

PLANNING COMMITTEE AGENDA



Wednesday 11 May 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 20 April 2016.

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Assistant Director (Regeneration)*

- 1. H/2016/0044 81 Catcote Road (*page 1*)
- 2. H/2016/0038 Land at Merlin Way (*page 13*)
- 3. H/2016/0089 76 Church Street (*page 29*)

- 4.2 Appeal at land to the rear of Voltigeur Drive, Otterington Close, Hart Village, Hartlepool – *Director of Regeneration and Neighbourhoods*

5. **ITEMS FOR INFORMATION**

- 5.1 Appeal at 34 Glentower Grove, Hartlepool, TS25 1DR – *Director of Regeneration and Neighbourhoods*
- 5.2 Appeal at Worset Lane, Hart, Hartlepool TS27 3BL – *Director of Regeneration and Neighbourhoods*



- 5.3 Appeal at The Tankerville Hostel, 19 Tankerville Street, Hartlepool TS26 8EY
– *Director of Regeneration and Neighbourhoods*
- 5.4 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*

FOR INFORMATION

Date of next meeting – Wednesday 8th June at 10am in the Council Chamber



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

20th April 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, George Morris and Carl Richardson

Officers: Peter Devlin, Chief Solicitor
Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager
Jo Stubbs, Democratic Services Officer

121. Apologies for Absence

None

122. Declarations of interest by members

None

123. Confirmation of the minutes of the meeting held on 16th March 2016

Confirmed

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

Number: H/2016/0044

Applicant: Mrs Andrea Hornsey 81 Catcote Road
HARTLEPOOL

Agent: Mrs Andrea Hornsey 81 Catcote Road
HARTLEPOOL

Date received: 17/02/2016

Development: Erection of a two storey extension at the side and rear, and a single storey extension at the rear and front

Location: 81 CATCOTE ROAD HARTLEPOOL

Decision: **DEFERRED** for site visit

Number: H/2016/0064

Applicant: Mr David Butler Thirteen Group 2 Hudson Quay
Windward Way MIDDLESBROUGH

Agent: Thirteen Group Mr David Butler 2 Hudson Quay
Windward Way MIDDLESBROUGH

Date received: 26/02/2016

Development: Change of use to four self contained flats and office accommodation

Location: 11 St Pauls Road HARTLEPOOL

Members raised concerns around double parking in this area and suggested consideration be given to making it a one way street. The Technical Services Manager acknowledged that the parking situation was not ideal but felt that refusal on these grounds could not be sustained at an appeal as the area was resident only parking. The potential of making it a one way street would be given due consideration by the Technical Services Manager and reported back to Planning Committee Members at a later date. Members approved the application by a majority.

Decision: **Planning Permission Approved**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the Location Plan received 26/02/2016 and plan numbers (Existing Plans) 01, (Proposed Plans) 03, (Existing Elevations) 02, (proposed Elevations) 04 received by the Local Planning Authority on 22/02/2016, unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.

3. The office shown on plan number 03 hereby approved shall not be used outside the hours of 08:00 and 18:30 Monday to Saturday and at no time on a Sunday.
In the interests of residential amenity.
 4. Notwithstanding the submitted details the car parking as shown on plan number 03 received 22/02/2016 shall be implemented prior to the commencement of the use and shall be retained for the life of the development.
In the interests of highway safety.
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125. Update on current complaints (*Director of Regeneration and Neighbourhoods*)

Members were informed of 18 ongoing issues currently being investigated.

Decision

That the report be noted

The meeting concluded at 10:15am.

CHAIR

No: 1
Number: H/2016/0044
Applicant: Mrs Andrea Hornsey 81 Catcote Road HARTLEPOOL TS25 4HQ
Agent: Mrs Andrea Hornsey 81 Catcote Road HARTLEPOOL TS25 4HQ
Date valid: 17/02/2016
Development: Erection of a two storey extension at the side and rear, and a single storey extension at the rear and front.
Location: 81 CATCOTE ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The application was deferred at the last committee meeting (20 April 2016) for a site visit.

PROPOSAL

1.3 Planning permission is sought for the erection of a two storey extension at the side and rear, and a single storey extension to the rear and front. The two storey side and rear extension will project approximately 2.5m from the original side elevation of the main dwelling and will project approximately 3.9m from the original rear elevation. The roof proposed is hipped with an eaves height which will match the main dwelling. The maximum height of the roof does not exceed that of the main house.

1.4 The single storey extension to the rear will project approximately 3.9m from the original rear elevation of the dwelling. The roof proposed is mono pitched with an eaves height of 2.7m (approx) and a maximum height of 3.55m (approx). The single storey extension to the front will project approximately 1.575m from the original front elevation of the property. The roof proposed is mono pitched with an eaves height of 2.6m (approx) and a maximum height of 3.3m (approx).

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

SITE CONTEXT

1.6 The application site constitutes a west facing, semi detached dwelling house at Catcote Road, Hartlepool. The property is within a residential street with neighbouring dwellings to the north, south and east. To the west is open space.

PUBLICITY

1.7 The application has been advertised by way of neighbour letters (5). 4 Letters of objections were received from neighbouring properties. The concerns raised are outlined below.

79 Catcote Road

- Concerns raised regarding a loss of light to the side of this property. It was also questioned whether the energy efficiency rating will be affected as there will be a loss of heat from the sun to the south side of the property.
- Overbearing impact due to massing and will create a feeling of being hemmed in.
- It was raised that the size of the extension is out of character with other properties.
- Concerns raised regarding the noise and smells from the fan extractors.
- It was stated that the visual impact of the scheme may have implications for selling neighbouring properties.
- Concerns regarding the impact on the neighbour's driveway in terms of stability as this driveway is slightly higher. There will also be a 200mm gap left between the extension and the driveway at number 79. This will be dangerous and will also collect rubbish.

61 Trentbrooke Avenue

- Concerns were raised that the property is on an incline so the proposed roof height of the extension will affect light into the lounge windows to the rear of this neighbouring property.
- It was also outlined that there are already privacy issues.
- Concerns raised regarding a room in the roof and that the property is going to be used as a child minding business.
- It was questioned why the extension is to be so large.

63 Trentbrooke Avenue

- It was stated that the two storey extension will block out a great deal of light to the rear garden of this property.
- Concerns regarding overlooking if any vegetation was to be removed to the rear particularly if windows are proposed in the roof. The issues raised could be resolved if the height of the extension was lowered.

65 Trentbrooke Avenue

- It was stated that the land slopes downwards to the east from the host property. Consequently this neighbouring property is at a lower level. In view of this the proposal will affect light levels. It was stated that a flat roof, which had a maximum height up to the guttering would have less of an impact.

1.8 It should be noted that the description of the proposal has been updated to include the rear element of the two storey extension. A neighbour reconsult has been undertaken. Two additional letters of objection have been received from number 79 Catcote Road and number 61 Trentbrooke Avenue. Please see the concerns outlined below.

79 Catcote Road

- It was stated that the resident is very disappointed with the recommendation of the committee report, as the proposed extension by reason of its size and siting, represents an un-neighbourly form of development that would have an adverse impact on the amenity of neighbouring properties in terms of an overbearing effect and creating a long dark, cold approach to the neighbouring garage.
- It is stated that the building will be visually overbearing and is of an inappropriate design. It is out of keeping with neighbouring properties.
- A detailed rebuttal of this committee report was also provided. A full account is available in the background papers.

61 Trentbrooke Avenue

- Additional concerns were raised regarding an existing skylight at 81 Catcote Road overlooking this neighbouring property. The issue was raised that this window already causes problems with a loss of privacy and if the extension is permitted there are concerns that additional sky lights will be fitted in the future worsening the situation.

Copy Letters **A**

1.9 The period for publicity has expired.

CONSULTATIONS

1.10 The following consultation replies have been received:

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

HBC Public Protection - I have looked at the plans for the extension to 81 Catcote Road. Two of the fans in the wall are small domestic extract fans serving a cloakroom and the utility room and the other is the fan from the extract hood to the cooker. The noise levels from these fans will be low and will not cause any nuisance problems to the neighbouring property. There will be cooking odours emitted from the extract hood when it is in use but these will probably only be discernible in the neighbour's driveway in close proximity to the fan. I believe it would be difficult to sustain an objection on these grounds.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
Hsg10: Residential Extensions

National Policy

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

Paragraph 17 – Core Planning Principles

Paragraph 56: - Ensuring Good Design.

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

VISUAL AMENITY

1.15 It is acknowledged that the proposed scheme is large in terms of its overall massing, particularly the two storey side and rear extension. The two storey side element and single storey front extension will be visible from the street (Catcote Road). The rear elements of the scheme will not be significantly visible. In view of this, it is considered that the massing of the scheme is not overly dominating on the host property when viewed from the street scene. The design of the extensions are also considered to be in keeping with the host property. The single storey front extension assists in breaking up the principal elevation, adding an additional feature.

1.16 It is set out in Supplementary Note 4 of the Hartlepool Local Plan that two storey side extensions have the potential, if repeated on the neighbouring property,

to create a continuous built up frontage (a terracing effect). This should be avoided and in these circumstances extensions should be set back either from the frontage or the common boundary by 1m at first floor level.

1.17 The proposed two storey side extension is not set back from the frontage and it is only set in from the shared boundary approximately 200mm, consequently it is not in accordance with the above guidance. It should be noted that there is however a stagger between the host property and the neighbouring property to the north (number 79 Catcote Road). Number 79 is set back approximately 2 – 3m in comparison to the host property. It is considered that this relationship will mitigate the potential of the terracing effect and on balance will not result in a significant visual impact on the street scene or the host property.

1.18 Within the immediate area the neighbouring properties are generally semi detached dwellings; however there are a variety of styles which have undergone additional alterations and extensions e.g. porches/front extensions and two storey side extensions.

1.19 In view of the above and subject to the use of matching materials, the proposal is considered acceptable in terms of its impact on the character of the host property and the surrounding area. The proposal is considered to be in accordance with saved policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

1.20 Concerns have been raised by neighbouring properties regarding overshadowing, overbearing and loss of privacy. The proposals physical relationship and impact on each neighbouring property is considered below.

79 Catcote Road

1.21 The two storey side and rear extension is positioned in close proximity to the property to the north (number 79 Catcote Road). At the closest point the extension will be approximately 200mm from the shared boundary. The extension will be adjacent to the driveway of this neighbouring property. Concerns have been raised by this neighbouring property in terms of loss of light, overbearing and the potential that the scheme will affect the energy efficiency of the property due to the overshadowing (loss of sun light and therefore heat to the south elevation).

1.22 On the side south facing elevation of number 79 Catcote Road there is a door at ground floor level and two small windows at first floor level. The two windows are obscure glazed, one of which serves a landing and the other a toilet/bathroom. No windows are proposed in the north elevation of the two storey extension. Two sun tunnels are proposed on the north facing slope of the hipped roof. Due to the nature and position of the sun tunnels there are no concerns in terms of overlooking or loss of privacy to number 79.

1.23 It is set out in Supplementary Note 4 of the Hartlepool Local Plan that two storey rear extensions which project along a shared boundary with an attached

neighbouring property will not normally be permitted. It is outlined that a two storey rear extension on a semi detached or detached dwelling will only be permitted where it is offset a significant distance from a neighbouring property (typically half the property width). The proposed extension is contrary to the above guidance, however due to the stagger between the host property and number 79 Catcote Road the impact of the two storey side and rear extension is significantly reduced as it will only project approximately 1m beyond the rear wall of number 79. It should also be noted that there are no guidelines in terms of separation distances between the side elevations of properties and it is considered that no principal windows will be significantly affected at number 79.

1.24 As there are no habitable windows on the south facing elevation of number 79 and in view of the above physical relationship, it is considered that on balance the proposed extension will not have a significant impact on the neighbouring property to the north in terms of overshadowing, overbearing impact or loss of privacy.

83 Catcote Road

1.25 The neighbouring property to the south (number 83 Catcote Road) has a conservatory to the rear which projects approximately 3m from the original rear wall of the property. The north elevation of the conservatory is made up of mainly facing brick work (up to approximately 1.5 – 1.8m in height) and then obscure glazing below the eaves. A short fence (approximately 1.5m in height) runs along the shared boundary with this property.

1.26 The two storey element of the scheme is positioned approximately 5.65m away from the shared boundary with this property (more than half the width of the host property). The single storey rear extension is positioned in close proximity to this boundary and will be adjacent to the conservatory of number 83. The single storey extension will project an additional 0.9m (approx) beyond the conservatory and no windows are proposed in the south facing elevation. It is noted that the extension is of a modest projection and is near to what could be constructed under the current permitted development rights for householders (an extension with a projection of 3m is permitted development). The pitched roof on the single storey extension also assists in mitigating the potential impacts.

1.27 It is considered, for the reasons set out above, that the scheme will not have a significant impact on the neighbouring property to the south in terms of overshadowing, overbearing impact or loss of privacy.

61, 63 and 65 Trentbrooke Avenue

1.28 Objections and concerns have been raised by neighbouring properties to the east in terms of overshadowing, overlooking and a loss of privacy. Numbers 61 and 63 are semi detached dormer bungalows and number 65 is a semi detached house. The windows in the west facing elevations of these properties do serve living/dinning rooms. It was also noted during the site visit that the land does slope gently downwards to the east, as a result these neighbouring properties are at a slightly lower level than the host property.

1.29 There is a substantial separation distance between the original rear elevation of the host property and the rear elevations of the neighbouring properties to the east, approximately 37m-40m. When considering the proposed rear extensions more than adequate separation will be retained with these properties. Standard separation distances between properties are outlined within Supplementary Note 4 of the Hartlepool Local Plan. A minimum separation of 20m is required where principal elevations face one another. The guidance advises extensions that would significantly reduce this separation distance will not normally be permitted. This standard distance ensures adequate levels of privacy and prevents overshadowing and overbearing impacts. The proposed scheme would be in accordance with this guidance. It is also considered that the difference in levels between the host dwelling and these neighbouring properties is not so great as to result in a significant impact on amenity.

1.30 It is considered that the impact of the proposal on the amenity of the properties to the east is acceptable for the reasons outlined above.

Single storey front extension

1.31 With regards to the single storey front extension it is considered that due to its massing, design and position it will not have a significant impact on neighbour amenity in terms of overshadowing, overbearing impact or loss of privacy.

1.32 In summary the proposed scheme is considered to be acceptable in terms of the impacts on neighbour amenity. It should also be noted that no objections have been raised by the Council's Public Protection team.

HIGHWAYS

1.33 The Council's Traffic and Transport section were consulted on the application as the scheme involved the construction of a garage, the loss of some driveway space and the creation of additional bedrooms. No concerns or objections were received. The proposal is considered to be acceptable in terms of parking and highway safety.

RESIDUAL MATTERS

1.34 Concern was raised from a neighbouring property regarding the fans located on the north elevation of the two storey side and rear extension in terms of noise and odours. The Council's Public Protection section were consulted on the application. It was stated that the noise level from the fans would be low and will not cause any nuisance problems to the neighbouring property. It was outlined that there will be cooking odours emitted via the fan which serves the grill hood however these will probably only be discernible in the neighbour's driveway in close proximity to the fan. The Council's Public Protection section stated that it would be difficult to sustain an objection to the scheme on these grounds.

1.35 Concerns were raised regarding the driveway of the neighbouring property to the north, number 79 Catcote Road. It was outlined that this driveway is at a slightly higher level and concerns were raised regarding its stability. If the works were to affect this driveway, this would be a civil matter between the applicant and the

neighbour. It should also be noted that building regulations approval will be required for the extensions. This will ensure that the scheme is constructed to the appropriate standards.

1.36 With regards to the issue of the 200mm gap and small drop which will be left between the neighbouring driveway and the extension, the potential collection of rubbish would be a management issue for the applicant and the neighbour. This is a civil matter, not a material planning consideration. In terms of the small drop which will be created, the adjacent driveway is approximately 300mm higher than the land level of the host property. Again this small change in levels is a civil matter and not a material planning consideration.

1.37 Concerns were raised regarding a room in the existing roof space of the host property. It was noted during the site visit that there is a velux window/roof light in the east facing slope of the main roof. The applicant confirmed that the roof space is used for storage only and will continue to be. The velux window is not shown on the existing or proposed plans. It is however not considered necessary to seek updated plans as the window does not affect the proposed scheme. It should also be noted that a roof light in this position can be installed under the householder permitted development rights.

1.38 Additional concerns were raised regarding the loss of privacy from the existing roof light and the potential if the scheme is approved, for more to be installed worsening the problem. If the scheme is approved and implemented the extension will benefit from permitted development rights (apart from the proposed garage). Consequently additional roof lights could be provided in the future. It is not considered reasonable to remove the permitted development rights from the property due to the separation distance which is maintained between the extension and the properties to the rear. This has been assessed in detail in the amenity section of the report.

1.39 It was raised that the property may be used as a child minding business. The application which is being considered is for a household extension, not for any type of business use at the property. The applicant has also verbally confirmed that although she does provide ancillary child minding services from the property the extensions proposed are for family use. If any further concerns are raised in the future regarding this issue, it can be investigated further by the planning department.

1.40 It should be noted that the effect of the scheme on the potential future sale of neighbouring properties is not a material planning consideration.

CONCLUSIONS

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

EQUALITY AND DIVERSITY CONSIDERATIONS

1.42 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.43 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Location Plan, Sheet 2 Proposed Alterations, Sheet 3 Revision A Proposed Alterations) and details which had been received by the Local Planning Authority at the time the application was made valid on 17/02/2016.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s)
In the interests of visual amenity.
4. The garage hereby approved shall be retained as such for the lifetime of the development and not converted to a habitable room.
In the interests of highway safety.

BACKGROUND PAPERS

1.45 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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81 CATCOTE ROAD



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

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H/2016/0044
Scale: 1:1000
Date : 24/03/2016

No: 2
Number: H/2016/0038
Applicant: Mr Raj Singh Roseville Court Blair Avenue Stockton-on-Tees TS17 5BL
Agent: emBarkArchitecture Mr Neil Barker 11 Queens Road Monkseaton Whitley Bay NE26 3AN
Date valid: 17/02/2016
Development: Erection of a two and three storey care home with associated car parking and landscaping
Location: LAND AT MERLIN WAY 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.

PROPOSAL

2.2 Approval is sought for the erection of a 93 bedroom residential care home at the application site. The design of the proposal consists of a mix of two and three storey elements to take into account the significant change in levels on the site. The three storey element will be towards the south and east with the two storey element being located towards the west of the site to take into account the higher ground level. The proposal also includes a single storey element towards the north east corner. A retaining wall is proposed which will be centrally located within the site.

2.3 A staff car park, consisting of six spaces and a disabled space, is proposed immediately adjacent to the boundary with the retailing centre. This will be accessed via a new vehicle access point from Merlin Way. An entrance to the building is proposed from the western elevation to provide access from the staff car park.

2.4 A larger car park, comprising 22 spaces (including 2 disabled bays), is proposed to the west of the proposed building adjacent to the shared boundary with the apartments facing towards Merlin way and residential properties fronting on to Silverbirch Road. A new vehicular access is proposed from Merlin Way to serve this car park.

2.5 The main entrance to the proposed care home will be situated within the eastern elevation. Landscaped amenity space is proposed towards the north of the building and towards the south, adjacent to Merlin Way, this area will also incorporate a retaining wall to take account of varying levels across the site.

2.6 The agent has confirmed that there are four categories of anticipated residents at Merlin Way general residential, dementia residential, general nursing, dementia nursing.

2.7 The proposed layout will include standard bedrooms measuring 14.54m² with a 2.97m² en suite with larger bedrooms measuring in excess of 21 m² and larger en suites. Each floor will include day rooms with a main dining room, kitchen and laundry at ground floor level. Other facilities such as a hairdressers and cinema room are also proposed at ground floor level along with operational facilities such as an office, drug store and plant room.

SITE CONTEXT

2.8 The application site is currently a vacant piece of land measuring approximately 0.5 hectares. It is within the limits to development however is currently not allocated for any particular use. There is a significant fall in the land of over 4 metres from North west to east/south east.

2.9 The site is open, bounded by Merlin Way to the south, with residential properties to the north and east. The adjacent properties include semi detached and detached dwellings. There are also residential apartments which are three storey in height towards the south west and the south east of the application site. The boundaries of the site shared with residential properties are enclosed by 2 metre high timber fencing. The local retailing centre is situated to the west of the site consisting of a public house, supermarket and other A1 retail shops. There is an area of planting adjacent to the western boundary of the application site.

PUBLICITY

2.10 The application was publicised by press notice, site notice displayed at the site and neighbour letters (67).

2.11 The ward Councillor has submitted comments of support for the development on the basis that there is a need for such a facility and that it would create employment opportunities in the town.

2.12 Thirteen objections have been received largely on the following grounds;

- Poor access and visibility to the proposed car parks by virtue of the position of the access point in relation to existing bend in the road and nearby junctions and access point to the shops resulting in a detrimental impact upon pedestrian safety and highway safety.
- Increased traffic
- Limited car parking availability resulting in indiscriminate on street car parking to the detriment of highway safety
- Impact upon the amenity of neighbouring residential properties in terms of loss of light, loss of privacy and appearing overbearing by virtue of the size and location of the proposed care home, particularly as the application site is on a higher level than residential properties.
- Impact upon residential amenity, in terms of noise and disturbance as a result of car parking position, deliveries and bin storage
- Increase in vermin and flies
- Poor drainage on the site and additional run off from the development resulting in flooding of surrounding gardens
- Insufficient amenity space for proposed residents of the care home

- Overdevelopment of the plot
- Out of character with the surrounding area
- Disruption during construction
- Existing vacant care homes should be re-opened rather than new buildings being constructed for care uses.
- Devaluation of property
- Concerns are also raised with regard to the extent of neighbour notifications sent.

Copy Letters **B**

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultations responses have been received.

HBC Traffic & Transport: The proposed access points are acceptable, these should be constructed in accordance with the Councils Design Guide and specification. If the Council has adopted Merlin Way by the time construction starts, the access works should be carried out by a NRSWA accredited contractor.

A care home requires the provision of 1 space per 8 beds, 1 space per 3 full time employees and 1 space for a professional visitor. It is proposed to provide 28 parking spaces (6 are dedicated staff parking bays) The 93 residents care home would require 12 spaces for residents, 1 space for a professional visitor , this would leave sufficient space for 45 staff. The developer has confirmed that it is expected that no more than 27 full time staff will be on site at any one time. I can therefore confirm that the parking provision is acceptable. The proposed car park layout is acceptable.

HBC Engineers: No detailed drainage details have been submitted No objections subject to detailed drainage condition. I have read the phase 1 and 2 studies in relation to site investigation and I am satisfied with the conclusions so no further conditions will be required.

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

HBC Ecology: No Ecological Concerns

HBC Landscape: There are landscaped areas shown on plan to complement the proposed development and the layout appears to sit well with the design. I need to see further details of how this will be implemented however together with a planting schedule and aftercare condition attached.

HBC Public Protection: No objections conditions requested regarding Working hours during the construction phase. In addition, can we signpost the applicant to the HSE guidance on Falls from windows or balconies in health and social care:

HBC Housing: No concerns or comments regarding this application

HBC Child & Adult Services: No objections

Hartlepool Water: I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. We have no objection to this development.

Northumbrian Water: No objections an enquiry was received by NW from the applicant for allowable discharge rates & points into the public sewer for the proposed development. In this document it states *foul water can connect in to the existing 150mm foul sewer at or between manholes 5801 & 5803. Surface can connect into the 450mm surface water sewer at or between manholes 5802 & 5804.* Because the applicant has not submitted a drainage scheme with the application, NW requests a condition relating to foul and surface water.

Tees Archaeology: There are no known archaeological sites in the area indicated. The area was examined in the early 1990s during the master-planning of Middle Warren and was found to have a low archaeological potential.

I therefore have no objection to the proposal and have no further comments to make.

PLANNING POLICY

2.15 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

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

GEP1: General Environmental Principles
 GEP12: Trees, Hedgerows and Development
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP9: Developers' Contributions
 Hsg12: Homes and Hostels
 Tra16: Car Parking Standards
 Tra20: Travel Plans

Forward Plan Comments

HW -There are no Planning Policy objections regarding this application, the provision of a care home within a predominately residential area is supported. To ensure that the development is sustainable and allows residents and have the chance to live an active lifestyle then planning obligations should be secured at a rate of £4.97 per bed for bowling greens and £250 per room for green infrastructure.

National Policy

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

PARA 002 : Primacy of Development Plan
 PARA 006 : Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 009 : Sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 049 : Housing applications and sustainable development
 PARA 050 : Delivery of wide choice of high quality homes
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 060: Planning decisions
 PARA 061 : Architecture of individual buildings
 PARA 064 : Refusal for development of poor design
 PARA 066 : Applicants
 PARA 069 : Social interaction and creating healthy, inclusive communities
 PARA 096 : New development
 PARA 203 : Can unacceptable development be made acceptable
 PARA 204 : Planning obligations to meet tests
 PARA 205 : Revision of obligations
 PARA 196 : Primacy of the Development Plan
 PARA 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

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

Development Plan, impact on the amenity of neighbouring properties, character of the surrounding area, highway safety, landscaping, flooding, planning obligations and residual matters.

PRINCIPLE OF DEVELOPMENT

2.19 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is clearly demonstrated through principles within the NPPF, particularly as the presumption in favour of sustainable development is the golden thread running through the framework document. Although the proposal is for a care home it will provide a residential facility therefore in applying the presumption in favour of sustainable development, regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

2.20 Local planning policy HSg12 in the Hartlepool Local Plan is considered to be of particular relevance as this relates to the provision of uses within the C2 use class (residential institutions). It requires such development to be located with access to public transport, shops and community facilities. The proposal is located within the defined development limits, within a predominantly residential area, it is adjacent to the existing local centre and within walking distance to bus stops providing good access to public transport into Hartlepool Town Centre and the wider area. Therefore the application site is considered to be sustainable in terms of location. As such the principle of a care home, located at the application site, is considered to be acceptable subject to material planning considerations as detailed below.

AMENITY OF NEIGHBOURING PROPERTIES

2.21 There are residential properties adjacent to the shared boundaries with the application site to the north and east, with retail units towards the north west. A number of neighbouring residents have raised concerns regarding the impact upon the amenity of neighbouring properties in terms of overlooking, loss of privacy, overshadowing and appearing overbearing by virtue of the height and position of the proposed development. Paragraph 17 of the NPPF requires the amenity of future and existing users to be considered when determining planning applications. Policies Gep1 and Hsg12 of the Local Plan also require residential amenity to be considered.

2.22 The proposed development consists of a two and three storey building to take into account the levels of the site which slopes significantly from the north west to east. The building will appear to be two storey when approached from the west (adjacent to the boundary with the local centre) however as the land slopes downward the proposal will comprise 3 storey towards the east adjacent to the shared boundary with residential properties fronting onto Silverbirch Road.

2.23 To the east of the application site, fronting onto Merlin Way, is a three storey apartment block. The side elevation of this apartment block will be adjacent to the entrance to the proposed car park with car parking spaces being adjacent to the shared boundary. However there are no habitable room windows in the side elevation of the apartment block and there is a two metre high fence enclosing the common boundary which will provide a significant amount of screening. There is a

separation distance of approximately 25 metres between the proposed care home building and the existing apartment block. Given that there are no habitable room windows and taking into account the screening and separation distance it is not considered that the proposed development will result in a detrimental impact upon the amenity of residents of the apartments.

2.24 There are two storey residential properties to the east of the application site which front on to Silverbirch Road. The rear boundaries of Numbers 98,96 and 94 Silverbirch Road are adjacent to the application site and are enclosed by 2 metre high timber boarded fence. Owing to the slope in the land it is acknowledged that these properties are situated upon a lower level than the application site. The proposed car park will be adjacent to the eastern boundary of the site, owing to the position of the car parking layout the spaces will be located towards the south of the car park and as such will predominantly be adjacent to the boundary with the apartment block however part of the bus car parking and turning area would be towards the boundary with these residential dwellings. The shared boundary is enclosed by a 2 metre high closed boarded fence which will provide some screening from headlights and noise disturbance generated by cars within the car park, however a condition is recommended to secure appropriate means of enclosure. The proposed cycle stands and refuse store are proposed directly adjacent to the shared boundaries with the properties fronting on to Silverbirch Road. Whilst concerns are raised with regard to disturbance from the proposed car park, the proposed car parking spaces are further towards the car park entrance and as such are located away from the shared boundary with the dwellinghouses. Furthermore fencing will provide screening from headlights, particularly as these properties are situated upon a slightly lower level. Additionally the rear gardens serving the residential properties will provide a separation distance of approximately 20 metres at the closest point. No objections have been raised by HBC Public Protection. As such it is not considered that the proposed car park would result in a detrimental impact upon the amenity of residential properties fronting onto Silverbirch Road in terms of disturbance.

2.25 Concerns have been raised regarding the position of the proposed refuse store adjacent to the eastern boundary of the site with regard to rubbish being blowing into gardens, vermin and flies. However the agent has submitted a plan (plan number 1260(90)03A) which details the bin store demonstrating that the bins will be enclosed within a 1.8 metre high closed boarded fence with gates to provide access from the proposed car park. The bins inside this enclosure will consist of 6 x 1100L bins with lids. Therefore it is not considered that the proposed bin store would result in the generation of rubbish within residential gardens. Matters such as vermin and flies are controlled under legislation outside the planning system. Again no objections have been raised by HBC Public Protection.

2.26 Guidance Note 4 of the Hartlepool Local Plan requires 20 metres between principle elevations of development. When viewed from the east, the proposed care home building will consist of three stories with a single storey element projecting from the eastern elevation towards the shared boundary with properties fronting on to Silverbirch Road. The single storey element has been amended to remove any windows in the gable which is closest to the shared boundary. Given that the building includes a three storey element it is accepted that a greater than 20 metre

separation would be required to address concerns regarding overlooking, loss of light and to address any potential overbearing effect. Additionally it is noted that these properties are situated upon a lower level therefore it is reasonable to expect that this should be taken into account when assessing distance between buildings. The proposed separation distances between the two storey dwellings and the three storey element of the care home building will measure some 39 metres which is well in excess of the minimum separation requirements. Furthermore there will be approximately 22 metres between the existing dwellings and the single storey element which will not contain any windows in the eastern elevation. Therefore, even taking into account the difference in levels and that the proposal will consist of three stories towards the east, it is not considered that the proposed development would result in a detrimental impact upon the amenity of neighbouring residents fronting onto Silverbirch Road in terms of overlooking or any overbearing effect.

2.27 With regard to loss of light, although the proposal will be three storey, taking into account the separation distance and that the proposed building will be located towards the east of the residential dwellings fronting on to Silverbirch Road it is not considered that the development will result in a significant loss of light or overshadowing for these neighbouring properties.

2.28 The northern elevation of the proposal consists of a single storey element and a two storey element. To the north of the application site are residential properties fronting on to Rosebud Close. There will be a separation distance of approximately 18.9 metres between number 2 & 3 Rosebud Close and the single storey element of the proposal. Although the northern elevation will include windows serving the kitchen and dining room at ground floor level, a significant amount of screening will be provided by the 2 metre high closed boarded fence which encloses the shared boundary. Therefore given that this element will be single storey and taking into account the screening provided by the fence it is not considered that the proposed development will result in a detrimental impact upon the amenity of these neighbouring properties in terms of overlooking, overshadowing or any overbearing effect.

2.29 The two storey element will be located approximately 19.5 metres from the blank gable wall of the neighbouring dwelling to the north, number 4 Rosebud Close. This gable wall does not include any habitable room windows. Guidance within Supplementary number 4 requires a minimum separation distance of 10 metres where blank gable walls face principle elevations. As such the proposed separation distance is well in excess of the minimum requirements. Therefore it is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties to the north in terms of appearing overbearing, overshadowing or loss of privacy.

2.30 Merlin Way is directly to the south of the application site, beyond which are three storey apartments and two storey dwellings. Owing to the highway there is a large separation distance of approximately 31 metres between the proposed three storey building and the dwellings. As previously discussed guidance within Supplementary Guidance note 4 states that there should be a minimum of 20 metres between habitable room windows and 10 metres between habitable room windows and blank gable walls. The proposed separation distances to properties to the south

exceeds the requirements of Guidance note 4. Some detached garages are located to the front of properties and as such are closer to the proposed development with a separation distance of approximately 19 metres however the garages do not contain any habitable room windows. As such it is not considered that the proposed development will result in a detrimental impact upon the amenity of the neighbouring properties on the opposite side of Merlin Way in terms of loss of light, overlooking or any overbearing effect.

2.31 The defined local centre is located towards the north west of the application site, therefore the side elevation of the retail unit is directly adjacent to the proposed car park to the north west of the site and north-western elevation of the proposed care home. The closest part of the proposed care home will be some 5.2 metres from the existing retail unit. As such taking into account the commercial nature of the adjacent property it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property. No objections have been received from public protection and this relationship is considered acceptable.

2.32 Therefore whilst the difference in levels between properties are noted it is considered that by virtue of the separation from existing residential properties and the design and arrangement of the proposed development the proposal would not result in a detrimental impact upon the amenity of neighbouring properties in terms of overlooking, loss of light or appearing overbearing. A condition is recommended to ensure details of finished floor levels are submitted. Therefore, in terms of residential amenity the proposal accords with policy HSg12 and Gep1 in this regard.

HIGHWAY SAFETY

2.33 The proposal includes two car parks. The larger of the car parks is proposed towards the east of the application site comprising 22 car parking spaces with cycle stands. There is a smaller car park comprising 6 car parking spaces proposed towards the west of the site, adjacent to the retail units. As such there are two access points proposed from Merlin Way. The Council's Traffic and transport section have commented that the proposed access points are acceptable, however these should be constructed in accordance with the Council's Design Guide and specification. Furthermore if the Council has adopted Merlin Way by the time construction starts, the access works should be carried out by a NRSWA accredited contractor. As such an informative has been attached in this regard.

2.34 Concerns are raised by neighbours with regard to car parking provision at the site. The Council's Traffic & Transport section has confirmed that a care home requires the provision of 1 space per 8 beds, 1 space per 3 full time employees and 1 space for a professional visitor. It is proposed to provide 28 parking spaces across the two car parks (6 are dedicated staff parking bays). In accordance with Supplementary Note 2 of the Hartlepool Local Plan and the Design Guide and Specification, the 93 residents care home would require 12 spaces for residents, 1 space for a professional visitor, therefore it is considered that this would leave sufficient space for 45 staff. The developer has confirmed that it is expected that no more than 27 full time staff will be on site at any one time. Therefore the Council's

Traffic & Transport section has confirmed that the parking provision and layout is acceptable.

2.35 The proposed access and car parking provision is considered to be acceptable therefore it is not considered that the proposal will result in an adverse impact upon highway safety.

CHARACTER OF THE AREA

2.36 Concerns have been raised by neighbouring residents that the proposed development will appear out of keeping with the character of the surrounding area. However the surrounding area is predominantly residential and there are various designs of properties within the immediate vicinity of the site. There is a commercial centre directly to the west of the site with two and three storey dwellings to the north, north-east and south. There are three storey apartment blocks to the east and also to the south west of the application site. As such it is not considered that the proposal, which will consist of two and three stories, would appear out of keeping with the scale and proportions of existing buildings within the area. Furthermore the use of a residential care home in a predominantly residential area is considered to be acceptable.

2.37 Furthermore the proposed building comprises an asymmetric design with two gables facing towards Merlin way, with a landscaped amenity space in between the two main sections of the building. As such when viewed from Merlin Way it is considered that the proposed building will be broken up by detailing, such as the gable design and pergola structure and the amenity space in between. Therefore it is not considered that the proposal will result in a detrimental impact upon the appearance of the streetscene in terms of massing. The proposed building will be approximately 2 metres from the footpath boundary at its closest point which is broadly in line with the building line of the adjacent apartments which front on to Merlin Way. As such it is not considered that the proposal will represent an incongruous feature within the streetscene.

2.38 There is landscaped amenity space proposed to the north, south and east of the building. Given the nature of the proposal and the proposed residents, the level of amenity space is considered to be acceptable to serve the proposed residents.

2.39 As such the proposed development is considered to be acceptable in terms of the impact upon the character and appearance of the surrounding area.

LANDSCAPING

2.40 The submitted plans show landscaped areas to the front and rear of the proposed building to complement the proposed development and provide landscaped amenity space for the residents. The Council's landscape architects have commented that the layout appears to sit well with the design however further details are required regarding the implementation of the landscaping together with a detailed planting schedule and aftercare. Therefore appropriate landscaping conditions are recommended accordingly.

FLOODING/DRAINAGE

2.41 The application site is located 390 metres from the nearest water course which is Hart Burn. The site is within Flood Zone 1 which is defined by the Environment Agency as having a 1 in 1000 year chance of river or sea flooding. Concerns raised by neighbouring residents relating to flooding are noted. However the applicant has submitted a Flood Risk Assessment to accompany the application which has been considered by the council's engineers and Northumbrian Water.

2.42 Northumbrian Water have confirmed that an enquiry was submitted by the applicant for allowable discharge rates & points into the public sewer for the proposed development. In this document it states *foul water can connect in to the existing 150mm foul sewer at or between manholes 5801 & 5803. Surface can connect into the 450mm surface water sewer at or between manholes 5802 & 5804.* Northumbrian Water raise no concerns subject to a condition requiring details of surface and foul water drainage. The Council's engineers were also consulted and have raised no objections subject to a condition relating to foul and surface water. Therefore a condition is recommended accordingly. As such, it is not considered that the proposed development would result in an increased flood risk.

PLANNING OBLIGATIONS

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

2.44 In accordance with the adopted Supplement Planning Document (SPD) relating to planning obligations, in line with the requirements of the NPPF and Planning Practice Guidance (PPG), to ensure that the development is sustainable and allows residents and have the chance to live an active lifestyle planning obligations are sought at a rate of £250 per room towards green infrastructure and £4.97 per bed for bowling greens. Whilst obligations generally relate to dwellinghouses (C3) it is considered that residents of the residential care home, visitors and the proposed employees should have the option to undertake physical activity if they wish. As such a cost per bed is requested as it is considered that each bed room is essentially one household and thus each household is likely to undertake activity such as walking and potentially visiting bowling greens. Whilst it is recognised that many residents will have reduced mobility, not all will and residents may seek to undertake more gentle exercise such as a gentle walk or bowling. Therefore a contribution is sought towards improving green infrastructure within Middle warren and towards the upkeep and improvement of existing bowling greens.

2.45 Initially a contribution was also sought towards built sport facilities however the agent has confirmed that a program of gentle sport activities will be organised at the proposed facility for residents therefore it is not considered necessary to request a contribution towards built sports facilities.

2.46 Therefore the requested contributions secured through a section 106 agreement are as follows;

93 x £250 = £23,250 (Green infrastructure)
93 x 4.97 = £462.21 (Bowling Greens)

RESIDUAL MATTERS

2.47 Owing to the difference in levels across the site the development includes a retaining wall which will be located within the landscaped amenity space to the front of the building adjacent to Merlin Way. The proposals were discussed with the Council's Structural Engineer who has requested that details of the retaining wall are submitted. As such a condition is recommended accordingly.

2.48 Concerns have been raised regarding disruption during construction. A condition has been recommended to limit hours for construction in order to protect residential amenity.

2.49 Objectors have also raised concerns with regard to the need for such a facility however the need for the development is not a material planning consideration and as such cannot be taken into consideration when assessing this application.

2.50 Devaluation of property is also raised as a matter for objection however this is not a material planning consideration and as such cannot be considered when assessing this application.

2.51 Whilst concern has been raised regarding the level of consultation, In accordance with requirements set out in the Development Management Procedure Order 2015, all adjoining neighbouring residents were notified by means of a letter sent on 22 February 2016. Further to this a site notice was posted at the site and an advert placed in the local press to allow any interested party to make their representations.

CONCLUSION

2.52 Overall the proposal is considered to be acceptable in terms of impact on the amenity of neighbouring properties, character and appearance of the surrounding area, highway safety, landscaping, flood risk and all residual matters. As such the proposal is considered to be acceptable and is recommended for approval subject to conditions and the completion of a legal agreement securing relevant planning obligations.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.53 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.55 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the completion of a legal agreement to secure a contribution of £250 per bedroom for green infrastructure (£23250) and £4.97 per bedroom for Bowling Greens (£462.21) and the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and plans (Location Plan 1260(90)01A1, First Floor Plan 1260(0)02A1, Second Floor Plan 1260(0)03A1, Elevations - Sheet 2 1260(0)05A1, Site Plan as proposed 1260(90)02A1 and Topo Survey Ground Levels No 171 Hartlepool) received by the Local Planning Authority 04 February 2016 and the plans Elevations - Sheet 1 1260(0)04A2, Site Plan as Proposed 1260(90)02A2, Retaining Wall Sections 1260(0)06A1, Elevations - Sheet 2 1260(0)05A2 received by the Local Planning Authority on 17 February 2016 and Ground Floor Plan 1260(0)01A1 Rev A, Elevations - Sheet 1 1260(0)04A1 Rev A received at the Local Planning Authority on 26 April 2016.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with

others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

6. Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.

To prevent the increased risk of flooding from any sources in accordance with the NPPF.

7. Notwithstanding the submitted details prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and car parking levels, any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

To take into account the position and levels of the buildings and car parks and the impact on adjacent residential properties

8. Prior to the commencement of the development hereby approved details of the proposed retaining wall, including location plans and design calculations, shall be submitted and approved in writing by the local planning authority. The agreed details shall then be implemented at the time of development and retained for the lifetime of the development.

To ensure appropriate retaining wall details.

9. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.

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

10. Prior to the commencement of development details of the cycle store will be submitted to and approved in writing by the Local Planning Authority. The agreed details will be implemented and retained for the lifetime of the development.

To ensure appropriate cycle storage and in the interest of visual amenity.

11. The development hereby approved shall be used as a C2 residential care home and not for any other use including any other use within that use class of the schedule of the Town and Country Planning (Use Classes) Order 1987 (as amended) or in any provision equivalent to that use class in any statutory instrument revoking or re-enacting that order.

To allow the Local Planning Authority to retain control of the development.

12. Prior to the commencement of development details of a scheme of means of enclosure shall be submitted to and approved in writing by the Local Planning Authority. The agreed details shall be implemented and retained for the life of the development.

To protect the amenity of neighbouring residents.

BACKGROUND PAPERS

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

<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

CONTACT OFFICER

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LAND AT MERLIN WAY



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/2016/0038
Scale: 1:2000
Date : 26/04/16

No: 3
Number: H/2016/0089
Applicant: Mrs Krishna Jeyasari Sagayamalar Burbank Street
HARTLEPOOL TS24 7JW
Agent: Ian Cushlow 31 Harvester Close HARTLEPOOL TS25
1GD
Date valid: 09/03/2016
Development: Change of use of ground floor to hot food takeaway and a
residential flat over first and second floor
Location: 76 Church Street HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 A planning application has been submitted under the provisions of the Town and Country Planning Act 1991 (as amended) for a change of use of the ground floor and upper floors of the above property.

3.3 The proposal has been referred to Planning Committee due to an objection being received internally from HBC Public Health Team.

PROPOSAL

3.4 Planning permission is sought for a change of use of the ground floor from an office to a hot food takeaway and from offices to a residential flat on the first and second floors. The hot food takeaway would operate between the hours of 10am and 1am on Mon – Sat and between 1pm and 11pm on Sundays and Bank Holidays. There would be two full-time employees and six part-time employees at the premises.

3.5 The proposal involves internal alterations to the ground floor to form cooking and serving area as well as a public waiting area at the front, with the existing public access point retained. Towards the rear will be a staff WC, food preparation area and other storage rooms. An extraction system would also be added with a flue at the rear of the building rising up from the yard area. The flue would exceed the height of the existing building and would have an external diameter of approx. 250mm. No other external alterations are proposed in this application.

3.6 The residential flat would be accessible from the rear door to the north, with an internal staircase leading up to the first floor. The first floor would be reconfigured to create a lounge, two bedrooms, kitchen and bathroom. The second floor would form

a further three bedrooms with a shower room and storage area. The existing roof terrace would be retained on this level.

SITE CONTEXT

3.7 The application site is no.76 Church Street, Hartlepool, a three storey mid-terraced building located within the Church Street Conservation Area. The ground floor has previously been used for a number of purposes, most recently the *Barnardo's B76* drop-in youth centre. This use ceased to operate during 2011 and the property has been vacant ever since.

3.8 The ground floor use has a timber painted shop front exterior still in place. An entrance door from Church Street into the ground floor exists to the east with a former entrance door to the west currently not functional. The first and second floors have a brick facade with square bay window at first floor level. This has been painted in a contrasting colour with the sliding window frames, fascia and guttering matching this colour. Church Street itself runs east-west along the front (south) of the building. At the rear (north) is a ground floor access door to the internal yard. An area of car parking exists beyond this serving this property and adjacent properties. Refuse collection is also made on this side of the building. Adjoining the property to the east is no.75, a wine bar named "*Busby's*". Adjoining the property to the west is no.77, a mini-supermarket and off-license named "*Suba*".

PUBLICITY

3.9 The application has been advertised by way of a Site Notice, Press Advert, three Councillor Notification letters and five Neighbour Notification letters. No objections or other responses have been received. Following the submission of amended details of the extraction system, further consultation was carried out as above. Again no objections or other responses were received. A further amendment was made to the flue details although no external publicity/consultation was deemed necessary.

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CONSULTATIONS

3.10 The following consultation replies have been received:

HBC Public Health

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

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

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

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

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

The unit in question, situated at 76 Church Street falls within the Headland and Harbour Ward. It is therefore important to consider the potential health impact across this ward.

Childhood obesity is of particular concern to Public Health and HBC. The most recent statistics from the National Childhood Measurement Programme (2011/12 to 2013/14), show that 14.3% of reception children (age 4-5) from schools in Headland and Harbour are classified as obese. This is the highest rate in Hartlepool, where on average 11.2% of reception age children are classified as obese. This compares to an England average of 9.5% obese children at reception age.

Once children reach Year 6 (age 10-11), 26.0% of children in Headland and Harbour are classified as obese, which is also above the Hartlepool and England averages of 24.4% and 19.1% respectively.

In Headland and Harbour, the rate of emergency admissions to hospital (159.0) is also higher than the Hartlepool (134.1) and England (100) averages (PHE Local Health Profile). Average life expectancy in the ward is approximately 74 years (males) and 80 years (females). This is significantly lower than the Hartlepool and England averages. (PHE Localhealth.org.uk)

Headland and Harbour is ranked the 105th most deprived ward in England (Bottom 2%) and has lower numbers of healthy eating adults consuming 5 portions of fruit & vegetables per day (16.7% compared to 19.3% in Hartlepool and 28.7% in England). (PHE Localhealth.org.uk)

Obesity is also linked to an increased risk of cardiovascular disease and stroke. Rates in Headland and Harbour (136.9, 127.6) are significantly higher than Hartlepool (109.4, 104.6) and England (100). (PHE)

There is therefore a concern that additional hot food take-away outlets could contribute to unhealthy diets and a rise in levels of childhood and adult obesity in the Headland and Harbour ward, particularly where there is already a high proliferation in the Church Street area. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease. For these reasons, the Health Improvement Team would object to this application.

HBC Heritage and Countryside (Conservation)

The proposal is located within Church Street Conservation Area.

In close proximity No's, 72 and 80 Church Street are grade II listed buildings. It is considered that the application site is sufficient distance away that it will not impact on the setting of these properties. No's 8 and 11 Church Street are locally listed buildings, these are located on the opposite side of the road and therefore it is considered that their setting will also not be impacted by this proposal

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).

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."

Policy HE2 seeks to encourage environmental improvements within conservation areas.

The Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties are usually three storey, though a handful are more some building having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

Of particular note in the Church Street area are the shop fronts, some original examples of which survive. These often have highly decorative features such as moulded corbels above pilasters, cornice moulding to fascias, and decorative mullions and transoms.

The information submitted with the application states that the majority of the changes to be building will be internal save for the installation of an air extraction system to the rear of the property. No information has been provided on what this will

comprise. Without this information the full impact on the significance of the conservation area cannot be assessed. It is request that this information is sought from the applicant.

Additional comments received 05/04/16 following re-consultation:

Further to the additional information provided on this application.

The information supplied shows the indicative location of the proposed flue. It does not give details of the appearance of the flue, nor how it will be fixed to the building. Furthermore the accompanying text would suggest that these matters would be open to alteration.

The details additional details supplied are not sufficient to assess the impact on the significance of the conservation area.

Given the location of the property it is considered that this information should be agreed at this stage rather than conditioned and agreed at a later date.

Further comments received 12/04/16 following internal re-consultation:

In principle it may be acceptable but I feel with the lack of final details provided we'd need to condition the finish etc.

HBC Public Protection

A ventilation condition for the ground floor takeaway activities should be attached which must be agreed before work commences. In addition, a plan to provide adequate sound insulation between the ground floor and first floor must also be agreed.

HBC Traffic and Transport

There are no highway or traffic concerns.

HBC Waste Management

No objections.

Cleveland Police

I have consulted with Police Licensing Unit regard this application and Police have no objections to the application however I would recommend that CCTV is installed to cover serving and entrance areas. The images from the CCTV should be of a quality that be capable of use in court of law and Data Protection requirements should be complied with in relation to CCTV installation.

PLANNING POLICY

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

Local Policy

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

Com1: Development of the Town Centre
 Com9: Main Town Centre Uses
 Com12: Food and Drink
 GEP1: General Environment 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
 Rec13: Late Night Uses

National Policy

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

PARA 001 – Apply Policy
 PARA 002 – Primacy of the Development Plan
 PARA 011 – Planning Law and the Development Plan
 PARA 012 – Statutory Status of the Development Plan
 PARA 013 – NPPF is a material planning consideration
 PARA 014 – Presumption in favour of sustainable development
 PARA 017 – Core Planning Principles
 PARA 023 – Ensuring the vitality of Town Centres
 PARA 056 – Ensuring Good Design
 PARA 128 – Significance of Heritage Asset
 PARA 129 – Avoid conflict between the conservation of an asset and development
 PARA 131 – Viable use consistent with conservation
 PARA 132 – Weight given to conservation of designated heritage asset

PARA 134 – Harm weighed up against public benefits
 PARA 137 – Contribution of new development to local character and distinctiveness
 PARA 171 – Health and Well-being
 PARA 196 – Primacy of the Development Plan
 PARA 197 – Presumption in favour of sustainable development.

Planning Policy has no concerns regarding this application. Within the Rec 13 area approximately 3% of the total floorspace is operational as A5 uses. The addition of one more unit will not adversely affect the character and function of the area.

PLANNING CONSIDERATIONS

3.14 The material planning considerations in regard to the above proposal are the principle of development in relation to the Hartlepool Local Plan 2006 policies and the NPPF, the impacts on health and well-being, visual amenity (in particular the Church Street Conservation Area), neighbour amenity, waste management and highway safety.

Principle of Development

3.15 The proposed development involves change of use to provide a ground floor hot food takeaway and a change of use to provide a residential flat above. Consultation with HBC Planning Policy raised no objections to the development and stated that although 3% of all floor space in this Rec13 designated area is in use as A5 (hot food takeaway) the addition of a further premises of the same use would not result in any detrimental impact.

3.16 Paragraph 17 of the NPPF outlines 12 principles of planning, including seeking to ensure high quality design and a good standard of amenity for all existing and future occupants, and to take account of the different roles and character of different areas, promoting the vitality of our main urban areas.

3.17 Of relevance is Saved Policy Com1 which states that proposals for A3, A4 and A5 uses will be subject to the provisions of policies Rec13 and Com12. Saved Policy Com9 is also of relevance and states that uses including leisure, entertainment and other main town centre uses should be located in the town centre. The site is located in the town centre and the proposed hot food takeaway would be considered as a main town centre use falling within the A5 use class category, thereby not introducing any new or uncommon use class to the locality.

3.18 Also of relevance is paragraph 23 of the NPPF which states that Local Planning Authorities should “recognise town centres as the heart of their community” and to “*promote competitive town centres that provide customers choice*”. This property has been vacant for some time at both ground floor and upper floors. The development involves the re-use of a vacant building within a late night opening area, which itself is generally vibrant and characterised primarily by active ground floor uses such as bars, restaurants and takeaways, with residential accommodation on the floors above. The proposal would therefore result in an active ground floor use, when in use and would offer an increased choice to consumers in relation to food outlets.

3.19 In considering the application of Saved Policy Com1, Saved Policy Rec13 states that proposals for uses open between the hours of midnight and 7am will only be permitted in the Church Street area providing there is no significant impact on the amenities of nearby properties in terms of noise and disturbance, or any detrimental impact on the overall character, function and appearance of the area. Given that proposed opening times would be similar to nearby premises within the same use class, it is not considered that the proposal would result in any significant increase in noise and disturbance. In addition, consultation with HBC Heritage and Countryside (Conservation) raised no objections to the proposal subject to a condition regarding the flue and ventilation system. It is therefore considered that there would be no detrimental impact on the character, function and appearance of the area subject to conditions relating to final design of the exterior, proposed flue and opening hours restriction.

3.20 Furthermore, Saved Policy Com12 states that proposals for food and drink developments within Classes A3, A4 and A5 will be only be permitted subject to considerations of amenity, noise, disturbance, smell, litter, highway safety and the character and appearance of the area. The proposal is considered to accord with this policy.

3.21 In relation to Saved Policies Com1, Com9, Com12, GEP1 and Rec13 of the Hartlepool Local Plan 2006, and paragraph 23 of the NPPF, the principle of development is considered to be acceptable in relation to the above development.

Health and wellbeing

3.22 The proposed use of the ground floor of the building would result in an additional hot food takeaway in an area which already has a number of similar functioning premises. Consultation with HBC Public Health resulted in an objection to the development on the ground that the hot food takeaway element would be detrimental to the health of the population within the Headland and Harbour ward, contributing towards childhood and adult obesity levels.

3.23 In relation to planning and health, paragraph 171 of the NPPF states:

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

3.24 It is recognised that planning is closely linked with health and has an important role to play in encouraging healthy eating habits and active lifestyles. This is particularly important for younger people who can develop habits that determine long term behaviours. Comments from HBC Public Health provided statistics on obesity levels of different age groups, particularly young children.

3.25 It is noted that Cleveland College of Art and Design and Hartlepool College are nearby and within walking distance of the proposed takeaway. Given the 10am

weekday opening time, there is potential that this could contribute to the consumption of unhealthy foods by some of the young adults in attendance at these educational establishments. There are however numerous other takeaways as well as alternative food outlets which offer healthier options. Whilst it is noted that St Joseph's RC Primary School is approx. 0.5 miles away from the proposed takeaway, given the alternatives which are closer and the number of existing takeaways in this locality, it is not considered that the addition of one more takeaway could result in a significant reduction in health and well-being to children and young adults.

3.26 It is recognised that the late night opening hours of the premises could result in a more convenient option for adults using the other late night opening premises such as pubs, bars and nightclubs. There would therefore be a greater choice in terms of similar food types in the late night Church Street area. This is compared to healthier alternatives which would not be available from food outlets closed during these late night hours. However, given the number of existing takeaways in the locality it is not considered that the addition of one more could result in a significant reduction in health and well being for adults.

3.27 Ultimately, whilst there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating habits, the end user has a choice of the type of food to consume. HBC Planning Policy stated that approx. 3% of all floor space in the Church Street late night area is operational as hot food takeaway premises. This is considered to be an overall low proportion of commercial usage in this area and in the long term, the addition of one more takeaway could not be attributed to any significant decline in health and well-being. The proposed use of the ground floor could also not be described as a barrier to improving the health and well-being of the wider ward area given the overall low use of floor space as A5 use in the area, the access to open space for recreation, and the sustainable methods of travel available.

3.28 Overall, the impact on health and well-being as a result of this takeaway operating is not considered to be significant. There are various social, economic and environmental factors which contribute to these issues and the addition of a further takeaway in this location would not result in a disproportionate effect on the health and well-being of the population. The proposal is considered to be acceptable in relation to the impact on health and well-being, in accordance with paragraph 171 of the NPPF.

Church Street Conservation Area – visual amenity

3.29 The property is an unlisted building not subject to an Article 4 Direction within the Church Street Conservation Area which is a designated heritage asset. In accordance with paragraph 135 of the NPPF, proposals which affect a designated heritage asset, great weight should be given to the asset's conservation. Any harm should only be considered acceptable when outweighed by substantial public benefit. Paragraph 137 of the NPPF also states that in considering applications within Conservation Areas, Local Planning Authorities should look for opportunities to enhance or better reveal their significance.

3.30 It is recognised that the proposed use of the ground floor as a hot food takeaway could result in an increase in general disturbance of the Conservation Area by way of noise and odours. The Church Street Conservation Area is however noted to be part of the late night area of Hartlepool Town Centre (covered under Policy Designation Rec13) with a variety of bars, restaurants and hot food takeaways occupying nearby properties.

3.31 Of relevance to this application are Saved Policies HE1 and HE2. Saved Policy HE1 states that proposals for development will only be approved in conservation areas where it can be demonstrated that they will preserve or enhance the character and appearance of that area, and it can be demonstrated that it will not adversely affect the amenities of occupiers of any adjoining or adjacent properties. Saved Policy HE2 seeks to promote environmental improvements in conservation areas.

3.32 Consultation with HBC Heritage and Countryside (Conservation) raised no initial objection to the change of use, however further information was required on the proposed extraction system. Following submission of further details, it was considered that a condition should be imposed to agree the final details.

3.33 The scheme would result in a currently vacant ground floor office being brought back into use, the benefit of which can be associated with economic activity from the trade generated contributing to the vibrancy and vitality of the Conservation Area. In addition, the conversion of the upper floors would again result in a currently vacant use being brought back into use as residential accommodation. It is therefore considered that these benefits outweigh any harm which would be caused by alterations to the internal layout of the building or the intended uses therein.

3.34 Save for the flue, no external alterations are proposed to the ground floor unit in this application. Should these be proposed a separate application will be required which will be considered on its own merits. It is considered that the proposal would not result in any significant or detrimental impact on the Church Street Conservation Area as a designated heritage asset. The proposal is considered to accord with Saved Policies GEP1, HE1 and HE2 of the Hartlepool Local Plan 2006, and with paragraphs 128, 129, 131, 132, 134 and 137 of the NPPF.

Neighbour amenity

3.35 Consultation with neighbouring adjacent properties resulted in no objections to the proposal. Given the proposed use of the building, it is however necessary to consider the potential impact on any adjoining and adjacent properties.

3.36 The proposed ground floor takeaway would generate some associated noise due to members of the public coming and going and particularly due to the late night operating hours of 1am Monday – Saturday and 11pm on Sundays and Bank Holidays. However as noted earlier, this property is within an existing late night area which already has a number of bars, pubs, restaurants and other hot food takeaways. The level of noise generated by this premises is not considered to be significantly greater than that of similar nearby properties.

3.37 Consultation with HBC Public Protection resulted in no objection subject to conditions requiring detail of the proposed extraction system and noise insulation. It is therefore considered that subject to acceptable schemes being provided to satisfy these conditions, the impact on neighbour amenity is acceptable, in accordance with Saved Policy GEP1.

Waste management

3.38 The proposed development would result in the ground floor takeaway and occupants of the flat above using the same area for disposal and collection of refuse. The takeaway would naturally produce a greater amount of waste although the residential flat is not expected to produce anything above the average household of this size and type.

3.39 The property currently has a rear access door from an internal staircase out to the yard area where a further door provides access to the rear lane. It is noted that this rear yard could continue to provide storage for waste bins. On collection days, these are situated outside the rear access door allowing refuse collection vehicles access.

3.40 Consultation was undertaken with HBC Waste Management with no objections raised subject to appropriate collection of refuse bins. This would be by either the Council or by another company for the commercial waste bin. Given that there is already storage available at the rear, the proposal is considered to be acceptable, with no detrimental impact on waste management. The proposal is considered to be in accordance with Saved Policy GEP1 in respect of this.

Crime and disorder

3.41 Saved Policy GEP3 states that in determining planning applications, the Council will have regard for the need to incorporate features and/or measures to reduce crime and the fear of crime. Given the intended use of the ground floor in particular the late night opening hours, it is necessary to consider this issue.

3.42 Consultation was undertaken with Cleveland Police with comments stating no objection to the proposal, however it was recommended that appropriate CCTV equipment should be installed to capture footage of the serving and entrance areas. This request has been passed to the applicant.

3.43 In relation to the residential use, the rear access would form the main point of entry for the occupants of the first and second floors. There is an existing secured door to the rear which would not be altered as part of the proposal. This is considered to be an acceptable level of security at the rear. In relation to the ground floor hot food takeaway, the Church Street area is already designated for late night opening premises, and given the presence of CCTV cameras at different points along Church Street and the relatively well lit street and frontage, it is considered that the proposed development is acceptable in relation to the impact on crime and the fear of crime, in accordance with Saved Policy GEP3.

Highway safety

3.44 Consultation was undertaken with HBC Traffic and Transport with no objections received. In relation to pick-up of takeaways from the ground floor, there is an area of short stay parking available close to the front of the property on Church Street. Given the typical time required for parking at such a premises, the hot food takeaway is considered to result in a minimal impact on parking and traffic. The proposed residential flat currently has allocated parking for business owners and staff. As stated in the submitted *Design Heritage & Access Statements*, the owner would apply for a permit to park at the rear of the property. It is therefore considered that the impact on highway safety would be low as a result of the proposal, in accordance with Saved Policy GEP1.

Conclusion

3.45 In relation to the material planning considerations examined above, namely the principle of development and the impacts on health and well-being, visual amenity, neighbour amenity, waste management crime, and highway safety, the proposal is considered to be acceptable. It is not considered that the proposal would result in any significant or disproportionate impact on the health and well-being of the surrounding community. It is also not considered that the overall impact on the designated heritage asset would be significant, with public benefits of the scheme in relation to economic activity, residential accommodation, town centre vitality arising from the re-use of a vacant building outweighing any impact. There are also not considered to be any unacceptable impact in relation to crime, waste management, neighbour amenity or highway safety. The economic and environmental benefits of the scheme are considered to outweigh any impact on the social aspects, as part of achieving sustainable development.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.47 These are discussed in the main body of the report.

REASON FOR DECISION

3.48 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.

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and the plans (Site Location Plan, Proposed Ground Floor Plan,

Proposed First Floor Plan and Proposed Second Floor Plan) received by the Local Planning Authority on 09/03/16 and the amended details (Indicative Flue System Detail – Extract/Ventilation System) received by the Local Planning Authority on 12/04/16.

For the avoidance of doubt.

3. The premises shall only be open to the public between the hours of 10am - 1am Monday - Saturday and between 1pm - 11pm Sundays and Bank Holidays.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the surrounding properties.

4. Notwithstanding the submitted details, prior to the hot food takeaway being brought into use, final plans and details for ventilation, filtration and fume extraction equipment to reduce cooking smells shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall be retained and used in accordance with the manufacturer's instructions at all times whenever food is being cooked on the premises.

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

5. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the ground floor hot food takeaway and the first floor of the residential flat above. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.

In the interests of the amenity of the occupants of the residential flat.

6. This permission does not authorise any external alterations to the building save for the installation of equipment approved under condition 4.
For the avoidance of doubt in the interests of visual amenity and to protect and enhance the character and appearance of the Church Street Conservation Area.

BACKGROUND PAPERS

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

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

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76 CHURCH STREET



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POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

Com1 (Development of the Town Centre) - States that the town centre will be developed as the main shopping, commercial and social centre of Hartlepool. The town centre presents opportunities for a range of commercial and mixed use development subject to policies Com2, Com8 and Com9. Proposals for revitalisation and redevelopment should improve the overall appearance of the area, and also public transport, pedestrian and cycleway facilities and linkages. The Borough Council will encourage the enhancement of existing or creation of new open spaces and will seek to secure the reuse of vacant commercial properties including their use for residential purposes. Proposals for A3, A4 and A5 uses will be subject to policies Com12 and Rec13 and will be controlled by the use of planning conditions.

Com9 (Main Town Centre Uses) - States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

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

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.

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

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

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.

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

Hsg12 (Homes and Hostels) - States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Rec13 (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Tra16 (Car Parking Standards) - The Council will encourage a level of parking with all new developments that supports sustainable transport choices. Parking provision should not exceed the maximum for developments set out in Supplementary Note 2. Travel plans will be needed for major developments.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

1. The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework for producing distinctive local and neighbourhood plans.

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.

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.

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential

development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;

- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

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

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

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

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

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

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

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

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

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

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

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

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

132: When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

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.

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

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

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

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

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

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

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

PLANNING COMMITTEE

11th May 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT LAND TO THE REAR OF VOLTIGEUR DRIVE AND OTTERINGTON CLOSE, HART VILLAGE, HARTLEPOOL.
APPEAL REFERENCE: APP/H0724/W/16/3143528 – OUTLINE APPLICATION FOR THE ERECTION OF FIVE DETACHED DWELLINGS WITH GARAGES AND THE FORMATION OF A NEW ACCESS (H/2015/0050).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse an outline planning application for the erection of five detached dwellings with garages and the formation of a new access on land to the rear of Voltigeur Drive and Otterington Close, Hart Village, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is attached.
- 1.2 The appeal is to be determined by a Hearing and authority is therefore requested to contest the appeal.

2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

3. CONTACT OFFICER

- 3.1 Denise Ogden
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3.2 AUTHOR

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DELEGATED REPORT

Application No	H/2015/0050
Proposal	Outline application for the erection of five detached dwellings with garages and the formation of a new access.
Location	Land to the rear of Voltigeur Drive and Otterington Close HART

PS Code: 13

DELEGATION ISSUES	Neighbour letters:	24/06/2015
	Site notice:	09/04/2015
1) Publicity Expiry	Advert:	22/04/2015
	Weekly list:	12/04/2015
	Expiry date:	06/05/2015
	Extended date:	06/08/2015
2) Publicity/Consultations		
Publicity		
<p>The application has been advertised by way of press notice, site notice and neighbour consultation letters. To date 17 objections have been received in addition to objections from both Hart Parish Council and Hartlepool Civic Society. These objections are summarised as follows;</p> <ul style="list-style-type: none"> - The proposal will result in a loss of amenity and privacy for existing properties along Voltigeur Drive and Otterington Close in terms of overshadowing/loss of light, overbearing, overlooking and loss of outlook as a result of the close proximity, separation distances and difference in ground levels - The proposal will result in noise disturbance as a result of 5 additional dwellings and during the construction works - The site is an unsustainable location and there are more suitable sites within the Borough - The proposal would result in an overdevelopment of the site and would adversely affect the character of the village, particularly in the context of the approved residential development at the Raby Arms - The proposal is out of keeping with the design, scale and layout of the area - The proposal will adversely affect the setting of the Grade I listed building and associated burial grounds/graveyard and views across to the church from the village - There is an identified drainage problem in the village and the proposal would exacerbate this problem. - The proposal would worsen existing highway and pedestrian safety issues in terms of visibility, traffic flows and speeding vehicles as a result of the proposed access. - Concerns are raised in respect to a wall that has been erected to the 		

front/side of 2 Voltigeur Drive which results in poor visibility for pedestrians and drivers.

- An application by the same applicant and on the same land has previously been refused and there have been no changes since this previous refusal.
- The proposal will result in the loss of mature trees as a result of the proposed access
- The impact on residential amenity would be contrary to the provisions of residents' right to a private and family life (as set out in the Human Rights Act)
- The proposal would place a pressure on an existing primary school
- Bungalows would be more appropriate for the site
- The proposed revisions to dormer bungalows would not address previous objections/concerns
- There is an existing 'dispute' between the church and HBC regarding potential contaminated surface water run off from the graveyard onto this parcel of land. As a result there is a health and safety issue.
- An objection indicates that the land in question is 'protected' and should not be developed

A representation has been received which does not object to the principle of the proposed development but has raised concerns regarding the planting of trees to screen the development as it could result in a more overbearing impact.

Consultations

The following consultation responses have been received;

Heritage and Countryside Manager

This site is located on the edge of Hart village. To the west of the site is the Church of St Mary Magdalene, a grade I listed building and therefore considered to be a designated heritage asset as defined by the National Planning Policy Framework (NPPF).

In this instance relevant planning policy found in the NPPF states, 'In determining planning applications, local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness' (paragraph 131).

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

Further more paragraph 134 states that, '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'.

Policy HE8 of the Local Plan, 'Works to Listed Buildings', is relevant. It states, works in and around listed buildings should 'preserve the integrity of the setting and

that of the surrounding area’.

The proposal is an outline application for the erection of five detached dwellings with garages and the formation of a new access.

The main issue for consideration is the impact of the proposal on the setting of the listed building.

The NPPF defines setting as, ‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’

St Mary Magdalene Church has been assessed as being constructed as early Norman with the West Tower as an early addition. The aisles are thought to be 15th century in date and the chancel a 19th century rebuild.

To the west of the Church would have stood Manorial Buildings. Excavations have shown a range of medieval buildings, including a possible hall complex and the upstanding Brus Wall. This site is a Scheduled Monument. Previous studies have shown that the buildings extend beyond the area which is Scheduled in all directions. It has also been suggested that the enclosure also encompasses the church and the area around it.

A set of medieval fishponds lie to the north of the manorial complex and church. These are also a Scheduled Monument. The fishponds would have been built as an addition to the manorial complex.

To the south of the Church is residential development including the grade II listed building Voltigeur Cottage but also the modern development of properties at Voltigeur Drive. To the east of the church are open fields.

The NPPF defines significance as, ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

In considering the significance of the listed building it is contended that this is archaeological, evidenced not only in the siting of the building but its location in such close proximity to two Scheduled Monuments in which the structure is so strongly linked. In addition there is an architectural significance in the church itself and the various stages of development that can be seen in the property. Finally there is a historic significance and this is evidenced in both the architectural and archaeological interest in and around the site providing evidence of the development of the area.

In assessing the pattern of development around the Church, plans of the area show that the north and east sides of the church have always had an open aspect. It is this that contributes to the setting of the Church. This openness is experienced

when entering the Church Yard and looking towards the boundaries of the site. In particular to the east the land within the Church Yard is relatively level with that outside the boundary of the Church and there is an open view across fields towards the sea.

This open aspect to the east of the church greatly contributes to the setting of the building and provides the visitor to the site with the experience of a church in a rural location as when accessing the site the views are of open fields and hedgerows rather than buildings (see photograph 1). Even when inside the site and standing in the Church Yard there is still a distant feel to the houses that are visible over the hedgerow boundary (see photograph 2).

Further to this when considering the church from the application site there are clear views across the site from the open space off Voltigeur Drive / Otterington Close. In particular when looking towards the church from the proposed access point to the site which is currently public open space (see photograph 3). Furthermore when on the site itself there are currently unobstructed views to the church.

To the west of the Church on Butts Lane looking across the scheduled monument (Fish Ponds) it is possible to see unobstructed views of the church. In addition to this the backdrop to the church is that of a rural scene with only the roofs of the houses in Voltigeur Drive / Otterington Close visible in the distance (see photograph 4).

The proposed development would change this setting bringing residential development into close proximity of the church boundary. In particular residential development, which is a rarely seen in the same long views as the church, would enter these at various angles. This would change how the church is viewed not only from the application site but also how the setting of the church is experienced when in the Church Yard.

Whilst it is acknowledged that the setting of a building can change over time it is noted that the most recent guidance from English Heritage on setting ('Historic Environment Good Practice Advice in Planning, Note 3: The Setting of Heritage Assets' 11 July 2014), states, 'Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance.' In this particular instance this is the case with the areas to the north and east of the church remaining undeveloped and the village of Hart has grown over time.

It is therefore concluded that the proposal would cause less than substantial harm to the setting of the designated heritage asset. In considering this the NPPF states that this harm should be weighed against the public benefits of the proposal. There is no evidence provided to demonstrate that the harm caused is out weighed by the public benefit of the proposal and therefore it is considered that the application should be refused.



Photograph 1



Photograph 2



Photograph 3



Photograph 4

Additional comments

In response to the Statement received from Neil Cook, Solicitor, dated 20th May 2015 regarding the application H/2015/0050 and 'An assessment of development on the significance of setting: the Church of St Mary Magdalene, Hart, near Hartlepool' dated 18th May 2015 prepared by North East Archaeological Research Ltd.

Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a duty to have, 'special regard to the desirability of preserving the building or its settings or any features of special architectural or historic interest which it possesses.'

To re-iterate those comments previously made, the National Planning Policy Framework defines setting as, 'the surroundings in which a heritage asset is experienced' and confirms that 'significance derives not only from the asset's physical presence but also from its setting.'

The application site is immediately adjacent to the boundary of the church yard and therefore forms part of the surroundings in which the heritage asset is experienced and thus is part of its setting. The application site, and the fields to the north and east sides of the church, have always had an open aspect. Whilst other areas around the church, and the wider village have become increasingly suburbanised this area has retained agricultural uses, or similar, and as a result been undeveloped. This area makes a positive contribution to the setting of the church in providing a rural landscape in which the church is experienced

The proposed development would introduce five dwellings, some with detached garages in to the field adjacent to the heritage asset. The proposal will reduce the open aspect at this side of the church yard interrupting the sense of spaciousness and connection to the wider rural landscape which is currently provided when experiencing the setting from the following points

- in the Church Yard looking east,
- Otterington Close looking west towards the Church, and
- from Butts Lane looking east.

This change within the setting will diminish the significance of the heritage asset causing less than substantial harm. No further evidence has been provided to demonstrate that this harm would be outweighed by the public benefit of the proposal.

HBC Traffic and Transportation

The developer is proposing a new access on the Otteringham Close / Voltigeur Drive Junction forming a cross roads.

Residents have expressed concerns about the safety of the existing junction and they consider that the new access will exacerbate safety issues. The visibility from the new access will be good and the traffic flows light. There's an existing 20 mph speed limit on this section of carriageway.

Although it is not ideal to have cross roads type junction serving a new development I would consider it is acceptable in this location due to the low traffic flows and good

visibility. It would be appropriate to mark a centre line and priority markings at the junction, this should be done at the developer's expense.

The developer intends to construct a short section of highway which will be adopted, a temporary refuse hold will be located in the turning head. This section of highway should be constructed in accordance with the HBC Design Guide and specification and under a section 38 agreement. The 5 properties will then be accessed from a private drive.

HBC Environmental Engineering

There is not enough detail on this application for me to comment. I would require an FRA as a minimum and ideally a supporting drainage strategy.

Additional comments

The Council's Principle Engineer has verbally discussed the drainage proposals with the applicant and considers that such details can be secured by a planning condition.

HBC Public Protection Manager

No objections.

HBC Arboricultural Officer

There will be one Ash tree (T9 on the arboricultural survey) situated on the entrance approach that is shown to be removed. Rather than compromise the design, if this is to be removed I will seek to have compensatory landscaping that would enhance this entrance approach but would not be detrimental to adjoining residents in later years. The Design and Access statement refers to a detailed landscaping scheme that will be submitted as part of the development at the next stage.

The only other tree conflicts are where some small recently planted trees are growing in the same access plot which will need to be removed to provide access. That said, these are easily replaced within the previously mentioned landscape scheme.

In principle, I have no objections and await sight of the detailed landscaping for this site.

HBC Ecology

The council's standard condition on nesting birds would apply to any removal of vegetation, including trees.

HBC Parks and Countryside

There is no data that implies that there are any records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site. This being said; I would like to see a new simple access link between this proposed development and the public right of way (Public Footpath No.1, Hart) to the west. The reason would be to provide safe and easy access for the residents to various services that lead off the footpath, within the village. Please can you ask the developer to contact me to discuss further.

Historic England

Our specialist staff has considered the information received and we do not wish to offer any comments on this occasion.

Recommendation; The application(s) should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

Tees Archaeology

I have had previous pre-application discussions with the developer and his archaeological contractor. The application includes a Heritage Statement and the results of an archaeological field evaluation in the form of a geophysical survey as a result of these discussions. These documents meet the information requirements of the NPPF (para 128) in respect of heritage assets of archaeological interest.

Although the site is close to the historic core of the medieval settlement at Hart it can be demonstrated that the main part of the development falls completely outside of the village and is within the fields beyond it. This said, the access road cuts across a small paddock which is known to represent the rear of medieval plot. The types of archaeological feature that might be expected in this sort of area are rubbish pits and boundary ditches. If such features survive they are likely to be truncated by the landscaping works that took place in the early 1970s and would not be of sufficient significance as to preclude development.

I would however recommend, in line with the advice in the heritage statement, that archaeological monitoring takes place during the stripping of the access road. This would allow a record to be made of any archaeological deposits within the medieval plot and indicate if any discrete archaeological features (that would not show on the geophysical survey) are present in the field beyond. If significant features are present then the monitoring should be extended to cover the house plots and any other ground disturbance. This type of mitigation recording is in line with the advice given in the NPPF (para 141) and can be conditioned as part of planning consent.

I would recommend the following the multi-part planning condition:-

Recording of a heritage asset through a programme of archaeological works

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

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

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

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

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government

Northumbrian Water Limited

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

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

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

CONDITION: Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water. Thereafter the development shall take place in accordance with the approved details.

REASON: To prevent the increased risk of flooding from any sources in accordance with the NPPF.

Hartlepool Water

(summarised)

No objection to this development

Environment Agency

This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

HBC Estates

It crosses HBC owned land for access. They would need to agree to purchase the land from ourselves to facilitate this development.

Hart Parish Council

At the meeting of Hart Parish Council last evening the above application was discussed at length and it was resolved to present an objection to it. There are a number of areas which cause concern, not least of all the problems which are still to be fully resolved on the true capacity of the drainage and sewerage systems presently in place. Northumbrian Water have been asked to complete their

investigations into the sewerage problem down stream of Hart, to the east, and we await a result on this. Sewerage reaching the surface east of The Fens on farmland was reported to the parish council last month and passed on to NW. It is questionable whether the system can take further input, keeping in mind that the additional dwellings arising from H/2013/0383 south of the Raby Arms has been allowed on appeal despite this known problem.

The siting of this proposal conflicts with heritage guidance on the proximity of listed buildings. It is strongly felt by residents and the parish council that the views from the Saxon Church, St Mary Magdalene and the adjacent graveyard, will be severely diminished should these dwellings be erected.

This building and its surrounds attracts tourists and historians. Further, the parish council are aware that there is a problem known to HBC regarding possible contamination of run off water from the existing graves into the water courses adjacent to this land. Planning permission is in place to use the land, to the north of the proposed site, for burials.

The PC are also aware that this field is the original site of the Saxon village and it should be subjected to archaeological inspection following aerial photography which has shown up features that could be needful of further investigation.

There also appears to be some confusion in the application submitted by enk Planning and Design where they at one point declare that as the Local Plan has been withdrawn it is open season to present applications, yet quote the Local Plan of 2006 indicating a need for larger dwellings. In Hart there is no demand for such housing and there are ample such examples a short distance towards Hartlepool on the Charles Church/Persimmons estate.

What is needed is lower cost two bedroom housing which would allow residents to downsize and hence free up larger dwellings. The site plan shows a 'Temporary Refuse Hold' at the entrance but this is not explained and would seem to be quite out of keeping with both the proposed and existing sites.

Hartlepool Civic Society

The Society carefully considered the plans at our last meeting. The proposed site is very prestigious, being in close proximity to the Grade I Listed St Mary Magdalene, Church. This Church is an extremely important building in the rural part of the Borough. As with listed buildings, the setting of such buildings is very important.

We note that the plans have been amended to dormer bungalows – in actual fact there is not much difference in the height from the original.

The fact remains, that building houses in the vicinity to this important building would affect its setting and therefore diminish its rare quality.

We would recommend that the Council would refuse this application.

Northern Gas Networks

(summarised)

No objections to these proposals.

Northern Powergrid

(summarised)

Advice provided with respect to the location of known Northern Powergrid apparatus in the area

Ramblers Association

No comments

3) Neighbour letters needed Y

4) Parish letter needed Y

5) Policy

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

PARA 002 : Primacy of Development Plan

PARA 007 : 3 dimensions of sustainable development

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 049 : Housing applications and sustainable development

PARA 050 : Delivery of wide choice of high quality homes

PARA 128 : Heritage assets

PARA 130 : Deliberate neglect or damage to heritage assets

PARA 131 : Viable use consistent with conservation

PARA 132 : Weight given to asset's conservation

PARA 134 : Harm to heritage asset

PARA 196 : Planning system is plan led

PARA 197 : Presumption in favour of sustainable development

+

National Planning Practise Guidance (online)

Relevant saved Local Planning Policies

GEP1: General Environmental Principles

GEP12: Trees, Hedgerows and Development

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GN6: Protection of Incidental Open Space

HE8: Works to Listed Buildings (including Partial Demolition)

Hsg9: New Residential Layout - Design and Other Requirements

Tra16: Car Parking Standards

Rur1: Urban Fence

Rur3: Village Envelopes

Principle of development

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

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

When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable.

There are a number of paragraphs of relevance from the NPPF. Given the lack of an up-to-date Local Plan in terms of housing policies paragraph 47 is of importance given only a 4.2 year supply can currently be illustrated. Given this is the case paragraph 14 notes that permission should be granted unless a) “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”, or b) “specific policies in this Framework indicate development should be restricted.”

The footnote associated with the second of these bullet points notes a number of issues where the framework may indicate development should be restricted and includes within the list “designated heritage assets.” Hart Church is a Grade 1 listed

building that is an important heritage asset within the Borough and is directly adjacent to the development site. Paragraph 132 of the NPPF seeks for great weight to be given when considering the impact of a proposed development on the significance of a heritage asset. It further states *‘Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting’*.

The significance of the impact on the heritage asset is an issue which is more appropriately dealt with by the relevant conservation officer, however it should be noted that there are a number of paragraphs, listed above and within section 12 of the NPPF which support the retention of heritage assets and these should be given significant weight in the determination of this application.

The proposed access will lead to a loss in Incidental Open Space in the area. Policy GN6 (Protection of Incidental Open Space) of the Local Plan states loss of such areas should be resisted, however gives the following exception *‘ii. A proposed development has special locational requirements and there is no other appropriate site in the vicinity’*. Given that the access to the site is dependent on this location, it would only meet the policy if compensatory provision of alternative open space is provided as a planning condition of the development.

It is noted that the development requires the removal of trees; compensatory tree planting is encouraged to ensure that the application is compliant with Policy GEP 1 and GEP12 (Trees, Hedgerows and Development). Further advice should be sought from the Council’s Arboricultural Officer.

CONCLUSION

Whilst it is accepted that the development would provide additional housing in Hart Village, comments on the application from the Heritage and Countryside Manager conclude that the proposal would cause less than substantial harm to the setting of the designated heritage asset.

Therefore Planning Policy consider that this harm is not outweighed by public benefit and should be given greater weight than the lack of a five year housing land supply as the adverse impacts on the setting of the heritage asset would demonstrably and significantly outweigh the benefits of the development.

Planning Policy do not support this application in line with the concerns identified in relation to the impact of the proposed development on the setting of the heritage asset, Paragraph 132 of the NPPF applies.

6) Planning Consideration

BACKGROUND

An outline planning application for residential development on land to the north of Voltigeur Drive and Otterington Close was refused by the Council on 03.08.1988 (reference H/OUT/0341/88). The refused plan indicatively showed the provision of 4 detached properties, and 2 pairs of semi detached properties. The application was refused for the following reasons;

- 1) *The proposed development is contrary to policies H/H3 and H/LA15 in the approved Cleveland (Hartlepool) Structure Plan which seek to ensure that further residential development in villages, including Hart, is limited to infill sites only and to ensure that the spread of the urban area into the surrounding countryside will be controlled by strict limits to development around the villages.*
- 2) *In the opinion of the local planning authority, the proposed development would be detrimental to the residential amenity of the area, particularly where the proposed access road B passes close by 1 Otterington Close by reason of noise disturbance and loss of privacy to the occupiers of that property as a result of the increased activity associated with the access road.*
- 3) *In the opinion of the local planning authority the proposed development would be injurious to the visual amenity of the village and surrounding area and would adversely affect the setting of St Mary Magdalene's Church, a grade I Listed Building*
- 4) *In view of the limited frontage of the site to the existing highway, the local planning authority is not satisfied that an access could be in accordance with the current standards of the highway authority which could satisfy the requirement of traffic circulation and highway safety for the scale of development envisaged.*

SITE AND SURROUNDINGS

This application site relates to land to the rear of Voltigeur Drive and Otterington Close, in Hart Village, Hartlepool.

The rectangular shaped parcel of land measures approximately 44m x 58m (site area approx. 0.5ha) and is partially enclosed by hedge planting along the northern, eastern and western boundaries with the boundaries of residential properties along the southern boundary (consisting of No's 1, 2 and 3 Otterington Close and No's 16-21 (inclusive) Voltigeur Drive. The parcel of land is currently served by a field gate access that runs adjacent to No 1 Otterington Close (east) and 21 Voltigeur Drive (west). A parcel of incidental open space (within HBC ownership) is sited immediately adjacent to this access point and the side of No 21 Voltigeur Drive.

To the west of the application site is the Church of St Mary Magdalene, a Grade I Listed building. The church's associated burial grounds/graveyard is present immediately beyond the western boundary. To the west of the Church is a Scheduled Monument. A set of medieval fishponds lie to the north of the manorial complex and church. These are also a Scheduled Monument. To the south of the Church is residential development including the grade II listed building Voltigeur Cottage but also the modern development of properties at Voltigeur Drive and Otterington Close. To the east of the church are open fields.

PROPOSAL

This application seeks outline planning permission for the erection of 5, detached dwellings with associated access on land to the rear of Voltigeur Drive and

Otterington Close. The outline application seeks to establish the principle of development along with details of access and the layout being submitted with other matters reserved (appearance, landscaping and scale).

Following the submission of revised/additional plans, the scheme has been amended from two storey dwellings to dormer bungalows with the submitted details providing the eaves and finished floor levels for the proposed buildings; the plans indicate heights of approximately 3m to eaves level and a ridge height of approximately 6.8m. The submitted plans indicate the provision of 2 x 4-bed dwellings with attached double garages, 1 x 4-bed dwelling with an attached single garage and 2 x 3-bed dwellings with detached double garages.

The proposed dwellings would be served by a proposed access off Voltigeur Drive/Otterington Close, which currently consists of a parcel of incidental open space (within HBC ownership) and the existing field gate access point (within the applicant's ownership). There are a number of trees within this area. The access would extend into the site between plots 3 and 4 with the main driveways extending close to the northern boundary.

The proposed layout consists of properties located at splayed angles and set off from the southern boundaries to the existing properties along Voltigeur Drive and Otterington Close. The proposed dwellings would each be served by gardens/amenity areas and car parking areas. The submitted plans indicate the provision of a 'temporary' refuse hold to the rear of plot 3.

The submitted application is accompanied by a number of supporting documents including heritage statements, archaeological assessments/surveys, and an arboricultural impact assessment and method statement.

MATERIAL PLANNING CONSIDERATIONS

The main planning considerations with respect to this application are the principle of development and whether the proposal complies with national and local planning policies; the impact on the setting of a listed building(s); the impact on the amenity of neighbouring properties; the impact on the character and appearance of the surrounding area, and highway safety matters. These and any residual matters are discussed below;

Policy context, principle of development and the supply of housing

Limits to development and village envelope

The application site is located outside of the defined limits ('the urban fence') as defined by saved Local Plan policy Rur1 which seeks to strictly control development within the countryside beyond these limits and is restricted to limited activities necessary for the continuation of farming and forestry contributing to rural diversification or cater for tourism, sport or recreation, provided it does not harm the appearance of the countryside. The proposed residential development does not fall within these categories.

Furthermore, saved Policy Rur3 (Village Envelopes) refers to Hart village (as one of five villages in question) and the importance of ensuring that the “*essentially rural characteristics of these villages are retained*”. As such, a judgement is required whether considerations in support of the proposed housing are sufficient to outweigh rural restraint policies.

Housing supply in relation to local plan policies and the NPPF

A significant material consideration is the supply of housing land. The National Planning Policy Framework (NPPF) was adopted on 27 March 2012. The NPPF states that “*Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.*” (Para 49).

In applying the presumption and in viewing the Government agenda to build more homes, due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location. Furthermore due regard must be had to the fact that Hartlepool Borough Council can not currently demonstrate a five year supply of deliverable housing sites and thus the housing policies and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority can not demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable.

In terms of the location of the site outside of the village envelope and beyond the limits to development, as set out above, consideration is given to the Council’s current position with a lack of a five year housing supply and the resultant position of not being able to use the limits to development policy within the 2006 Local Plan.

Consideration is given to the site’s location, immediately adjacent to the existing housing on Voltigeur Drive and Otterington Close where the site is considered to result in an unobtrusive extension to the village (notwithstanding the impacts detailed below in respect of impact on the setting of the listed building). It is also noted that there are a number of facilities within the village including a school, church and public houses and that the site is within walking distance to the local centre at Middle Warren. In view of the above, it is considered that on balance, the site would not constitute an unsustainable location in this specific instance as to warrant a reason for the refusal of the application, subject to the scheme satisfying other material planning considerations as set out below.

There are a number of paragraphs of relevance from the NPPF. Given the lack of an up-to-date Local Plan in terms of housing policies paragraph 47 is of importance given only a 4.2 year supply can currently be illustrated. Given this is the case paragraph 14 notes that permission should be granted unless a) “any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole”, or b) “specific policies in this Framework indicate development should be restricted.”

The footnote associated with the second of these bullet points notes a number of issues where the framework may indicate development should be restricted and includes within the list “designated heritage assets.” The Church of St Mary Magdalene, a grade I listed building is an important heritage asset within the Borough and lies adjacent to the application site.

It is considered the proposal would give rise to adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF and would warrant a refusal of the application. For the reasons detailed below, it is considered that the development would cause less than substantial harm to the setting of the designated heritage asset. The proposal is therefore considered to be contrary to the provisions of the NPPF and saved Local Plan Policies and the principle of development is therefore not supported in this instance for the reasons set out below.

Impact on the Setting of a listed building

Sections 16 and 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 require the Local Planning Authority to give **special** regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. In this instance relevant planning policy found in the NPPF states, *‘In determining planning applications, local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness’* (paragraph 131).

Para 132 of the NPPF further notes that *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be”*.

The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). Para 129 of the NPPF states *“Local planning authorities should **identify and assess the particular significance of any heritage asset** that may be affected by a proposal **(including by development affecting the setting of a***

heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when **considering the impact of a proposal** on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal".

Para 013 of the National Planning Practice Guidance (NPPG, online) also emphasises that "a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it".

To the west of the application site is the Church of St Mary Magdalene, a Grade I Listed Building and is therefore considered to be a designated heritage asset as defined by the National Planning Policy Framework (NPPF). The significance of it is largely due to the spatial setting of the grade I listed church, which is detailed in full within the Heritage and Countryside Manager's comments above and within the considerations below.

Saved Policy HE8 of the Local Plan, 'Works to Listed Buildings', is also considered to be relevant. It states, works in and around listed buildings should 'preserve the integrity of the setting and that of the surrounding area'.

The main issue for consideration is the impact of the proposal on the setting of the Grade I Listed Building of the Church of St Mary Magdalene. The NPPF defines setting as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

The Heritage and Countryside Manager has provided detailed context to the setting of the church and the surrounding areas, as set out in the comments above.

The NPPF defines significance as, 'The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.'

The Council's Heritage and Countryside Manager has commented that "in considering the significance of the listed building it is contended that this is archaeological, evidenced not only in the siting of the building but its location in such close proximity to two Scheduled Monuments in which the structure is so strongly linked. In addition there is an architectural significance in the church itself and the various stages of development that can be seen in the property. Finally there is a historic significance and this is evidenced in both the architectural and archaeological interest in and around the site providing evidence of the development of the area".

In addition to the detailed context and setting of the heritage asset (as set out within the Council's Heritage and Countryside Manager's comments above), the Heritage and Countryside Manager has commented that "the application site is immediately

adjacent to the boundary of the church yard and therefore forms part of the surroundings in which the heritage asset is experienced and thus is part of its setting. The application site, and the fields to the north and east sides of the church, have always had an open aspect. Whilst other areas around the church, and the wider village have become increasingly suburbanised this area has retained agricultural uses, or similar, and as a result been undeveloped. This area makes a positive contribution to the setting of the church in providing a rural landscape in which the church is experienced”.

The Heritage and Countryside Manager further notes “*the proposed development would introduce five dwellings, some with detached garages in to the field adjacent to the heritage asset. The proposal will reduce the open aspect at this side of the church yard interrupting the sense of spaciousness and connection to the wider rural landscape which is currently provided when experiencing the setting from the following points*

- *in the Church Yard looking east,*
- *Otterington Close looking west towards the Church, and*
- *from Butts Lane looking east”.*

As a result, it is considered that the proposed development would change this setting bringing residential development into close proximity of the church boundary. In particular residential development, which is rarely seen in the same long views as the church, would enter these at various angles. This would change how the church is viewed not only from the application site but also how the setting of the church is experienced when in the Church Yard.

The NPPG (para 013) considers ‘setting’ in further detail, noting that it is more than just a visual consideration;

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. eg, buildings that are in close proximity but are not visible from each other may have a historic/ aesthetic connection that amplifies the experience of the significance of each.

These ‘factors’ are considered to be applicable in the context of the proposed residential development and the close proximity of the heritage asset, taking into account the associated level of noise and activity affiliated with the proposed domestic properties, associated car parking and amenity areas.

Whilst it is acknowledged that the setting of a building can change over time it is noted that the most recent guidance from English Heritage on setting (‘Historic Environment Good Practice Advice in Planning, Note 3: The Setting of Heritage Assets’ 11 July 2014), states, ‘Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance.’ In this particular instance this is the case with the areas to the north and east of the church remaining undeveloped and the village of Hart has grown

over time.

In view of the above considerations, the Council's Heritage and Countryside Manager has concluded that the proposal would cause less than substantial harm to the setting of the designated heritage asset.

Para 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.

It should be noted that 'substantial harm' is a high test. 'Less than significant harm' is still considered to be a level of harm that should be considered with great weight. Accordingly and in view of the above, it is considered that the proposal would cause less than significant harm to the setting of the designated heritage asset.

As set out above, the applicant has also submitted a heritage assessment 'on the significance of setting: the Church of St Mary Magdalene, Hart, near Hartlepool' in addition to a letter from a Solicitor, providing a rebuttal to the Council's Heritage and Countryside Manager, and Planning Policy sections comments. It is further acknowledged that no objections have been received from Historic England as a statutory consultee, who has advised that the application "*should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice*".

Whilst the submitted reports are acknowledged, it is the Local Planning Authority's view, taking into account the specialist conservation advice of the Council's Heritage and Countryside Manager that the proposal would ultimately diminish the significance of the heritage asset causing less than substantial harm. It is further considered that there is no information to suggest that the identified harm would be outweighed by the public benefits of the proposal, nor would the proposal enhance or 'better reveal' the significance of the heritage asset (as required by para 137 of the NPPF). It is also considered that the economic benefits of the proposal and the provision of 5 dwellings towards the Council's housing supply would be outweighed by the identified harm to the designated heritage asset. As such, it is considered the above impacts would warrant a reason for the refusal of the application, which is considered to be contrary to the provisions of the NPPF, NPPG and saved Local Plan Policy HE8.

Impact on character and appearance of surrounding area

The proposed outline application provides details of the proposed layout, with matters of scale and appearance being reserved.

It is acknowledged that the proposed development would result in the site becoming part of the developed Hart village area, and its character would undoubtedly change. On approaching the site from Voltigeur Drive and Otterington Close, the suburban context (at the proposed access) is readily apparent; it is noted that the

immediate surrounding area primarily consists of two storey detached dwellings and semi detached bungalows and two storey dwellings.

As set out above and notwithstanding the identified impact on the setting of the heritage asset, the indicative scale of the proposed dormer bungalows and general layout of the proposed development is considered to achieve a satisfactory density that accords with the provisions of the NPPF and saved Local Plan Policy GEP1.

In view of the above, it is considered that on balance, the proposed development would not result in an obtrusive form of development or result in an unacceptable impact on the character and appearance of the area as to warrant a second reason for the refusal of the application.

Impact on amenity and privacy of neighbouring properties

As set out above, the previous application for residential development on the site in 1988 was refused on a number of grounds, including reason 02, relating to the impact on residential amenity in terms of noise disturbance and loss of privacy as a result of the increase in activity, close proximity and siting of the proposed access adjacent to 1 Otterington Close.

Objections have been received in respect to the potential adverse impact on the amenity and privacy of existing properties as a result of the proximity of the proposed dwellings and the existing difference in ground levels (with the application site located on a higher ground level).

With respect to the access serving the proposed scheme, the access would run through the parcel of land in between No 21 Voltigeur Drive and 1 Otterington Close. The proposed access would be sited approximately 11m from the side wall of No 21 Voltigeur Drive, splaying away from the rear boundary(s) serving this property. It is noted that there were a number of windows in this side elevation fronting onto the proposed access of which the occupier of 21 Voltigeur Drive has verbally confirmed as serving a porch entrance and an upper floor window which is a secondary bedroom window (the main window being a dormer extension on the rear elevation). The access would also be sited approximately 11m (minimum) from the blank gable side wall of No 1 Otterington Close and rear/side boundary. As a result of this orientation and siting, it is considered that the proposal is not instantly comparable to the layout of the previously refused scheme.

Whilst it is acknowledged that the proposal will result in an increase in activity and noise disturbance to existing and future occupiers of surrounding properties as a result of the comings and goings of vehicles (including headlights, slamming of car doors etc.), owing to the above referenced orientation and separation distances, and that the Council's Public Protection Manager has raised no objections to the scheme, it is considered that on balance, the proposed access will not result in an unacceptable loss of amenity or privacy for existing and future occupiers as to warrant a reason for the refusal of the application.

Following the case officer's site visit, it was noted that there was a difference in ground levels across the site (with the levels undulating from east to west), and also

a difference in levels between the rear boundaries of the properties along Otterington Close/Voltigeur Drive, with the application site located on a higher ground level than these properties.

The applicant has subsequently submitted cross sectional elevation drawings indicating the proposed relationship between the proposed dwellings and the rear elevations of the properties along Otterington Close and Voltigeur Drive. The submitted plans have also provided details of existing and proposed ground levels, and indicative finished floor and eaves height levels for the proposed dwellings. The plans indicate a modest difference in levels at the points between the rear of plots 1, 2 and 3 and the rear boundaries of properties along Voltigeur Drive (16-21). There is more of a notable difference in levels at the point between plots 4 and 5 and the rear boundaries of No's 1, 2 and 3 Otterington Close (indicated as ranging between 0.7m – 1.2m approx).

As set out above, the proposed dwellings are set out with a staggered building line and orientation to the aforementioned, existing properties. Whilst only of an indicative design, the submitted plans indicate that the main dormer windows would be sited within the northern elevation with a low eaves height (approx. 3m) which is considered to reduce the massing and impact of the proposed buildings.

The layout and siting of the development is considered to be sufficiently separated from existing dwellings, that would accord with the Council's recommended distances set out in Supplementary Note 4. It is considered that the proposed layout has been designed to ensure that adequate distances are met and designed to negate any unacceptable loss of amenity and privacy in terms of overlooking, overbearing and overshadowing impacts, and it is considered that the site could satisfactorily accommodate a residential scheme of the type and nature proposed. A planning condition could ensure that no dormer windows are positioned within the rear/southern elevations and to control any other windows in this elevation.

As such, it is considered that the site has a sufficient area to meet the amenity of the existing and future occupants and it is not considered that the application will have any significant impact upon the privacy and amenity of neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing, and noise disturbance.

Final details of boundary treatments and finished floor and ground levels could have been secured by separate planning conditions, had the application been considered acceptable in all respects.

Objections have also raised concerns regarding the resultant noise and disturbance, and dirt/mud on the roads during the construction phase, and from vehicle deliveries. Whilst these concerns are acknowledged, appropriate planning conditions could have been secured with respect to restricting the times of deliveries/construction and also a scheme for construction management, had the scheme been considered acceptable in all respects.

Highway safety and car parking

The proposed scheme includes a new access on the Otterington Close/Voltigeur Drive junction forming a cross roads. Several objections have expressed concerns about the safety of the existing junction and they consider that the new access will exacerbate safety issues.

In response, the Council's Traffic and Transportation section have raised no objections to the scheme in terms of visibility and traffic flows subject to a number of road markings, which could be secured by a planning condition had the scheme been considered acceptable in all other respects.

The Traffic and Transportation section have also advised that the proposed construction of a short section of highway to serve a temporary refuse hold should be constructed in accordance with the HBC Design Guide and specification and under a section 38 agreement. The 5 properties will then be accessed from a private drive. This again could be secured by way of appropriate planning conditions and informative.

In view of the above considerations and subject to the identified conditions, it is considered that the proposed development would not result in adverse impact on highway and pedestrian safety.

Planning obligations

With respect to the requirement for any planning obligations for contributions to open space and built facilities, affordable housing and other infrastructure, in late March 2015, the National Planning Practice Guidance (online) advised that *"in designated rural areas, local planning authorities may choose to apply a lower threshold of 5-units or less. No affordable housing or tariff-style contributions should then be sought from these developments"*.

This has been reflected in the Council's recently published draft 'Planning Obligations Supplementary Planning Document, June 2015' and whilst this is only of some weight at present, it is considered to reflect the published national guidance. As such, and in this instance, the proposed 5 dwellings would fall below the threshold for the above referenced planning obligations.

Notwithstanding this, as of 31st July 2015 and following a High Court Judgement, the online guidance now indicates that this section of the guidance on developer contributions 'will be removed'. Whilst this is fully acknowledged, in view of the above considerations, in which the guidance has been in place for the duration of the current application, and that the guidance has not been removed at the time of determining the application, the above stance will remain.

Loss of open space, impact on landscaping/trees

The proposal, by virtue of the siting of the proposed access, would result in a loss in Incidental Open Space in the area. Saved Policy GN6 (Protection of Incidental Open Space) of the Local Plan states loss of such areas should be resisted, however gives the following exception *'ii. A proposed development has special locational requirements and there is no other appropriate site in the vicinity'*.

Given that the access to the site is dependent on this location, the scheme would only satisfy the provisions of the policy if compensatory provision of alternative open space is provided; the proposed scheme does not include the provision of any on site open space. Given that the proposed scheme for 5 dwellings in a village would have fallen below the threshold for off-site contributions (as set out above), it is considered that the loss could not be mitigated through a Section 106 Agreement. Nonetheless, had the scheme been considered acceptable in all other respects, the loss of open space could have been offset through the provision of open space immediately adjacent to the site access (the existing field access strip), which could be secured by an appropriately worded planning condition. The submitted Supporting Planning Statement (para. 2.6) acknowledges this, indicating that the remaining parcel of land adjacent to the proposed access “*would be offered for compensatory open space, possibly planted with trees...*”.

It is also noted that the development would require the removal of trees including the loss of an ash tree at the site entrance/approach and some small recently planted trees. The Council’s Arboricultural Officer has commented that a compensatory landscaping scheme would be required to address the loss of an ash tree at the site entrance to enhance the site entrance. Subject to a compensatory landscaping scheme, which could have been secured by a planning condition had the application been considered acceptable in all other respects, the Council’s Arboricultural Officer has raised no objections to the scheme (the details would need to ensure that such planting is of a suitable species and location to prevent any adverse impact on residential amenity). In view of the above, it is considered that the proposal will not result in an unacceptable loss of open space or adverse impact on existing landscape features as to warrant a further reason for the refusal of the application.

Drainage and flooding

Concerns have been raised by Hart Parish Council and by a number of objectors with respect to the impact of the development on existing drainage and sewerage systems.

The Council’s Environmental Engineering section has requested further information in respect of flooding/a request for a Flood Risk Assessment (FRA). However the application site is located outside of both Flood Zones 2 and 3 and falls below the threshold for requiring a Flood Risk Assessment. The Environment Agency has also made no comments in respect to this.

With respect to matters of drainage (foul and surface water), the applicant has provided a drainage strategy indicating the proposed point of discharge for both surface water and foul drainage.

Northumbrian Water Limited has been consulted on the application and have raised no objections to the proposal subject to a planning condition securing details of drainage. This could be secured by a planning condition, had the scheme been considered acceptable. The Council’s Environmental Engineering section has confirmed that this would be acceptable.

In terms of contaminated land, both the Council's Public Protection team and Environmental Engineering section have raised no objections/concerns to the development in respect of contaminated waters. As set out above, details of surface water and foul sewerage would be controlled through a planning condition.

In view of the above and subject to the appropriate condition, the scheme is considered to be acceptable in respect of matters of flooding and drainage.

Archaeology

The submitted application has been accompanied by a Heritage Statement and the results of an archaeological field evaluation.

Tees Archaeology have confirmed that these documents meet the information requirements of the NPPF (para 128) in respect of heritage assets of archaeological interest. Tees Archaeology have however recommended recording of the heritage asset through a programme of archaeological works be secured by a planning condition. Subject to this, it is considered that the proposal would accord with the provisions of the NPPF.

Residual matters

In addition to the above referenced highway and pedestrian safety concerns, a number of objections have raised specific concerns regarding a constructed boundary wall to the side/front of No 2 Voltigeur Drive and that this would exacerbate visibility issues. It should be noted that the wall in question benefits from planning permission, reference H/2011/0471 (and associated Non Material Amendment application reference H/2012/0230) and does not relate to the current application. Furthermore, the Council's Traffic and Transportation section have raised no objections to the scheme, as set out above.

The Council's Countryside Access Officer has confirmed that there are no records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site. As such, it is considered that the proposal will not affect the integrity or function of any footpaths or public rights of way.

The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Part of the application site is in agricultural use on land which is classified as grades 2- 3a. Whilst the proposed development would result in the loss of agricultural land from production the loss is not considered to be significant enough to warrant refusal on this ground alone.

The Council's Ecologist has raised no objections to the scheme subject to an appropriate condition regarding nesting birds. This is considered to be acceptable and could have been secured by a planning condition had the scheme been considered acceptable in all respects.

Objections have commented that the character of the village will be adversely

affected as a result of the cumulative impact of the proposed 5 dwellings and the residential development on land at the Raby Arms within Hart Village. It should be noted that the residential development at the Raby Arms benefits from planning permission (as a result of an allowed appeal decision). Whilst each application should be considered on its own individual merits, the current proposal is not considered to be acceptable for the reasons outlined above.

Concerns have been raised with respect to the proposal resulting in a pressure on school places within the local primary school. As set out above, the proposal of this scale and in this rural location would fall below the threshold for developer contributions including those towards education and school places.

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

The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing has been assessed within the material considerations above.

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

Covenants and land ownership issues are civil matters and are not material planning considerations.

CONCLUSION

It is considered that the adverse impacts of the development on the setting of the listed building significantly and demonstrably outweigh the benefit of providing further housing where a five year supply of deliverable housing cannot be demonstrated. It is therefore considered 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.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary

Y

10) Recommendation

REFUSE for the reason set out below;

1. In the opinion of the Local Planning Authority, the proposed development would fail to preserve the setting of the heritage asset (St Mary of Magdalene Church, a Grade I Listed Building) by virtue of its layout, close proximity and location, and would therefore cause less than significant harm to the setting of the heritage asset. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and saved Policy HE8 of the adopted Hartlepool Local Plan.

INFORMATIVE**Informative 01: STATEMENT OF PROACTIVE ENGAGEMENT**

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, acknowledges the need to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given the nature of the proposed development and the resultant impacts upon the setting of the designated heritage asset, it is not possible to address this key constraint in this specific instance.

Signed:

Dated:

Senior Planning Officer

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

11th May 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT 34 GLENTOWER GROVE,
HARTLEPOOL, TS25 1DR. APPLICATION FOR
SINGLE STOREY REAR EXTENSION, PITCHED
ROOF ABOVE GARAGE, RAISING OF ROOF TO
CREATE ROOM IN ROOF SPACE, AND
INSTALLATION OF DORMER WINDOWS AT THE
FRONT (H/2015/0431)

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1 That members note the outcome of the appeal.

3. CONTACT OFFICER

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Appeal Decision

Site visit made on 13 April 2016

by **Jim Metcalf BSc DipTP MRTPI**

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

Decision date: 19 April 2016

Appeal Ref: APP/H0724/D/16/3142402

34 Glentower Grove, Hartlepool, TS25 1DR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Craig Stevens against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0431, dated 8 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is extensions to existing property including removal of roof and replacement with attic trusses to develop the roof space.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant's description of the development is set out above. The Council have described the development as the 'erection of a single storey extension at the rear, alterations to the pitched roof to garage, raising of roof to provide room in roof space and installation of 2 no. dormer windows in front (demolition of existing rear extensions)'. This more fully describes the extent of the work proposed.

Main Issue

3. The main issue is the effect of the new roof on the character and appearance of the street scene along Glentower Grove.

Reasons

4. No 34 Glentower Grove, a detached double fronted, two-storey house, sits on a bend in the street between bungalows on either side. Elsewhere along the street are a variety of houses and bungalows, both detached and semi-detached, built at different times with different styles and designs. The mix of property contributes to a street scene somewhat lacking uniformity and without a defining theme.
 5. Although double fronted the house is limited in depth, especially at first floor level. The two storey rear extension would increase the depth of the house whilst incorporating the existing projection that accommodates the bathroom/landing area. A single storey addition to the ground floor would
-

Appeal Decision APP/H0724/D/16/3142402

extend further at the rear. At the side the existing garage would be replaced with a utility room behind. The Council has no objection to these elements of the work and I agree with their approach in respect of that part of the work. In addition a new roof would be constructed above the extended house. Two dormer windows at the front would serve new bedrooms in the roof space. The Council calculate that the existing ridge of the roof is about 7.2m high. The new ridge would be about 2.4m higher.

6. Policy Hsg10 of the Hartlepool Local Plan (LP) states that, amongst other things, extensions to residential property should be of a size, design and external appearance that harmonises with the existing dwelling, and be unobtrusive and not adversely affect the character of the street. This approach reflects general principles set down in LP Policy GEP1, which include the need to take account of the external appearance of new development and its relationship with the surrounding area when determining planning applications.
7. The new roof would measure over 4m high from eaves to ridge and would sit in an uncomfortable relationship above the existing house, which is essentially horizontal in form. The new roof would dominate the property and would be seen as an uncharacteristically high and incongruous feature. This effect would be emphasised by the dormers, the presence of bungalows on either side of the house and the prominent position of the property on a bend in the street. Although the existing house is unlike, and generally larger than, the other properties along Glentower Grove the larger roof, when seen from the street, would result in a poorly proportioned and unduly dominant property.
8. The appellant seeks to extend the house, which is not as large internally as it appears, to accommodate his family and to improve the property. None of the neighbours have raised any concerns about the scheme. However, these factors do not outweigh my concerns about the visual impact of the high roof.
9. The new roof would significantly detract from the character and appearance of the existing house and the street scene along Glentower Grove, contrary to LP Policies GEP1 and Hsg10.

Jim Metcalf

INSPECTOR

PLANNING COMMITTEE

11th May 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT WORSETT LANE, HART,
HARTLEPOOL TS27 3BL
APPEAL REFERENCE APP/H0724/W/15/3131584
FOR THE CONSTRUCTION, OPERATION AND
DECOMMISSIONING OF A 13,992MWP SOLAR
PHOTOVOLTAIC (PV) ARRAY COMPRISING
55,968 250W, 60 CELL 1650 X 990X 35MM
PHOTOVOLTAIC PANELS, MOUNTING SYSTEM,
HOLTAB 400KVA STATIONS, DNO CONNECTION,
MAINTENANCE TRACK, CABLING AND CABLE
TRENCHES, CCTV, WEATHER STATION,
SECURITY FENCING, TEMPORARY
CONSTRUCTION AND STORAGE COMPOUND
AND SITE ACCESS AT WORSET LANE
(H/2014/0513)

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1 That Members note the appeal decision.

3. CONTACT OFFICER

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Appeal Decision

Site visits made on 8 & 29 December 2015

by Michael Moffoot DipTP MRTPI Dip Mgt MCMI

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

Decision date: 24 March 2016

Appeal Ref: APP/H0724/W/15/3131584

Worset Lane, Hart, Hartlepool TS27 3BL

- 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 European Energy Photovoltaics Limited against the decision of Hartlepool Borough Council.
- The application Ref: H/2014/0513, dated 30 October 2014, was refused by notice dated 21 April 2015.
- The development proposed is construction, operation and decommissioning of a 13,992MWp Solar Photovoltaic (PV) Array comprising 55,968, 250W, 60 cell 1650 x 990 x 35mm Photovoltaic Panels, Mounting System, Holtab 400kVA stations, DNO Connection, Maintenance Track, Cabling and Cable Trenches, CCTV, Weather Station, Security Fencing, Temporary Construction and Storage Compound and Site Access.

Decision

1. The appeal is allowed and planning permission is granted for construction, operation and decommissioning of a 13,992MWp Solar Photovoltaic (PV) Array comprising 55,968, 250W, 60 cell 1650 x 990 x 35mm Photovoltaic Panels, Mounting System, Holtab 400kVA stations, DNO Connection, Maintenance Track, Cabling and Cable Trenches, CCTV, Weather Station, Security Fencing, Temporary Construction and Storage Compound and Site Access at Worset Lane, Hartlepool TS27 3BL in accordance with the terms of the application Ref: H/2014/0513, dated 30 October 2014, and subject to the conditions in the attached Schedule.

Application for Costs

2. An application for costs was made by European Energy Photovoltaics Limited against Hartlepool Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. Weather conditions and daylight deteriorated during the unaccompanied part of my site visit on 8 December and visibility became severely restricted. As a consequence I undertook a further (unaccompanied) visit on 29 December.
4. The appeal papers include revised landscape proposals in a *Landscape and Visual Assessment: Addendum Report (LVAAR)*. Although this additional information was not before the Council when it determined the planning application the Authority has had the opportunity to comment on these amended proposals at the appeal stage as have local residents. In these

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circumstances I am satisfied that no injustice would result from consideration of the revised landscaping measures, and I have taken them into account in determining the appeal.

Main Issue

5. The main issue in this case is whether the benefits of the scheme, including the production of electricity from a renewable source, outweigh any harmful effects with particular reference to:
 - (i) the landscape character and visual amenity of the area, including any cumulative impact; and
 - (ii) the living conditions of the occupiers of Tilery Farm, with particular regard to outlook.

Reasons

Planning policy background

6. The development plan for the area includes the *Hartlepool Local Plan* (2006). Of the various policies referred to by the main parties I consider the following most relevant to the appeal proposal.
7. Amongst other things, saved Policy GEP1 generally requires new development to be located within development limits, outside designated green wedges and on previously developed land. The policy also sets out matters to be taken into account in determining planning applications, including external appearance, relationships with the surrounding area and the effect on the occupiers of nearby properties. A high standard of design and landscaping is also required.
8. Saved Policy GEP7 requires a particularly high standard of design, landscaping and woodland planting adjoining major corridors including the A179. Under the provisions of saved Policy Rur7, factors to be taken into account in determining proposals for planning permission in the countryside include the visual impact on the landscape, compatibility of the design within its setting and the local landscape generally and use of sympathetic materials. Where appropriate, additional tree and hedge planting and other environmental improvements will be required.
9. Saved Policy PU7 states that renewable energy developments will generally be supported in order to meet national targets for new electricity generating capacity, and significant weight will be given to the achievement of wider environmental and economic benefits. The potential effect of proposals on, amongst other things, the visual appearance and character of the area and the amenity of local residents will also be taken into account.
10. The above policies are generally consistent with the *National Planning Policy Framework* ('the Framework'), which sets out a clear presumption in favour of sustainable development. One of the core principles is support for the transition to a low carbon future in a changing climate, with planning playing a key role in supporting the delivery of renewable and low carbon energy.

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11. More detailed guidance is to be found in the *Planning Practice Guidance* (the 'PPG')¹, which advises that increasing the amount of energy from renewable and low carbon technologies will help to make sure the UK has a secure energy supply, reduce greenhouse gas emissions to slow down climate change and stimulate investment in new jobs and businesses. It also emphasises the important role that the planning system has to play in the delivery of renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable.
12. In addition, I have taken into account relevant Written Ministerial Statements together with numerous local, national and international renewable energy protocols, directives, acts, policy and strategy publications and other documents cited by the main parties.

Landscape character

13. The appeal site lies in open countryside to the west of Hartlepool and close to the A19 Trunk Road corridor. It extends in total to some 22.4 hectares and forms part of a much larger field which is also in arable use. The northern boundary of the site is defined by post-and-rail fencing adjacent to a belt of trees and adjoins the busy A179. The western and southern boundaries are contained by an electricity sub-station and hedging on Worset Lane; a narrow route connecting the A179 to a network of rural roads. Part of the eastern boundary is enclosed by a hedge whilst the remainder is open with no clear demarcation on the ground. The highest part of the site is towards the centre, with the land gradually falling away to the north and south.
14. The surrounding countryside is characterised by an open, undulating landform containing an extensive patchwork of arable fields, pastures, small villages and scattered farmsteads. In contrast to this largely rural landscape are the coastal port of Hartlepool and the urban expanse of industrial Teesside some distance to the south with the Cleveland Hills beyond. Within this varied landscape other man-made features are evident. In the immediate vicinity of the appeal site are three 100m high (to blade tip) wind turbines at High Volts Farm, two electricity sub-stations and an anemometer mast. Two telecommunications towers and numerous telegraph poles, pylons and overhead lines are also evident, including a number on the appeal site. In the wider area larger wind farm developments are visible, including an off-shore installation at Teesmouth.
15. The site is within the 'Durham Magnesian Limestone Plateau' National Character Area (NCA)², described as an open, large-scale landscape with big fields, low hedges and few trees on the plateau tops and land cover consisting of arable land and grazing pasture. It notes that the area has been strongly shaped by industry, with coal mining and quarrying in particular leaving a very clear mark on local landscapes and identity. The site is also close to the 'Tees Lowlands' NCA, described as a broad, low-lying and open plain of predominantly arable agricultural land with low woodland cover and large fields defined by wide views to distant hills. It also notes a large area of urban and industrial development around the Tees Estuary with major industrial installations around Teesmouth forming a dramatic skyline. Principal transport corridors, power lines and energy infrastructure are identified as conspicuous elements in the landscape.

¹ The PPG superseded the *Planning practice guidance for renewable and low carbon energy* in March 2014

² Published by Natural England

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16. The site is also within the 'Undulating Farmland' Landscape Character Area in the *Hartlepool Landscape Character Assessment* (2000), described as encompassing, amongst other things, predominantly arable farmland, areas of pasture, scattered farmsteads and other small-scale rural developments. It also identifies the land around High Volts Farm as an area of "lower value" where field boundaries have been removed on a considerable scale. During my site visits I recognised most of the characteristics described in these national and local landscape documents.
17. The countryside here is not protected by any national landscape designations, and whilst the Framework reflects the Government's commitment to renewable energy and the reduction of carbon emissions it makes it clear that planning should recognise the intrinsic character and beauty of the countryside when assessing development proposals. Similarly, the PPG advises that the need for renewable energy does not automatically override environmental protections and the planning concerns of local communities. It also recognises the potential impact of large-scale solar farms on the rural environment, particularly in undulating landscapes, whilst noting that the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively. Careful consideration of the impact of the appeal proposal on the area is therefore necessary.
18. The 55,968 solar PV panels would be erected in 103 south facing linear rows on an east-west axis covering an area of about 8.15 hectares. Each module would comprise four panels mounted on galvanised steel frames with a maximum height of 2.6m and would be set at an angle of 25 degrees to the horizontal. The site would be enclosed by a 2.2m high, green weldmesh security fence and a site compound would be provided in the north-western corner of the site with access off Worset Lane. Grassed hardcore maintenance tracks would be formed within the site and all cabling would be underground. The proposal also includes a weather station mast, some 30 transformer cabinets, a pole-mounted CCTV camera and a DNO³ building to connect the system to the National Grid. The existing landscaping on the site boundaries would be supplemented and reinforced with native woodland trees and hedges and gaps in hedgerows would be filled.
19. The landscape in the vicinity of the appeal site retains a distinctly open rural character notwithstanding the urban areas and local infrastructure I have referred to. The proposal would result in uniform ranks of dark coloured solar panels over an extensive area and together with the associated cabinets, site compound and other infrastructure would have a marked presence in the landscape. The impact would be compounded by a variation in levels across the site, with the northern boundary about 16.5m lower than the highest (central) part of the field and the southern boundary some 11.5m lower.
20. The scale and nature of the proposal would therefore significantly alter the landscape character of the local area by introducing extensive arrays of solar panels which would be at odds with the open fields and rural qualities of the locality. That said, the proposed landscaping scheme, in conjunction with the additional measures now promoted by the appellant, would go a significant way towards mitigating the impact of the development. They include native woodland planting around the site compound and along the boundary with the

³ Distribution Network Operator

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A179, additional tree planting along the eastern boundary and new tree and hedge planting along the Worset Lane frontage. Additional landscaping around Tilery Farm is also proposed. In response to concerns expressed by the Council's Landscape Architect at the application stage, the LVAAR includes an increase in the size of the planting stock (ie trees and hedges) to provide additional screening at an earlier stage in the 25 year life of the development. I consider this particularly important in the north-east corner of the site where the boundary is open to the A179, and along parts of the southern and western boundaries where the hedge line has gaps and some of the hedging is particularly low and thin.

21. Despite these measures it is clear that the landscaping proposals would take some years to reach the degree of maturity to provide effective mitigation to offset the visual impact of the proposal to any marked degree. In the interim period the stark appearance of the panels over this sizeable site would be very apparent in the local landscape and as such would be at odds with the prevailing rural character of the area. Even when the landscaping is established the panels would be visible from the immediately surrounding area and in particular the A179 and Worset Lane, albeit views would be filtered by vegetation. They would also be observed in the context of the surrounding energy generation and distribution infrastructure which includes wind turbines, electricity sub-stations and pylons. These elements significantly influence the local landscape character and the proposed development would compound their urbanising effect.
22. In terms of the wider landscape, the Council submits that the appellant's Zone of Theoretical Visibility is inaccurate and generally confined to a 2km radius of the site. It is contended that the proposal would potentially be visible from various directions over a far wider area, including distant views further to the north from the town and possibly the adjacent coastline. No specific viewpoints have been identified by the Council, however, and I have therefore generally assessed the proposal from within a 2km radius.
23. I also visited the wider area but found no viewpoints from where the development would be particularly prominent. Where likely to be visible, I consider it would be perceived as a relatively insignificant element, and given the open skies and panoramic, large-scale landscape that characterises the area the proposed development would not become a defining characteristic.
24. Whilst the appellant's *Landscape and Visual Assessment* (LVA) describes the overall magnitude (or scale) of landscape effect of the proposal as 'low adverse', I consider it would be more appropriately defined as 'medium adverse' based on the evidence before me and my observations during the site visits.

Visual amenity

25. In relation to the impact of the development on visual amenity, I assessed the proposal from various viewpoints (VPs) in the surrounding area, including those identified in the appellant's LVA which deals with the effect on both residential and public receptors.
26. There are not many public rights of way in the vicinity of the appeal site. There is a public footpath some 350-400m to the east of the site and the array of panels would be partly visible from the southern end of the route

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- (appellant's VP P2a). It would gradually reduce in prominence, however, as one walks northwards across lower lying land and turns east to reach the lane (VPs P2b and P2c), and its impact would be softened by new tree planting along the eastern boundary of the site.
27. The installation would be visible on the skyline from some sections of the minor road between Hart and Naisberry but at some distance, and the impact would be negligible. However, it would be highly prominent at close quarters from Worset Lane between the reservoir and the electricity sub-station, and its impact would be compounded by the rising landform. Although additional landscaping would reduce the impact over time it would not significantly screen the development, and much of the southern part of the appeal site would remain visible for the lifetime of the scheme. Limited views of the installation would be likely from the public footpath to the south of Claypit Farm but with agricultural buildings in the foreground, and the impact would be insignificant.
 28. From localised viewpoints on the A179 (VPs P1a, P1b and P1c) the installation would be readily apparent due to the rising landform. However, views would be intermittent, filtered by trees (particularly when in leaf) and would generally be relatively brief given the speed of vehicles along the route. Nevertheless, it would be clearly seen over this short stretch of the road despite the supplementary landscaping to be provided, which would not screen the more elevated part of the site. Due to topography and vegetation the panels would not be easily visible from VPs R7 and R8 near Hart, although it may just be visible from the upper floors of some properties on Nine Acres. Landform and vegetation would also prevent clear views of the solar panel array from the A19 at VPs P5a and P5b, and whilst the southern part of the appeal site would be visible it would be at some distance and in the context of the electricity sub-stations and other infrastructure.
 29. I was unable to assess the proposal from Whelly Hill Farm (VP R5) or Hart Moor Cottages (VP R6) as public access was not available at these locations. For the same reason it was not possible to properly assess the implications of the proposal from the dwelling at High Volts Farm, although it is partly screened by vegetation on the eastern side which would limit views of the appeal site from the property. The development would be highly prominent from Tilery Farm, and I deal with its effect later in the decision.
 30. During my second visit I walked part of the public bridleway from Butts Lane towards Sheraton (VP P3) and a section of Butts Lane between Burn's Close and the bridleway. From these vantage points the northern part of the development would be intermittently visible though at some distance and with vegetation providing mitigation. Undulating topography and vegetation would prevent views of the installation from Thorpe Bulmer Dene bridleway (VP P4). The development would not be visible from houses at Naisberry (VP R9) or the village of Elwick (VP R10), and only partly visible from Sheraton to the east of the A19 (VP R11). I also viewed the appeal site from other locations in the area but found there to be no harm to visual amenity.
 31. Whilst the full extent of the proposal would not be visible from any one particular viewpoint it would be partly seen from a number of the above viewpoints and to varying degrees depending on landform, vegetation, built development and seasonal leaf cover. Glint and glare from the installation would also occur from viewpoints to the south and east of the site, which would

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increase the prominence of the scheme albeit to a limited degree given the localised nature of these viewpoints. Furthermore, its impact would diminish over time as the screening provided by the existing hedges and trees is reinforced by new planting as it gradually matures and becomes established.

32. Reference has also been made to the visual impact of the security fencing and CCTV pole. The green weldmesh fencing would inevitably have something of an industrial appearance but it would be permeable and would not significantly add to the visual impact of the solar array. As to the CCTV pole, this would be a slim structure some 3.4m high and would not be unduly intrusive from the A179 or Worset Lane.
33. With reference to the appellant's LVA, I agree that the magnitude of effect of the proposal on the visual amenity of the area without mitigation would vary between 'no change' and 'high adverse' commensurate with the sensitivity of the viewpoint. I also agree that the magnitude of effect in 15 years would diminish with the mitigation measures proposed. However, I disagree that the overall effect would be 'not significant', and find instead that it would be more appropriately described as 'low adverse' given my detailed assessment of the selected viewpoints and other locations I observed the site from.

Cumulative impact

34. I saw no other large-scale solar PV developments in the area and the Council confirms that none are either approved or the subject of current planning applications. Its concerns therefore relate to the impact of the proposal in conjunction with existing renewable energy, electricity and telecommunications infrastructure in the area.
35. Within the vicinity of the site there are three wind turbines, two electricity sub-stations, two telecommunications masts, an anemometer mast and various pylons and overhead lines. Individually and collectively these structures have a significant impact on the local area. Having regard to the scale and extent of the appeal proposal, it is clear that it would contribute to an intensification of infrastructure developments in the locality. In the wider landscape the impact would be far less pronounced.
36. The appeal site is close to most of these established installations, and in this respect the development would be observed as additional infrastructure within a group rather than as an isolated scheme. Moreover, the visual impact of the development would gradually diminish over time as the new landscaping becomes established. As such, although the proposal would intensify infrastructure hereabouts the cumulative impact on the landscape character and visual amenity of the area would not be significant.

Conclusions on landscape character and visual amenity

37. It is clear the proposal would involve development in the countryside contrary to Policy GE1 of the Local Plan which generally directs new development to settlement development limits and previously developed land. Given its scale, however, it is unlikely that it could be accommodated on brownfield sites or within urban areas. Similarly, Policy Rur7 restricts development in the countryside although it also sets out criteria to be taken into account for proposals.

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38. Despite the relatively low height of the proposed panels this would be a large development over an extensive site and as such would have a marked effect on the character of the local landscape. The impact on the wider landscape would be far less pronounced, however, due to undulating landform and vegetation and the cumulative impact would not be significant. Furthermore, the scheme involves retention of existing boundary hedges and trees and extensive new planting which would, over time, help to assimilate the development into its setting. Because the impact of the proposal would be relatively localised, the open views and expansive character of the wider, large-scale landscape which are defining characteristics of the area would not be materially harmed, and as such the overall impact on the landscape character of the area would be 'medium adverse'.
39. As to visual amenity, the impact would also be localised and confined to a relatively limited number of viewpoints in the immediate area. The additional planting measures would in time assist in absorbing the development into its surroundings, so that the change to the landscape would gradually diminish for those observing the site and its surroundings. Accordingly, the effect of the development on the visual amenity of the area would be 'low adverse'.
40. I therefore conclude on the first issue that the effect of the proposal on the landscape character and visual amenity of the area would not be substantial, cumulative impact would be negligible and there would be no fundamental conflict with the relevant Local Plan policies I have referred to.

Living conditions

41. Tilery Farm comprises a single-storey dwelling together with various agricultural outbuildings and is some distance from the southern boundary of the appeal site. The property has three windows and a doorway on the front (north) elevation facing the site. The outlook from the property is presently compromised to some degree by agricultural buildings, an anemometer mast, the electricity sub-stations, a number of pylons and a wind turbine.
42. Views of the appeal site from the property are filtered slightly by gappy vegetation along the southern boundary and low hedging adjacent to Worset Lane. However, the bungalow occupies slightly elevated land and the appeal site rises gradually northwards from the lane. Given the expansive scale of the development, much of the southern part of the site would be visible from the farmhouse, its curtilage and access track. Although there is no right to a view in planning practice, the occupiers would look over a large area of dark pv panels rising from Worset Lane to the skyline. At almost 500m in width with few gaps and in relatively close proximity to the dwelling, the installation would have a significant presence and dominate the outlook from the property.
43. To mitigate the impact of the scheme on the property the LVAAR proposes additional tree planting around the boundaries of the field to the immediate north of the farm to supplement that proposed along the Worset Lane boundary of the appeal site. It is submitted that after six years the planting would be sufficiently dense to provide total year round screening and the array would not be visible from the farm. The LVAAR suggests that the proposal would have a 'medium adverse' magnitude of effect in the first year without mitigation and a 'negligible adverse' effect after six years with mitigation.

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44. With a mix of species and heights the tree planting would progressively filter views of the development from Tilery Farm as the landscaping becomes established. However, I am not convinced that it would provide the significant degree of screening that the appellant suggests. Once mature, the planting would break up views of the array on the lower part of the site near Worset Lane, but the rising form of the land means that the upper part would remain visible up to the horizon. Furthermore, the deciduous planting would thin out during the autumn and winter months rendering the development more prominent. Although this situation would not be permanent, 25 years is a significant period for it to affect the occupiers' outlook.
45. I have found that the proposed development would have an overbearing effect on the occupiers of Tilery Farm in conflict with Policies GEP1 and PU7 of the Local Plan, and this impact must be balanced against the benefits arising from the scheme. In reaching these findings I acknowledge that the occupiers of the property have not objected to the planning application or appeal. However, consideration also needs to be given to the amenity of future occupiers of Tilery Farm.

Other Matters

46. It is submitted that the proposal would result in the loss of prime agricultural land. The Framework seeks to protect the best and most versatile (BMV) agricultural land and the PPG states that where a large-scale solar farm involves greenfield land, poorer quality land should be used in preference to higher quality land. Proposals should also allow for continued agricultural use where applicable and/or encourage biodiversity improvements around arrays. In this case the land is Grade 3a and therefore within the BMV category where the economic and other benefits of the land should be taken into account in planning proposals and any proposal for solar farms involving such land should be justified by the most compelling evidence.
47. The development would clearly prevent continued use for arable activities. Furthermore, it is unclear whether lower grade land could have been employed for the scheme. However, the appellant anticipates grazing sheep on the grassland around the panels thus facilitating some continuation of agricultural use and biodiversity improvements would result from the new woodland planting and hedgerows. Moreover, the development would not adversely affect the fertility and productivity of the land, and when the permission expires and the site is decommissioned it can revert to arable production. Accordingly, there would be no long term loss of BMV land. Nevertheless, the appeal scheme would not meet the relevant criteria set out in the Framework and PPG, which weighs against the proposal and must be balanced against the environmental and economic benefits arising from the scheme.
48. Concerns have also been raised about the implications of the proposal for wildlife habitat and ecology. The appellant's Ecology Report concludes that the habitats on the site are of low quality with no evidence of scarce plants or trees and the additional tree and hedge planting and post-development management of the site would enhance its ecological value. The Council's ecologist agrees with these findings and offers no objections to the proposal subject to relevant conditions. In the absence of compelling evidence to refute these professional opinions I see no reason to take a contrary view. Furthermore, I see no compelling justification for periodic professional inspection of grazing on the

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land as an interested party suggests or an Environmental Assessment for the 'before and after' impact of the proposal on biodiversity on the site.

49. The proposal would not appreciably add to vehicle numbers on the local road network, and any traffic disruption during the construction phase would be relatively short term and would not materially compromise highway safety in the vicinity of the site.

Benefits

50. Policy PU7 of the Local Plan supports renewable energy developments in principle, recognising the environmental and economic benefits of such schemes and the contribution they can make to meeting targets for new electricity generating capacity. The appellant advises that the proposal would generate about 13.992MWp and over the lifetime of the installation would save some 139,500 tonnes of CO₂.
51. The scheme would therefore make a valuable contribution to cutting greenhouse gas emissions and a significant contribution towards meeting national targets for renewable energy. It would also contribute to bolstering energy security. The proposal therefore gains support from national and local policies which promote the generation of renewable energy. As such, I find that these considerations should be accorded significant weight in favour of the proposal.

The planning balance

52. The proposal would make a significant contribution to renewable energy targets and reduction of greenhouse gas emissions, and would also have energy security benefits. These benefits attract substantial weight in favour of the proposal. Against these benefits must be weighed the less than substantial harm to the landscape character and visual amenity of the area, the effect of the development on the living conditions of the occupiers of Tilery Farm and the temporary loss of BMV land.
53. Weighing these factors in the balance, I conclude overall that the conflict with Local Plan Policies GEP1 GEP7, Rur7 and PU7 is outweighed by the significant environmental benefits of the scheme, which comprises sustainable development as described in the Framework.

Conditions

54. The conditions proposed by the main parties are imposed with some modification and added precision to assist with clarity and having regard to the terms of the PPG.
55. In the interests of visual amenity the solar installation should be removed within 25 years of this decision and the land restored to agricultural use. For the same reason the external finish to the transformer cabinets and DNO building should be subject to the Council's approval. To protect local residents' living conditions I shall restrict the hours of construction work undertaken on the site. As well as the landscape measures identified in the LVA, the additional planting proposed in the LVAAR (including proposals for the land to the north of Tilery Farm) are necessary in the interests of the occupiers' living conditions and the visual amenity of the area.

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56. Conditions requiring a written scheme of investigation are imposed to safeguard the archaeological integrity of the site. To minimise flood risk the mitigation measures identified in the approved Flood Risk Assessment should also be implemented. In the event that any contamination is found on the site I shall impose a condition requiring cessation of work and remediation measures to be undertaken following their approval by the Council. For highway safety reasons the development should be undertaken in accordance with the submitted Construction Traffic Management Plan and development warning signs shall be erected on the A179.
57. To safeguard the biodiversity of the site the development should be carried out in accordance with the appellant's Ecology Report and no removal of any trees or hedges as part of the approved scheme should be undertaken between the months of March and August. Finally, to facilitate minor material amendments, a condition listing the approved plans should also be imposed.

Conclusion

58. For the reasons set out above, and having regard to all other matters raised, I conclude that the proposal is acceptable and the appeal should succeed.

Michael Moffoot

Inspector

Schedule of Conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: (i) EEPL01; (ii) EEPL02; (iii) EEPL03; (iv) EEPL04; (v) EEPL05; (vi) EEPL06; (vii) EEPL07; (viii) EEPL08; (ix) EEPL09; (x) EEPL10; (xi) EEPL11; (xii) EEPL12; (xiii) EEPL13; (xiv) EEPL14; (xv) APP 01; (xvi) APP 02; and (xvii) APP 03.
3. When the solar farm ceases its operational use, which shall be no later than 25 years from the date of this decision, all solar panels, support structures and associated buildings and infrastructure shall be removed in their entirety and the land shall be restored to its current use as agricultural land.
4. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) 1010358/CL001 and the following mitigation measures detailed in the FRA:
 - (i) Ensuring the solar panels are mounted 800mm above ground level as stated in Section 6.1 of the FRA; and

- (ii) Ensuring grass cover beneath the solar panels is well maintained.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements within the FRA or within any other period as may subsequently be agreed in writing by the Local Planning Authority.

5. No development shall commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include an assessment of significance and research questions and:
 - (i) A programme and methodology of site investigation and recording;
 - (ii) A programme for post-investigation assessment;
 - (iii) Provision for analysis of the site investigation and recording;
 - (iv) Provision for publication and dissemination of the analysis and records of the site investigation;
 - (v) Provision for archive deposition of the analysis and records of the site investigation;
 - (vi) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
6. No development shall take place within the site other than in accordance with the Written Scheme of Investigation approved under Condition 5.
7. The development shall not be occupied until the site investigation and post-investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation under Condition 5 of the permission and provision made for analysis, publication and dissemination of results and archive deposition has been secured.
8. No construction work required for the development hereby approved shall be carried out outside the hours of 0700 to 1900 hours Mondays to Fridays (excluding Bank and Public Holidays) and between the hours of 0700 and 1300 hours on Saturdays, and at no time on Sundays or Bank Holidays.
9. The development hereby approved shall be carried out in complete accordance with the measures detailed in the submitted Ecology Report prepared by Whittingham Ecology. For the avoidance of doubt and in addition, no works shall commence until precise details, illustrated by appropriate plans, drawings and an associated schedule of the specification, locations and management of all landscape; ecological mitigation and enhancement measures to be provided together with a long-term management plan and details of a methodology to be provided to all workers have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and maintained as such thereafter.
10. In the event that, when carrying out the development hereby approved, land contamination that was not previously identified or known of is encountered, the contamination shall be immediately reported in writing to the Local Planning Authority. An investigation and risk assessment shall then be

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undertaken and, where remediation is considered to be necessary, a remediation scheme shall be prepared which is subject to the approval of the Local Planning Authority. If unexpected contamination is found after development has begun, development shall be halted on that part of the site affected to the extent specified by the Local Planning Authority in writing, until this condition has been complied with in relation to that contamination.

11. Landscape mitigation works shall be undertaken in accordance with the approved details contained in the Landscape and Visual Assessment dated October 2014, as amended and updated by the Landscape and Visual Assessment Addendum Report dated 10 July 2015, including all on-site planting on land to the north of Tilery Farm as shown on drawings APP 01, APP 02 and APP 03 listed in Condition 2 of this planning permission.
12. All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting season following operational use of the site. Any trees or plants that die, become seriously damaged or diseased within a period of five years of the completion of the development shall be replaced in the next planting season with others of a similar size and species.
13. No removal of hedgerows, trees or shrubs shall take place within the site between the 1 March and 31st August inclusive unless the Local Planning Authority has confirmed in writing that such works can proceed based on the submission of recent and up-to-date survey data of no older than one month that has been undertaken by a suitably qualified ecologist. The survey shall include an assessment of current bird nesting activity on the site together with measures to protect the nesting bird interest on the site.
14. The traffic management measures associated with the development shall be undertaken in accordance with the Construction Traffic Management Plan 1009468-RPT-00008 dated 27 October 2014.
15. Details of development warning signs to be erected on the A179 and Worset Lane during the period of construction works taking place on the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The approved warning signs shall be displayed in accordance with the approved details during the period of construction of the approved development.
16. Details of the external finishes to the transformer cabinets and DNO building shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The development shall accord with the approved details.



Costs Decision

Site visit made on 8 & 29 December 2015

by Michael Moffoot DipTP MRTPI Dip Mgt MCMi

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

Decision date: 24 March 2016

Costs application in relation to Appeal Ref: APP/H0724/W/15/3131584 Worset Lane, Hart, Hartlepool TS27 3BL

- 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 European Energy Photovoltaics Limited for an award of costs against Hartlepool Borough Council.
 - The appeal was against the refusal of planning permission for construction, operation and decommissioning of a 13,992MWp Solar Photovoltaic (PV) Array comprising 55,968, 250W, 60 cell 1650 x 990 x 35mm Photovoltaic Panels, Mounting System, Holtab 400kVA stations, DNO Connection, Maintenance Track, Cabling and Cable Trenches, CCTV, Weather Station, Security Fencing, Temporary Construction and Storage Compound and Site Access.
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Decision

1. The application is refused.

Reasons

2. The *Planning Practice Guidance* ('the PPG') advises that where a party in a planning appeal has behaved unreasonably and this has caused another party to incur unnecessary or wasted expense in the appeal process, they may be subject to an award of costs.
 3. The comments of the Council's Arboricultural Officer at the planning application stage were confined to the submitted landscaping scheme and no objections were offered to the proposal. The Landscape Architect expressed reservations regarding the impact of the proposal on the landscape and visual amenity of the area and the merits and effectiveness of the proposed landscape mitigation measures. Specific reference was made to the impact of the development from the A179, the small stock size of the planting and the need for larger trees and greater tree cover, particularly along the A179 frontage. When clarification was sought by the Case Officer, the Landscape Architect confirmed that the proposed landscape mitigation measures were inadequate and an objection to the impact of the proposal on landscape and visual amenity grounds could be sustained. I do not regard this request as manipulation of the Landscape Architect's comments as the applicant suggests.
 4. It may be that the concerns expressed by the Landscape Architect could have been overcome. However, the replacement Case Officer, apparently sharing the views of the original Case Officer, concluded that the scheme was unacceptable in terms of visual impact on the local and wider landscape, (especially during winter), cumulative impact and harm to the living conditions
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of the occupiers of Tilery Farm. It was also considered that the proposed mitigation and supplementary landscaping would not overcome these concerns; concerns which the applicant was aware of. That is a conclusion the Case Officer was entitled to reach against a background of detailed submissions by the applicant, numerous consultation responses and representations and the application of relevant national and local planning policy to the proposal. This does not amount to unreasonable behaviour by the Council.

5. In these circumstances and given the force of the Council's objections, I am not persuaded that its concerns regarding the proposal could have been dealt with by a condition requiring additional landscaping mitigation measures. Whilst I have reached a different conclusion to the Council on the merits of the case, I see no reason to conclude that it acted unreasonably by choosing not to discuss amended landscaping proposals prior to reaching a decision notwithstanding that a letter of complaint about the conduct of the original Case Officer had been withdrawn by the applicant.
6. Whilst the Council may not have responded to post-decision requests to discuss a smaller scheme, there is no indication that such discussions would have overcome its opposition to the proposal such that an appeal could have been avoided.
7. I therefore conclude that unreasonable behaviour resulting in unnecessary or wasted expense in the appeal process, as described in the PPG, has not been demonstrated.

Michael Moffoot

Inspector

PLANNING COMMITTEE

11th May 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT THE TANKERVILLE HOSTEL,
19 TANKERVILLE STREET, HARTLEPOOL,
TS26 8EY
APPEAL REFERENCE APP/H0724/W/15/3135357
FOR THE CHANGE OF USE AND INTERNAL
ALTERATIONS TO CREATE A HMO FOR UP TO
20 RESIDENTS (H/2015/0277)

1. PURPOSE OF REPORT

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

2. RECOMMENDATIONS

- 2.1 That Members note the appeal decision.

3. CONTACT OFFICER

- 3.1 Denise Ogden
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3.2 AUTHOR

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Appeal Decision

Site visit made on 1 February 2016

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 23 March 2016

Appeal Ref: APP/H0724/W/15/3135357

19 The Tankerville Hostel, Tankerville Street, Hartlepool, TS26 8EY

- 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 Jomast Developments Limited against the decision of Hartlepool Borough Council.
- The application Ref H/2015/0277, dated 30 July 2015, was refused by notice dated 14 September 2015.
- The development proposed is for the change of use and internal alterations to create a HMO for up to 20 residents.

Decision

1. The appeal is allowed and planning permission is granted for the change of use and internal alterations to create a HMO for up to 20 residents at 19 The Tankerville Hostel, Tankerville Street, Hartlepool, TS26 8EY in accordance with the terms of the application, Ref H/2015/0277, dated 30 July 2015, subject to the conditions in the attached Schedule.

Application for costs

2. An application for costs was made by Jomast Developments Limited against Hartlepool Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues in this appeal are:
 - (i) The effect that the proposal would have on the fear of crime in the locality and whether it would provide a safe and accessible environment.
 - (ii) The effect of the development on highway safety, with particular reference to the level of off-street car parking provision.

Reasons

Fear of crime

4. The appeal relates to a three-storey mid-terrace property that is currently vacant and boarded up. The surrounding area is predominantly residential comprising terrace housing with no off-street car parking provision. This has resulted in parking taking place on the surrounding highways.

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5. Paragraph 69 of the National Planning Policy Framework (the Framework) states that planning policies and decisions should aim to achieve places which promote safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. Fear of crime is therefore a material consideration in planning decisions, although the weight that can be given to it is often limited unless there is significant evidence to show that the increased fear of crime would actually occur.
6. Crime statistics have been produced by the Council that show that between 13 August 2013 and 13 August 2015 there have been 128 incidents of anti-social behaviour (ASB) and 103 crimes recorded in the area by Cleveland Police. I also appreciate that due to these records the Council's Community Safety Team consider the area to be one that experiences higher than average levels of crime and ASB when compared to the majority of other areas in the town, and therefore likely to be a vulnerable locality.
7. However there is no firm evidence that such occurrences, which are ultimately a matter for the relevant authorities in specific instances, would be attributed to future occupants of the property at issue or multi-occupied properties in general. Crime and disorder does not seem to me to be an inevitable consequence of multi-occupation as opposed to single occupation of dwellings, but rather a question of individual behaviour and appropriate management.
8. I note that the property would be required to be licensed and that the premises would be operated under the auspices of the Home Office Regulations. This would ensure that it was properly managed and regulated. I am also mindful that the Council's Community Safety Team and Cleveland Police have not objected to the proposal. In light of all of these factors, and the absence of any firm evidence to the contrary, I am unable to conclude that incidents of crime and antisocial behaviour would increase.
9. I therefore consider that the proposal would not have a materially harmful effect on the fear of crime in the locality and would provide a safe and accessible environment. As such it would not conflict with the aims of Policy GE1 of the Hartlepool Local Plan 2006 (Local Plan) and the requirements of paragraph 17, 58 and 69 of the Framework. Amongst other matters Local Plan Policy GE1 requires regard to be had to the effect on the amenities of the occupiers of adjoining or nearby properties.

Highway safety

10. The proposed development, like the existing residential properties in the area, would not have any off-street car parking facilities. The Council considers this to be inadequate and that vehicles owned by up to 20 new residents associated with the development would have an adverse impact upon highway safety to the detriment of the occupiers of neighbouring residential properties.
11. However there is a lack of evidence provided by the Council to substantiate any existing on-street car parking problems along Tankerville Street. At the time of my morning site visit it was apparent that whilst there was some on-street parking there was sufficient space available on Tankerville Street and in the surrounding highways to accommodate additional cars. I appreciate that this is only a snapshot in time, and that this situation may change at busier peak times. Nonetheless in the absence of any substantive evidence put forward by

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both parties, it gives an indication of the level of on-street car parking that currently takes place.

12. It was also apparent that traffic speeds are low in the surrounding highways, with traffic movement already compromised by a number of speed humps. Moreover, I am aware that the Council's Traffic & Transportation Section anticipate low car ownership, and raised no formal objections to the proposal in their consultation response to the original application. The appeal site is also located within walking distance of local facilities services, and is well served by public transport links.
13. In light of the factors above I do not consider that any modest increase in on-street parking as a result of the proposal would appreciably compromise highway safety or the living conditions of nearby residents. On the basis of the evidence before me I therefore conclude that the proposal would not materially harm highway safety, with particular reference to the level of off-street car parking provision. As such it does not conflict with the requirements of Local Plan Policies GEP1 and Hsg7 which, amongst other matters, permit proposals where due regard is had to the effect on highway safety and when there is no significant detrimental impact on the amenities of the occupiers of adjoining or nearby properties.
14. In reaching this conclusion I have also been mindful that the Framework indicates that development should only be prevented or refused on transport grounds where the residual cumulative impacts are severe. For the reasons set out above I do not consider this to be the case.

Other matters

15. Concerns have been raised regarding the pressure on the Council and the Police at times of diminishing budgets, and I have also been referred to the Council's Housing Strategy. However the Council accept that it does not have a five year supply of housing. In this context, and in line with paragraph 49 of the Framework, the Council's relevant policies in regards to the supply of housing cannot be considered up-to-date. However, given my findings above I do not consider that it has been demonstrated that there are any adverse impacts of granting planning permission. As such it would thereby comprise sustainable development for which there is a presumption in favour.

Conditions

16. I have considered the conditions suggested by the Council against advice in the Planning Practice Guidance: *Use of planning conditions*. I agree that a condition is needed to secure compliance with the submitted plans, for the avoidance of doubt and in the interests of proper planning. Conditions relating to schemes for the storage of refuse and noise mitigation measures are also considered to be necessary for the reasons put forward by the Council.
17. Nonetheless, suggested condition 3 relates to the number of people occupying the building at any one time. I consider this condition to be unsatisfactory in enforcement terms since it would be difficult to monitor and detect a contravention. Furthermore, the appeal proposal does not include any external alterations and I therefore do not consider suggested condition 4 to be necessary.

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18. The Police have requested a number of security measures to ensure a safe environment for future residents in terms of crime prevention. However, I note that the Council has not suggested a condition to provide these. The Council's original planning committee report stated that these measures would either be excessive or be required to be provided under auspices of the Home Office Regulations or an HMO licence. On this basis I also do not consider such a condition to be reasonable or necessary.
19. For the reasons given above, the appeal should therefore be allowed.

Mark Caine

INSPECTOR

SCHEDULE OF 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: 100-01, 100-02, and 100-03A.
- 3) The development hereby permitted shall not be brought into use until a scheme to demonstrate how refuse will be stored within the site is submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented at all times thereafter.
- 4) The development shall not begin until a scheme for noise insulation has been submitted to and approved in writing by the local planning authority. The scheme shall demonstrate that adequate protection is afforded against the transmission of noise between the appeal building and neighbouring properties. The scheme shall be implemented in accordance with the approved details and the insulation provided shall thereafter be retained at all times.



Costs Decision

Site visit made on 1 February 2016

by Mark Caine BSc (Hons) MTPL MRTPI

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

Decision date: 23 March 2016

Costs application in relation to Appeal Ref: APP/H0724/W/15/3135357 19 The Tankerville Hostel, Tankerville Street, Hartlepool, TS26 8EY

- 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 Jomast Developments Limited for a full award of costs against Hartlepool Borough Council.
- The appeal was against the refusal of planning permission for the change of use and internal alterations to create a HMO for up to 20 residents.

Decision

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

Reasons

2. The Planning Practice Guidance (PPG) advises that costs may be awarded where a party has behaved unreasonably and that the unreasonable behaviour has caused another party to incur unnecessary or wasted expense in the appeal process.
3. The Planning Committee decided to refuse the application contrary to advice of their professional officers who had produced a written report analysing the effects of the proposal on a number of matters including the fear of crime and highway safety. Authorities are not bound to accept the recommendations of their officers, but the PPG states that local planning authorities are at risk of an award of costs if they fail to produce evidence to substantiate each reason for refusal, if they rely on vague, generalised or inaccurate assertions about a proposal's impact, which are unsupported by any objective analysis.
4. However members appear to have given little weight to the information presented by the appellant, their own professional officers or the Police. I acknowledge that the appellant may have only provided details of the intended occupants during the course of the application; however this information was before members for their consideration at the time of the planning committee meeting. I also appreciate that the occupiers of a HMO may change in the future, and that these may not be limited to single women, mothers and babies. Nonetheless there is no evidence to suggest that this would inevitably result in an increase in crime.
5. Consequently, the expressed fear of crime was a vague and generalised assertion about the proposal's impact, which was unsupported by objective analysis and not supported evidentially. This amounts to unreasonable behaviour as described at paragraph 16-049 of the PPG.

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6. The Council has also failed to produce evidence to substantiate its reason for refusal in regards to highway safety, in the face of advice from its officers, that this issue was acceptable. Whilst it is possible that some occupiers may own cars in the future, I concur with the Council's Traffic & Transportation Section that car ownership levels are likely to be low. Moreover, no evidence to substantiate that the area already experiences parking congestion has been provided. Although the Council now argue that Policy Hsg7 is not consistent with the National Planning Policy Framework (the Framework) the decision notice specifically refers to this in the second reason for refusal. In any case, it has not been demonstrated that the residual cumulative highway impacts would be severe. As such I also consider that by refusing the application on this basis the Council acted unreasonably as described at paragraph 16-049 of the PPG.
7. The appellant should not have needed to deal with these reasons for refusal and has incurred unnecessary expense in doing so. I therefore find that unreasonable behaviour resulting in unnecessary expense, as described in the PPG, has been demonstrated and that a full award of costs is justified.

Costs Order

8. In exercise of the powers under section 250(5) of the Local Government Act 1972 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 Hartlepool Borough Council shall pay to Jomast Developments Limited, the costs of the appeal proceedings described in the heading of this decision.
9. The applicant is now invited to submit to Hartlepool Borough Council, to whom a copy of this decision has been sent, details of those costs with a view to reaching agreement as to the amount. In the event that the parties cannot agree on the amount, a copy of the guidance note on how to apply for a detailed assessment by the Senior Courts Costs Office is enclosed.

Mark Caine

INSPECTOR

PLANNING COMMITTEE

11 May 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding a residential property being used for business purposes and an untidy rear garden at a property in Palace Row.
2. An investigation has commenced in response to a complaint regarding earthworks and ground preparation at a site to the rear of Thirsk Grove.
3. An investigation has commenced as a result of a complaint regarding the running of a car repair business at a residential property in Kildale Grove.
4. An investigation has commenced in response to a complaint regarding the erection of a timber decking area and enclosure at the rear of a licensed premises at Navigation Point.
5. An investigation has commenced in response to a complaint regarding the running of a car repair business at a residential property in West View Road.
6. An investigation has commenced in response to a complaint regarding the provision of a roof dormer not in accordance with the approved plans at the rear of a residential property in Truro Drive.
7. An investigation has commenced in response to a complaint regarding the erection of a side extension and the changing of ground levels to create a patio area at a residential property in Verner Road.
8. An investigation has commenced in response to a complaint regarding the incorporation of agricultural land into residential curtilage at a property in Hardwick Court.

9. An investigation has commenced in response to a complaint regarding the untidy condition of a vacant plot at the rear of residential properties on Sandringham Road.
10. An investigation has commenced in response to concerns raised by the Council's Regeneration Team regarding the untidy condition, and slow progress relating to the redevelopment, of an apartment block at Northgate.
11. An investigation has commenced in response to a complaint regarding the untidy condition of a residential property in Broomhill Gardens.
12. An investigation has commenced in response to a complaint regarding the erection of a side extension to a residential property in Kinross Grove.
13. An investigation has been completed in response to Officer monitoring regarding non-compliance with a condition relating to the use of a storage unit at a commercial premises in Sarah Street. A valid application seeking to regularise the change of use has subsequently been received.
14. An investigation has been completed in response to a complaint regarding the display of an unauthorised 'For Sale' sign at a residential property in Ripon Close. As a result of negotiations with the relevant property development company the sign has been taken down.
15. An investigation has been completed in response to a complaint regarding alterations to a means of vehicular access to a farm in Elwick. The alterations involved the 'like for like' replacement of a gatepost and gate, as well as the provision of additional gravel surfacing around the access. It is considered that, as the replacement gate is very similar in all meaningful respects to the previous gate, and the additional surfacing simply augments the existing, the alterations that have been made do not require planning permission.
16. An investigation has been completed in response to a complaint regarding the erection of a timber outbuilding in the rear garden of a residential property in Bodmin Grove. As a result of negotiations with the property owner the height of the outbuilding has been reduced to within permitted development limits.
17. An investigation has been completed in response to a complaint regarding the running of a dog walking and boarding business at a residential property in DeHavilland Way. It was found that the dog walking element of the business is run on an exclusively mobile basis and that no dog boarding was taking place. It is considered therefore that no breach of planning control has occurred. The owner was advised of the need for planning permission should the existing circumstances change.
18. An investigation has been completed as a result of a complaint regarding the erection of a boundary fence to the front of a residential property in Catcote Road. Permitted development rights applied in this case.

19. An investigation has been completed as a result of a complaint regarding unauthorised building works at a residential property in Palace Row. It was found that the works related only to internal improvement works not requiring planning permission.
20. An investigation has been completed as a result of a complaint regarding a partially collapsed portable building at the site of a former filling station on Stockton Road. The portable building has since been demolished and the arisings piled at the rear of the site. The complaint has been redirected to the Council's Community Safety and Engagement Team to action as necessary.
21. An investigation has been completed as a result of a complaint regarding the display of an illuminated fascia sign on a shop front in Church Street. A valid application seeking to regularise the display of the sign has subsequently been received.
22. An investigation has been completed as a result of a complaint regarding the erection of a side boundary fence at a residential property in Tennyson Avenue. Although technically requiring planning consent due to a short section of the fence exceeding the permitted development limit, as the excess height was slight and applied only to a very short section of fence, it is considered to have no material effect. No further action necessary.
23. An investigation has been completed as a result of a complaint regarding the display of an advertising sign on highway verge at Elizabeth Way. The complaint has been redirected to the Council's Community Safety and Engagement Team to action as necessary.

2. RECOMMENDATION

- 2.1 Members note this report.

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