of approx 200 dwellings) under the proposed NHB system the Council would stand to lose out on approximately £1.74m in NHB payments going forward.

Only Making Payments for Delivery Above a Baseline

- 4.7 NHB is currently paid on all new housing regardless of whether or not it would have been built without an incentive. The Government is suggesting a baseline of growth 0.25% is applied to all Local Authorities and that this level be discounted from the NHB paid. The Government appears to be arguing that the baseline growth would occur anyway through windfall development and therefore this represents "deadweight" housing delivery that shouldn't be rewarded for.
- 4.8 It appears that this is an attempt by the Government to reduce NHB payments by a set % across the board which will impact to some extent on all Local Authorities.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

- 5.1 There are no equality or diversity implications.

6. SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS.

- 6.1 There are no Section 17 implications.

7. RECOMMENDATIONS

- 7.1 That Members note the consultation on the Housing and Planning Bill and changes to the awarding of New Homes Bonus and the potential implications of the changes to the way the Council approaches Planning.
- 7.2 That Members can make representations to the Government individually or as a Council response which will be collated by officers

and sent to the Government by the 10th March 2016 and 15th April 2016 deadlines.

8. BACKGROUND PAPERS

- 8.1 The details of the Government's consultations are both available on the following weblinks:

Housing and Planning Bill Technical Consultation:

<https://www.gov.uk/government/consultations/implementation-of-planning-changes-technical-consultation>

New Homes Bonus Technical Consultation:

<https://www.gov.uk/government/consultations/new-homes-bonus-sharpening-the-incentive-technical-consultation>

9. CONTACT OFFICERS

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