

PLANNING COMMITTEE AGENDA



Wednesday 6 July 2016

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Black, Cook, James, Lawton, Loynes, Martin-Wells, Morris and Robinson.

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 22 June 2016 (*to follow*)

4. **ITEMS REQUIRING DECISION**

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

1. H/2016/0155 - Wynyard Church of England Primary School Wynyard Woods, Billingham (*page 1*)
2. H/2016/0211 - Whistlewood Close, Land at Tanfield Road, Hartlepool (*page 23*)
3. H/2016/0186 - The Homestead, Cresswell Drive, Hartlepool (*page 31*)

4.2 Appeal At 10 Forester Close, Hartlepool – Appeal Ref: APP/H0724/D/16/3150541 – *Director of Regeneration and Neighbourhoods*

4.3 Appeal at Land to the Rear of Voltigeur Drive and Otterington Close, Hart, Hartlepool. Appeal Ref: APP/H0724/W/16/3143528 – *Director of Regeneration and Neighbourhoods*

4.4 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*



5. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**
6. **LOCAL GOVERNMENT (ACCESS TO INFORMATION) (VARIATION) ORDER 2006**

EXEMPT ITEMS

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

7. **ITEMS REQUIRING DECISION**

- 7.1 Enforcement Action: Former Enterprise Rent-A-Car, Stanley Road, Hartlepool – *Director of Regeneration and Neighbourhoods* (paras 5 & 6)

8. **ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE URGENT**

9. **FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting.
The next scheduled meeting of the Committee will take place on 27 July, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



No: 1
Number: H/2016/0155
Applicant: Mr Ward Wynyard Church of England Primary School
Wynyard Woods BILLINGHAM TS22 5SE
Agent: JLL Mrs Bernadette Broderick One Piccadilly Gardens
MANCHESTER M1 1RG
Date valid: 13/05/2016
Development: Continued use of existing temporary school and
installation of two additional temporary classroom blocks
(for a period up to September 2018), associated tarmac
play area, access and car parking areas, and an
extension to the existing 1.8m high boundary fence and
2m high acoustic fence
Location: Wynyard Church of England Primary School Wynyard
Woods BILLINGHAM

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/RELEVANT PLANNING HISTORY

1.2 The following application is relevant to the current application site;

H/2015/0147 – A planning application was considered by Members for the proposed siting of a temporary school for a period of up to two years, consisting of a single storey classroom block and a single storey administration building, associated soft play and tarmac play areas, access and car parking areas, and 1.8m high boundary fence and gates. Planning permission was granted on 08.07.2016 subject to a number of planning conditions.

1.3 The following applications are relevant to the wider site area;

H/2014/0176 - An application seeking outline planning permission for the erection of 134 dwellings on agricultural land lying to the north west of Wynyard Village (approximately 31 ha) was recommended for approval by Members in September 2014, subject to the completion of a section 106 (s106) legal agreement which included securing an affordable housing contribution, a contribution towards secondary education, off site highway mitigation, a commitment to public transport provision and travel planning.

H/2015/0386 - Planning permission was granted on 1st April 2016 for the erection of 64 dwellings, access and associated works on land at Wynyard Woods. The approved scheme falls within the redline boundary of the aforementioned outline application H/2014/0176 (minded to approve).

The current planning application for the retention and extension to the temporary school falls within the red line boundary of application H/2014/0176 and outside the redline boundary of approved application H/2015/0386 – the school site is indicatively shown on the proposed residential scheme(s) as a landscape buffer between the proposed development and the existing residential properties along Black Wood, Wynyard.

Stockton on Tees Borough Council reference 13/0342/EIS - Outline application for the construction of up to 500 houses, Primary School (inc Sport Facilities) and nursery, Retail Units (up to 500 sqm), Doctors Surgery, Community Facilities, access and associated landscaping, footpaths and open space (all matters reserved).

This development scheme for a site incorporating the plantations was considered by Stockton's Planning Committee in 2014. The Committee were minded to approve the application subject to the completion of a section 106 agreement. Officers at Stockton Borough Council have advised the case officer that they are actively pursuing the signing of the s106. This approval included the erection of a permanent primary school (Church of England school). Within the supporting planning statement for the current planning application, the applicant's agent has advised that *"the permanent school site was anticipated to have been completed and ready for occupation by September 2016 however this has been delayed and is now expected to open during the 2017/18 academic year"*.

SITE CONTEXT

1.4 The application site relates to a parcel of land to the west of Wynyard Woods, Wynyard, Hartlepool. The site currently consists of temporary school buildings and structures, associated with planning approval H/2015/0147 (detailed above). Beyond the enclosed site to the west is an area of mounding with agricultural land beyond.

1.5 The land lies immediately to the north of the adjacent boundary to residential properties No 2 and 4 Black Wood (south west). A number of other properties along Black Wood are present along the western boundary (no's 6-14, evens). To the north east is a construction compound with properties in Manor Fields beyond. Beyond the highway of Wynyard Woods to the east is an open parcel of land with the residential properties of Cawthorne Place and Swainston Close beyond. The highway of Wynyard Woods loops through Wynyard Village and existing housing areas.

PROPOSAL

1.6 This application seeks planning permission for the continued use of the existing temporary primary school (approved under H/2015/0147) and the installation of two additional temporary classroom blocks, associated tarmac play area, access and car parking areas, and an extension to the existing (approved) 1.8m high boundary fence and 2m high acoustic fence on land at Wynyard Woods. The application seeks a further temporary planning permission to allow the extended school to operate up to September 2018 (the current permission permits the temporary school to operate up until September 2017).

1.7 As set out above and following the approval and implementation of the original application, the site currently features a single storey classroom block and a single storey administration block. The site is served by a dedicated site entrance/egress on Wynyard Woods, a car park and 1.8m high access gates and fencing, and 2m high acoustic fencing along the adjacent south western boundary to residential properties.

1.8 The current proposal would extend the overall site area from approximately 1509m² to 2700m² with the site boundary extending westwards along the adjacent boundaries to the residential properties along Black Wood. The current proposals would facilitate the provision of an additional single storey, single classroom unit and a single storey, double classroom unit. Both classroom units would feature a flat roof design with an overall height of approximately 3.511m.

1.9 The parcel of land adjacent to the proposed buildings (within the proposed site curtilage) would be re-graded to form a grassed area with areas of new hardstanding around the proposed buildings.

1.10 The site would continue to be served by the previously created vehicular access from Wynyard Woods. The existing car park (of 8 spaces, 2 of which are allocated disabled user spaces) would be retained; a further 4 car parking spaces would be provided in the site, facilitated by a reconfiguration of the existing layout with the re-siting of the existing cycle shelter.

1.11 The separate pedestrian/pupil access would also be retained along the eastern boundary, served by the existing footpath along Wynyard Woods. The existing 2m high acoustic fence would be extended from the western boundary around the full perimeter of the proposed extended part of the site. Existing 1.8m high weld mesh fencing and internal access gates would be re-sited as part of the proposals.

1.12 Amended/additional plans have been received with respect to providing further information and understanding on the requisite earth movement and re-grading of land and levels beyond the western and northern boundaries (there is currently a spoil heap along the north western boundary). The land in question is within the ownership of a land owner, to which notice has been served by the applicant. The submitted plans detail that the existing site level of the school would be extended at a similar ground level for the length/width of the proposed extension to the school curtilage. A spoil heap would be formed beyond the rear/west boundary of the school in a graded profile. The submitted plans detail that the spoil would be restored and the levels reinstated once the school is no longer needed. The existing and proposed levels of the site will be discussed in further detail as part of the application assessment.

1.13 The amended plans also provide details of lighting, hard landscaping and the acoustic fencing (all to match the existing approved school development).

1.14 The original anticipated opening timescale of the above referenced permanent school site in Wynyard (within Stockton on Tees) was due to be September 2016 however the applicant has advised that this has been delayed and it is now expected to open during the 2017/18 academic year. As such, the current application for the

extension to the temporary school seeks permission to operate until September 2018.

1.15 As set out above, the previous planning permission restricted the total number of pupils to 60 at any one time (for highway safety reasons only). The current application seeks planning permission to allow up to 100 pupils. The supporting Planning Statement indicates that the school is currently not operating at full capacity with circa 18 pupils at present. The Statement indicates that the increase in the total number of pupils *“is necessary to ensure sufficient provision is in place for pupils for the 2016/17 and 2017/18 academic years. This application therefore assesses the worst case scenario that the school is operating at full capacity”*.

1.16 The current application is accompanied by a supporting Transport Statement and Noise Assessment which will be considered in further detail within the main report.

1.17 The application has been referred to Planning Committee as more than 3 objections have been received to date.

PUBLICITY

1.18 The application has been advertised by way of neighbour letters and a site notice.

1.19 To date, there have been 5 objections from neighbouring properties.

1.20 The objections/concerns raised can be summarised as follows:

- Visual impact/out of keeping with surrounding residential area which is open plan in nature
- Impact on residential amenity as a result of close proximity to residential properties with associated noise disturbance and loss of privacy, and overshadowing for residential properties including their garden areas
- Over development of the site taking into account future housing in area
- Impact of noise, dust, smells from car parking and waste facilities
- Proposed fencing would have a visual impact and be out of keeping with existing fencing and the open plan nature of area.
- The proposal will result in an increase in traffic and congestion, parking in residential areas.
- The proposal would be detrimental to pedestrian safety which would be exacerbated by the associated construction traffic of the approved residential development on the adjacent site.
- No turning facilities within site for vehicles resulting in further highway issues, particularly in Black Wood
- The Transport Assessment is inadequate
- May set a precedent for similar schools in area
- Provision should have been made to accommodate temporary school on permanent school site

- The proposal is unnecessary and unjustified and that there are adequate school facilities close by
- Disturbance from construction works and vehicles
- The existing planning permission is restricted by a temporary condition that should be adhered to.
- Already number of temporary buildings in vicinity including a housing developer compound
- The school should be extended away from the adjacent residential boundaries
- The land in question is green belt
- Previous planning conditions (on the original temporary planning permission) such as lighting and hours of construction were not complied with
- Visual impact of proposed ground works and loss of view of farmland
- No risk assessment has been submitted/undertaken in respect of falling branches from adjacent trees onto the school site

1 letter of no objection has been received from a neighbouring property.

1.21 Copy Letters **A**

1.22 A 14-day neighbour consultation was undertaken on receipt of amended and additional plans. The consultation date expires 23.06.2016. Any further responses will be reported/abled to Members on the day of the Committee.

CONSULTATIONS

1.23 The following consultation replies have been received:

HBC Traffic and Transportation

Wynyard Woods is a relatively quiet road and I would consider that the proposed increase in staff and pupil numbers can be accommodated on a temporary basis. The existing section of school zig zags will help regulate parking directly in front of the school and I would not consider it necessary to increase parking restrictions at this stage.

The proposed car park extension would be acceptable to accommodate the increase in staff numbers. I would therefore have no highway or traffic concerns with this application.

HBC Arboricultural Officer

I have no concerns with the proposed projections to the boundary fences. Given that it will be only posts being used (I am not so concerned about what type of fence they are using from my view) this is unlikely to have any bearing on the health of the mature trees on the Blackwood side especially as it is on the drip line of the trees canopy.

The smaller trees what look like willow are not what I would term significant and as these are fast growing species they are easily replaced so crown lifting them at this stage is not a concern that I have either.

HBC Ecologist

Some trees may be impacted by the development. My only recommendation is that any works to trees (felling or pruning) are not carried out during the bird nesting season from end March to end July, unless a professional ecologist has first checked to ensure there are no nesting birds. All wild birds and their nests are legally protected.

HBC Engineering Consultancy

No objections (confirmed drainage details as submitted are acceptable).

HBC Child & Adult Services Department

We have no objections to these proposals.

Public Protection

No objections (confirmed Noise Assessment is satisfactory).

Northumbrian Water

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

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make.

Tees Archaeology

There are no known archaeological sites in the area indicated. I therefore have no objection to the proposal and have no further comments to make.

HBC Countryside Access Officer

Whilst there are no recorded public rights of way close to this site I would like to make sure that the school students and staff are made aware of the existence of the Castle Eden Walkway, which is sited in close proximity to the west of this school site.

Access to the Walkway would provide not just recreational but also health and educational benefits by potentially creating a close bond between student and the Countryside/nature. This can be achieved through simple educational guided walks. Please can you ask the school to contact me to discuss this further.

Ramblers Association

No rights of way are affected because there aren't any - this raises the issue of provision of safe traffic free routes for pupils and others as advised by NPPF Section 8. This would help to achieve the government's and council's aims to encourage healthy exercise and reduce air pollution.

Elwick Parish Council

No objection.

Hartlepool Water

No comments received.

Cleveland Police Architectural Liaison Officer

No comments received.

Stockton on Tees Borough Council

There are no Highways objections to the proposed development.

There are no Landscape and Visual objections to the proposed development.

You should also be satisfied that the proposed development mitigates its own impacts and that infrastructure which is required is where ever possible or necessary, provided on site to ensure that the proposals remain sustainable as required by the NPPF. It will be necessary to ensure that any mitigation which is required is appropriately secured through planning conditions or section 106 agreement.

PLANNING POLICY

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

GEP1: General Enviromental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 RUR1: Urban Fence
 RUR2: Wynyard Limits to Development
 TRA16: Car parking standards

National Policy

1.25 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.

Paragraph 14 presumption in favour of sustainable development

Paragraph 17 12 planning principles

Paragraph 19 support sustainable economic growth

Paragraph 56 Good design

Paragraph 57 high quality and inclusive design for all development

Paragraph 61 the connections between people and places and the integration of new development

Paragraph 72 Importance of ensuring a sufficient choice of school places

Paragraph 123 Noise pollution

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

PLANNING CONSIDERATIONS

1.26 The main planning considerations with respect to this application relate to the principle of development and the conformity to local and national planning policies; the impact on the character and appearance of the surrounding area; the impact on the amenity and privacy of neighbouring land users, highway and pedestrian safety, drainage and other planning matters. These and any residual matters are considered below.

PRINCIPLE OF DEVELOPMENT

1.27 The application site lies within very close proximity of, but outside of the defined limits to development as defined by saved Local Plan Policy Rur1. This policy seeks to control the spread of urban development and to protect the open countryside.

1.28 Notwithstanding this, consideration is given to the above referenced planning application H/2014/0176 for the erection of 134 dwellings (recommended for approval subject to the signing of a s106 Agreement) and planning approval H/2015/0386 for the erection of 64 dwellings on land off Wynyard Woods. The current planning application for the retention and extension to the temporary school would fall within the red line boundary of application H/2014/0176 and outside the redline boundary of approved application H/2015/0386 – the parcel of land in question is indicatively shown on the proposed residential scheme(s) as a landscape buffer between the proposed development and the existing residential properties along Black Wood, Wynyard.

1.29 The siting of the residential development(s) is reflected in the wording of saved Local Plan Policy Rur2 (Wynyard limits to development) which relates to “*a new housing area set in the countryside which extends across the boundary between the Boroughs of Hartlepool and Stockton on Tees*”.

1.30 It is acknowledged that the current temporary school has planning permission to operate until September 2017, and now seeks to extend this timescale by a further year to September 2018 as the development of the permanent school has yet to commence.

1.31 Consideration should be given to the temporary nature of the proposal for a period up to September 2018, with a view to the school commencing development on the permanent school site within Stockton Borough Council's jurisdiction to the south of the current site (the approval also being subject to the signing of a s106 which is being progressed).

1.32 The importance of delivering schools has been emphasised within national planning policy. A Ministerial Statement (Policy Statement for Schools development, August 2011) stated that *"it is the Governments view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations... this collaborative working would help to ensure that answer to proposals for the development of state-funded schools should be, wherever possible "yes".*

1.33 This has been re-emphasised in the National Planning Policy Framework (NPPF) which states that there should be a presumption in favour of the development of state funded schools. Para 72 of the NPPF notes that *"the Government attaches **great importance** to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should **give great weight to the need to create, expand or alter schools**".*

1.34 The retention and extension to the proposed school, whilst only for a temporary period, would accord with the provisions of the NPPF and general thrust of government advice in this respect.

1.35 A further consideration is given to the hypothetical 'fall back' position of the temporary use classes order that would permit the erection of a temporary state-funded school for a single academic year (Class C, Part 4 of the GPDO).

1.36 Promoting sustainable development (and transport) is a key principal of the NPPF. The submitted transport statement acknowledges that there is no public transport within the village of Wynyard but that pupils are therefore likely to walk or cycle to school or be dropped off by cars.

1.37 A significant material consideration relates to the granting of planning permissions for residential development to the north of the Business Village in addition to land allocations for further residential development within proximity of the current application site. Clearly there will be a growing need to ensure that the relevant infrastructure is put in place to create/support more sustainable communities (which will in part be facilitated through the granting of planning permission for the permanent school in Stockton).

1.38 Whilst accepting that the scheme is likely to encourage more car journeys, in view of the above considerations, it is considered that in this specific instance, the proposed temporary use of the site would not introduce an unacceptable form of unsustainable development as to warrant a refusal of the application and that the

principle of development is accepted in this instance, subject to the scheme satisfying other material planning considerations.

1.39 In view of the above, it is considered that there are, in this instance, material planning considerations that would outweigh the policy of constraint (saved local Policy Rur1) and that the temporary proposal is acceptable in principle subject to the scheme satisfying other material planning considerations as set out below.

VISUAL AMENITY OF SURROUNDING AREA

1.40 The two proposed additional buildings are considered to be of a simple design and modest scale, which reflects the temporary nature of the proposed development and the current, temporary buildings that are on site. The proposed extended site is to be predominantly enclosed by an approximately 2m high acoustic fence (to match existing) and whilst such enclosures would be generally out of keeping with the open, estate-style fencing within the wider residential estate, the proposed fencing is considered to be acceptable given the temporary nature of the development (the acoustic fencing also has acoustic, mitigating qualities as detailed below). The proposed scheme would be situated close to the adjacent boundaries of No 2 and 4 Black Wood and therefore the site maintains a back drop of residential properties when approaching from the north east along Wynyard Woods. The proposal would however break up the openness that this site currently offers when read alongside the open space to the east of Wynyard Woods.

1.41 The proposals will require further earth movement and re-mounding/profiling of land and levels to the rear/west and side/north boundaries to facilitate the scheme (to allow for the extended school site area to be at the same level as the existing school buildings). It should be noted that this information would normally be secured by a planning condition for later consideration, however the applicant has provided additional information on the proposed levels/mounding, which confirms the removed land (to facilitate the siting of the proposed school buildings) would be formed in a spoil heap to the west of the school site and to the rear of No's 4 and 6 Black Wood.

1.42 Further consideration is given to the temporary nature of the school site and the proposed mounding works, which would be re-levelled once the school site has been removed (and the end of the temporary period), which could be secured by a planning condition. In view of the above considerations, it is considered that such works would not result in a significant adverse loss of visual amenity for the surrounding area or neighbouring properties.

1.43 Notwithstanding the above considerations, taking the temporary nature of the site and buildings into account, it is considered that on balance, the proposed development will not result in a long term detrimental impact on the character and appearance of the surrounding area or result in an adverse loss of visual amenity. The proposal is also not considered to result in an over development of the site.

1.44 The final external finishing materials of the buildings, colour scheme for the proposed fencing and final details of hard standing can be secured by separate planning conditions to ensure that they match the buildings and surfaces on the existing school site. The restricted timescale for the use of the site up to September

2018, and the restoration of the site to a satisfactory appearance (once the permission has expired) can be secured by further planning conditions, providing the Local Planning Authority with a level of control over the development and to ensure that it does not prejudice the future implementation of the residential development on the wider parcel of land to the north of the site.

LANDSCAPE FEATURES (+ ECOLOGY)

1.45 The proposed extended site would enclose three existing small trees, which are indicated as requiring crown works. There is also a corridor of trees along the adjacent boundaries to the properties along Black Wood and the south west perimeter of the site.

1.46 The Council's Arboricultural Officer has raised no objections to the proposals, including the proposed siting of the acoustic fencing that would run close to the corridor of trees, and the proposed crown lifting works to the smaller trees that would fall within the site curtilage. No planning conditions are recommended accordingly in this respect.

1.47 The Council's Ecologist has raised no objections to the scheme but has recommended that any works to trees be undertaken outside the bird nesting season, which can be secured by a planning condition.

AMENITY OF NEIGHBOURING LAND USERS

1.48 As set out above, a number of objections have been received from neighbouring properties, setting out a number of concerns including the concerns regarding the existing temporary school site and resultant impacts of the proposed extension to the site and timescale. The objections raise concerns including the close proximity of the proposal and resultant impacts on amenity and privacy of residential properties including noise disturbance.

1.49 The proposed school site would primarily be situated along the adjacent rear/side boundaries of No's 2 and 4 Black Wood (south west). As set out above and as part of the existing planning permission, the Council's Public Protection considered it necessary for an acoustic fence to be erected along this boundary; the current proposals would extend the acoustic fencing along the full length of the site boundary and along the western and northern boundaries (i.e. the extended part of the site).

1.50 The current proposal has been laid out with the largest proposed classroom building being positioned furthest away from the adjacent residential boundaries with the smaller single classroom building being sited closest to the boundary at a distance of approximately 16m from the adjacent boundaries to No 2 and 4 Black Wood and approximately 25m and 34m from the actual dwellings of No 2 and No 4 Black Wood respectively with the presence of the proposed 2m high acoustic fence in between (extending the existing acoustic fencing along this section). The submitted plans indicate that the 2 windows in the side elevation of the nearest classroom unit would have fixed casements with an opaque film applied to the windows which is considered to be acceptable in this specific instance, taking

account the above referenced distances, boundary treatment and temporary nature of the proposals.

1.51 An oblique separation distance of approximately 58m would remain between the nearest classroom building and No 1 Black Wood (south) and an oblique separation distance of approximately 40m to the rear of No 6 Black Wood (south west). A distance of approximately 80m would remain between the proposed buildings and the nearest properties to the east along Cawthorne Place (east), with the presence of a highway in between. A distance of approximately 90m would remain between the proposed buildings and the nearest properties within Swainston Close (south east). A distance of over 120m (approx.) would remain between the proposed buildings and the nearest properties to the north east within Manor Fields.

1.52 With respect to noise, Para123 of the NPPF states that “*planning policies and decisions should aim*

- *to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;*
- *mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;*
- *recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and*
- *identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.*

1.53 The Council’s Public Protection Officer has assessed the submitted information including a Noise Assessment and has raised no objection to the proposal. The Public Protection Manager raised no objections to the original proposal, taking into account the temporary nature of the development and subject to the site being laid out as per the submitted plans and with a requirement for the erection of an acoustic fence along the full length of the rear/side boundary to No 2 Black Wood to assist in minimising any significant adverse noise impact. As detailed above, the proposed scheme includes the extension to the existing acoustic fence along the western boundary and around the full perimeter of the proposed extended site (only).

1.54 As set out above, it is considered necessary to condition the temporary timescale for the proposal, the implementation of the agreed acoustic fencing and a further condition to ensure that the site is laid out as per the submitted layout. The submitted Planning Statement indicates that the school would operate between the core hours of 08:50 – 15:15 but with a breakfast club (from 07:30) and an after school club (up to 18:00), Monday - Friday which is considered to be appropriate in this instance and can be secured by a further condition. A further planning condition can be secured to control hours of construction and deliveries to the site.

1.55 It is acknowledged that the proposed scheme is likely to result in a notable (and increased) degree of noise disturbance and effect on the amenity of neighbouring land users as a result of the siting of the school and the associated means of access.

1.56 However, taking the above considerations into account including the requisite mitigation measures, the above referenced separation distances, the temporary nature of the scheme and that no objections have been received from the Public Protection Manager, it is considered that on balance, the proposal would not result in an unacceptable loss of amenity (in terms of noise disturbance, overbearing, overshadowing and loss of outlook) for existing and future occupiers of surrounding residential properties as to warrant a reason for the refusal of the application. The Public Protection Manager has raised no objections to the scheme in terms of noise and dust from car parking and waste facilities.

1.57 With respect to matters of privacy and overlooking, in view of the indicated layout of the proposed units whereby the buildings would primarily look out towards the highway to the front (east) and the agricultural land to the rear (west), the above referenced separation distances and the indicated means of enclosure (and required acoustic fence), and the fixed casement and opaque film to the windows that are sited nearest to the residential boundary, it is considered that the proposed development would not result in a detrimental loss of privacy in terms of overlooking for surrounding properties.

1.58 With respect to the above referenced earth mounding and levels details which have been considered, given that this would not be part of the school curtilage, and the satisfactory orientation and relationship to the adjacent residential boundaries, it is considered that this element and the overall scheme would not result in an unacceptable loss of amenity (in terms of outlook and overbearing) and privacy for neighbouring properties.

HIGHWAY AND PEDESTRIAN SAFETY

1.59 A number of objections raise concerns regarding the impact on highway and pedestrian safety as a result of the site entrance, the increase in pupil numbers, insufficient car parking spaces and potential conflict with approved residential development on the adjacent site (in terms of construction traffic). Concerns are also raised by the Ramblers Association in respect of footpath connectivity to the site.

1.60 As part of the original planning approval, appropriate signing and lining was required (and implemented) along Wynyard Woods and in the vicinity of the school. A section of pedestrian guard railing has also been provided outside the main school gates to prevent children running into the road. The school entrance is served by a footpath on both sides of Wynyard Woods.

1.61 The Council's Traffic and Transportation section have considered the scheme and considers that the proposed increase in pupil numbers (from the previously approved 60 up to 100 pupils at any one time) can be accommodated on a temporary basis and that the proposed car parking extension is acceptable to accommodate the increase in staff numbers (from 10 to 12). The Traffic and

Transportation section has further advised that the above referenced highway measures “*help regulate parking directly in front of the school and I would not consider it necessary to increase parking restrictions at this stage*”. The Council’s Traffic and Transportation section therefore conclude that they have no highway or traffic concerns with this application.

1.62 The total number of children (up to 100) and staff can be restricted accordingly by way of a planning condition. In view of the above considerations and subject to the appropriate conditions and informative, it is considered that the proposed scheme will not adversely affect highway and pedestrian safety.

DRAINAGE AND FLOODING

1.63 With respect to surface water drainage, both the Council’s Engineering Consultancy section and Northumbrian Water Limited have raised no objections to the submitted surface water drainage scheme, the implementation of which can be secured by a planning condition. The site is located outside of Flood Zones 2 and 3 and falls outside of the scope of requiring a Flood Risk Assessment. The scheme is therefore considered to be acceptable in respect of drainage and flooding matters.

OTHER PLANNING MATTERS

1.64 No objections have been received from technical consults in respect of ecology, archaeology and in respect to the scheme not affecting any public rights of way. The Council’s Countryside Access Officer has highlighted the close proximity of Castle Eden Walkway and that access to this would have health and educational benefits, achieved through simple educational guided walks. The Officer’s details can be highlighted to the applicant as an informative.

RESIDUAL MATTERS

1.65 The Council’s School Place Planning, Admissions and Capital Manager has continued to raise no objections to the scheme commenting that Stockton Borough Council will be responsible for the temporary school.

1.66 With respect to objections stating that the proposal would set an undesirable precedent for other schools in the area, each application should be assessed on its own individual merits.

1.67 A number of objections have also raised concerns with respect to the cumulative impact of the school and the proposed residential development on the site; as set out in this report, the proposed school is for a temporary period up to September 2018 and the site is not considered to be suitable for permanent retention; the siting of the proposed temporary school would fall within a key, strategic landscape buffer that would provide a break between the proposed and existing residential developments.

1.68 Objections indicate that there is already sufficient education facilities nearby, that the proposal is unnecessary and that provision should have been made to locate the temporary school on the agreed permanent school site. Whilst these comments

are fully acknowledged, as set out above, an application seeking permission for a permanent school within Stockton's jurisdiction has been agreed (subject to the signing of a s106). As set out above, the principle of development is considered to be acceptable in this instance (given the temporary nature of the scheme). Further objectors state that the school should be extended away from the residential boundaries. The application as proposed has been considered as submitted, to which the siting and layout is considered to be acceptable in this instance for the reasons detailed above.

1.69 The site does not fall within a Green Belt.

1.70 With respect to the siting of a housing developers compound to the north of the site, whilst the adjacent parcel of land benefits from a recent planning permission for residential development, it is appreciated that the site compound has remained in situ for some time. The matter will therefore be referred to the Planning Enforcement section to investigate further.

1.71 An objection has stated that the developer did not comply with planning conditions of the previous planning approval. The applicant is aware of the requirement to fully accord with any planning conditions and any further breaches would be reported to the Planning Enforcement Section to investigate further, should they arise.

1.72 With respect to concerns regarding falling branches from adjacent trees onto the school site, whilst these concerns are noted, as set out above, the Council's Arboricultural Officer has raised no concerns with the proposals. An informative can be appended to the decision notice should the applicant wish to discuss any proposed works with the Arboricultural Officer.

1.73 With respect to objections stating that the development would result in the loss of views and loss of light to windows, the 'Right to Light' and 'Right to a view' operate 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.

1.74 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 and privacy of local residents can be adequately safeguarded by the imposition of

conditions if relevant. The impact on the amenity and privacy of neighbouring properties has been assessed within the material considerations above.

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

CONCLUSION

1.76 Subject to the imposition of the identified relevant planning conditions, the proposal is considered to accord with the general principles of the National Planning Policy Framework and relevant saved Local Plan policies. The proposal is not considered to have an adverse impact on the character and appearance of the surrounding area. The proposal is not considered to result in an unacceptable loss of amenity and privacy for neighbouring land users or result in an adverse loss of highway and pedestrian safety.

1.77 The proposal is therefore considered to be acceptable for the reasons outlined above.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.78 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.80 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development hereby permitted shall be carried out in accordance with plan 6APFS094/TEMP-2/050.001 REV P1 (Site Location Plan) received by the Local Planning Authority on 26th April 2016 and amended plans 6APFS094/TEMP-2/001 REV P3 (Existing Site Plan), 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), 6APFS094/TEMP-2/003 REV P2 (Fencing Details), 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations), 6APFS094/TEMP-2/005 REV P2 (Double Classroom Unit Plans & Elevations), 6APFS094/TEMP-2/006 REV P1 (Existing Site Sections) and 6APFS094/TEMP-2/007 REV P1 (Proposed Site Sections), all plans received by the Local Planning Authority on 7th June 2016.
For the avoidance of doubt.

2. The external finishing materials of the buildings hereby approved shall match those of the existing adjacent school buildings, as annotated on approved plans 6/APFS094/TEMP-2/004 REV P2 and 6/APFS094/TEMP-2/005 REV P2 (both plans date received 7th June 2016) unless an alternative scheme of similar materials is agreed in writing with the Local Planning Authority. To enable the Local Planning Authority to control details of the proposed development.
3. The development hereby approved shall be carried out solely in accordance with the agreed details of the existing and proposed levels of the site including the finished ground levels of the site and buildings to be erected and any proposed mounding and or earth retention measures as detailed on plans 6APFS094/TEMP-2/001 REV P3 (Existing Site Plan), 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), 6APFS094/TEMP-2/006 REV P1 (Existing Site Sections) and 6APFS094/TEMP-2/007 REV P1 (Proposed Site Sections), all plans date received by the Local Planning Authority on 7th June 2016. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy CEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area, the living conditions of nearby residents.
4. The 2m high acoustic fence hereby approved and as specified on plans 6APFS094/TEMP-2/003 REV P2 (Fencing Details) and 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), both plans date received 07.06.2016, shall be implemented in accordance with the agreed details prior to the occupation of the additional classroom units and use of external play areas and shall remain in place for the lifetime of the development hereby approved. In the interests of the amenity and privacy of the occupiers of the adjacent residential properties.
5. The proposed landscaping and surface finishes shall be implemented in accordance with the agreed details specified on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan), and 6APFS094/TEMP-2/003 REV P2 (Fencing Details) both plans date received 07/06/2016. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total development shall be made-good by the owner as soon as practicably possible. To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.
6. The 1.8m high access gates and welded mesh fencing hereby approved shall be implemented in accordance with the approved details as specified on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan) and 6APFS094/TEMP-2/003 REV P2 (Fencing Details, both date received 07.06.2016) before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and amenity of surrounding neighbouring properties.
7. The external lighting associated with the development hereby approved shall be implemented wholly in accordance with the agreed scheme as annotated/specified on plans 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations) and 6APFS094/TEMP-2/005 REV P2

(Double Classroom Unit Plans & Elevations)(both plans date received 07.06.2016) unless an alternative lighting scheme is agreed in writing with the Local Planning Authority.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

8. The scheme for surface water drainage shall be implemented in accordance with plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan, date received 07.06.2016).

To ensure a satisfactory form of development.

9. The temporary school buildings, associated structures and hard standing areas hereby approval shall be removed from the site, the use shall cease and the land (including the proposed spoil heap) restored to its former condition on or before 1st September 2018 in accordance with a scheme of work to be first submitted to and approved in writing by the Local Planning Authority unless prior consent has been obtained to an extension of this period.

The buildings, structures, works and use are not considered suitable for permanent retention on the site and to avoid any prejudice to the future implementation of the extant residential development approval for the adjacent site.

10. The development hereby approved shall operate solely in accordance with the working layout as set out on plan 6APFS094/TEMP-2/002 REV P4 (Proposed Site Plan, date received 07.06.2016) including the proposed external play areas, car parking and access/egress to/from the site.

In order to adequately control the impacts of the sites' use on the amenity associated with the surrounding residential area in accordance with the requirements of saved Local Plan Policy GEP1.

11. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that order), the development hereby approved shall be used specifically for a primary school and for no other use within the D1 Use Class and the buildings shall not be converted or sub-divided.

To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.

12. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the building(s) and structures hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.

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

13. Notwithstanding the submitted information, the temporary school hereby approved shall be used by no more than one hundred (100) children and ten (10) members of staff at any one time.

In the interests of highway and pedestrian safety.

14. The 2no. windows in the side (south west) elevation of the single classroom unit hereby approved shall be fixed and opaque film applied to the windows as detailed on plan 6APFS094/TEMP-2/004 REV P2 (Single Classroom Unit Plans & Elevations, date received 07.06.2016) unless an alternative scheme

is agreed in writing with the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved. To assist in minimising any adverse loss of privacy for neighbouring properties.

15. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
16. The school and administration buildings, car park and external play areas shall not be used and no machinery associated with the use hereby approved shall be operated within the buildings or the external areas, nor shall any deliveries be taken outside the hours of 0730 - 1800 hours Monday to Friday (only).
In the interests of residential amenity.
17. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.

BACKGROUND PAPERS

1.82 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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WYNYARD WOODS TEMPORARY SCHOOL



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/2016/0155
Scale: 1:1000
Date : 16/06/2016

No: 2
Number: H/2016/0211
Applicant: Gleeson Developments Ltd Lumley Court CHESTER LE STREET DH2 1AN
Agent: Chris Dodds Gleeson Developments Ltd 3 Lumley Court CHESTER LE STREET DH2 1AN
Date valid: 25/05/2016
Development: Variation of condition No. 2 (approved plans) of planning application H/2012/0427 for the erection of 45 No. residential dwellings with associated works to allow amendments to landscaping scheme (Retrospective)
Location: Whistlewood Close (Land at Tanfield Road) HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND/RELEVANT PLANNING HISTORY

2.2 The following application is relevant to the current application site;

H/2012/0427 – Planning permission was granted in 2012 for the erection of 45 dwellings with associated works on land at Tanfield Road. The permission was granted subject to a number of planning conditions, including soft landscaping (06 and 07), which was subsequently agreed through the Discharge of Conditions application. The residential development has been completed however the agreed landscaping scheme has not been implemented as agreed. This is set out in the report below.

Breach of Condition Notice – As a consequence of the developer not complying with the agreed landscaping scheme, a Breach of Condition Notice was served on the developer dated 8th April 2016, requiring the developer to accord with the following steps (within 2 months);

- (a) Remove tarmac and any base courses from the area hatched in black on the attached plan. Thereafter, provide additional topsoil as required to provide a smooth gradual slope from ground level at the base of the fence to the back edge of the footpath.*
- (b) Plant all trees and install all grassed surfaces as detailed on approved soft landscaping drawing no. GH13:L:02 rev I.*

2.3 The developer was given 2 months to comply with the notice and had not at the time of writing this report.

PROPOSAL SITE CONTEXT

2.4 This retrospective application seeks planning permission to vary condition 02 (approved plans) of planning approval H/2012/0427 to allow amendments to the agreed landscaping scheme. (The application does not seek to vary condition 6 which is also relevant).

2.5 The area in question relates to a strip of land opposite the newly built dwellings at no's 16-24 (inclusive) Whistlewood Close. The land is approximately 75m in length and 6.5m at its widest point, narrowing to approximately 1.5m. The land abuts a footpath to the north and the rear boundary fences of properties along Stockton Road to the south.

2.6 As set out above, a satisfactory landscaping scheme was agreed as part of the discharge of conditions 06 and 07 of planning approval H/2012/0427 which showed that the strip of land in question would be soft landscaped with tree planting at interval spacing.

2.7 However the developer has used tarmac to hardstand this area with tree pits created through the tarmac. Infant trees have been planted although the tarmac around the tree pits has a poor finish with loose tarmac around these areas. The tarmac has also been laid immediately up to the adjacent fencing of the properties along Stockton Road with no drainage channel or drainage provision (in addition to the tarmac surface not being permeable).

2.8 The submitted plans indicate that a low kick rail fence would be implemented along the perimeter of the strip of land, adjacent to the footpath. The submitted application form indicates that the developer (Gleeson Developments Ltd) wishes for the land to remain in the ownership of the developer *“as a ransom strip should any of the rear gardens of the properties on Stockton Road have potential for development. As such Gleeson wish to minimise the maintenance responsibility of this strip of land and have therefore laid tarmac instead of grass”*.

2.9 The application has been referred to Planning Committee at the request of a Member.

PUBLICITY

2.10 The application has been advertised by way of neighbour letters and a site notice.

2.11 To date, no objections or representations have been received from neighbouring properties.

2.12 The period for publicity has expired.

CONSULTATIONS

2.13 The following consultation replies have been received:

HBC Traffic and Transportation

There are no highway or traffic concerns.

HBC Arboricultural Officer

The tarmac although unsightly, is not affecting the young trees consisting of Bird Cherry, Mountain Ash and Siberian Crab at the moment. Having said that, by encouraging cars onto this area it will increase the threat to these trees by damage from vehicles and as they mature - from the spread of the branch canopy itself. I consider that this landscaping condition has now been compromised to the detriment of the amenities of this site.

HBC Engineering Consultancy

Looking at the (case officer's site) photos there appears to be a drop in levels between the footpath and the fence line. If the land adjoining this area is lower then it would be expected that surface water will run off onto this lower lying land given that the area is now impermeable. If the area behind the fence line is higher then you will inevitably get ponding on this new surface given the apparent lack of drainage.

Public Protection

No objections.

PLANNING POLICY

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

National Policy

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

support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are of particular relevance.

Paragraph 14 presumption in favour of sustainable development

Paragraph 17 12 planning principles

Paragraph 56 Good design

Paragraph 57 high quality and inclusive design for all development

Paragraph 64 permission should be refused for poor design

Paragraph 196 determination in accordance with the development plan

Paragraph 197 presumption in favour of sustainable development

Policy Summary:

Local Plan policy GEP1 states that a high standard of landscaping should be provided for development. This proposal seems a retrograde step and its resistance would be supported in policy terms.

PLANNING CONSIDERATIONS

2.16 The main planning considerations with respect to this application relate to the impact on the visual amenity of the surrounding area; the impact on the amenity and privacy of neighbouring land users, highway safety and drainage matters. These and any residual matters are considered below;

VISUAL AMENITY OF SURROUNDING AREA

2.17 Local Plan policy GEP1 states that a high standard of landscaping should be provided for development. Paragraph 56 of the NPPF states that *“the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”*. Furthermore, paragraph 64 of the NPPF states that *“permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions”*.

2.18 As set out above, the residential development has been completed and the strip of land in question was originally intended to be soft landscaped/grassed with tree planting, which would have assisted in softening the overall development and breaking up the hard landscaped areas (footpaths, roads etc). As such and despite being a relatively modest sized strip of land, it is considered that this area forms an important landscaping element in enhancing the visual amenity of the cul de sac and this new development.

2.19 The developer has not implemented the agreed scheme for the soft landscaping of this area and instead has chosen to tarmac the area with tree pits created through the tarmac. It was clear from the case officer's site visit that the completed works result in a crude finish with loose and uneven areas of tarmac, in

particular around the base of the infant tree planting. The tarmac has also been laid hard up to the adjacent fence boundary. Again this is considered to be a poor finish.

2.20 The submitted plans indicate that a low kick rail fence would be erected around the perimeter of this strip of land which would assist in addressing the concerns from the Council's Arboricultural Officer that the area could be used for car parking, which would be detrimental to the health of the infant tree planting.

2.21 Notwithstanding this, it is considered that the development, by virtue of its use of materials and siting within the street scene, represents a poor form of landscaping design that results in an adverse impact on the visual amenity of the surrounding area and is therefore contrary to the provisions of saved Policy GEP1 and one of the core planning principles of the National Planning Policy Framework which states that planning should "*secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*".

2.22 As set out above, the Local Planning Authority has already served a Breach of Condition Notice on the developer and in view of the retrospective application not being acceptable for the reasons detailed above, the matter will now be referred back to the Planning Enforcement Officer to progress this matter and to seek the implementation of the originally agreed landscaping scheme.

AMENITY OF NEIGHBOURING LAND USERS

2.23 Notwithstanding the above considerations and the adverse impact on the visual amenity of the surrounding area and neighbouring land users, taking into account the siting and separation distances to the nearest neighbouring properties (primarily those properties in Whistlewood Close that look onto the area), it is considered that the development does not result in an adverse loss of amenity (in terms of overlooking and overshadowing) and privacy for neighbouring land users.

HIGHWAY AND PEDESTRIAN SAFETY

2.24 Concerns have been raised by the Council's Arboricultural Officer with respect to the use of the strip of land for car parking; the submitted application indicates that a low kick rail fence is to be erected which would prevent this. Furthermore, the Council's Traffic and Transportation section has raised no objections to the scheme. The development is therefore acceptable in this respect.

DRAINAGE AND FLOODING

2.25 With respect to surface water drainage, the Council's Engineering Consultancy section has raised concerns regarding surface water with the potential for such water to either run off the tarmac area onto the adjacent fence line and into the rear garden areas of the properties along Stockton Road, or for a 'ponding' effect on the tarmac surface given that the area is now impermeable (as opposed to the approved, permeable grassed area that was meant to be in situ) and the apparent lack of drainage.

2.26 Whilst the implemented scheme is of a poor finish and may result in further/future drainage issues, it is not considered that this would warrant a second reason for refusal in this instance. Nonetheless, this matter does further accentuate the overall poor quality of the scheme.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.29 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason(s):

1. In the opinion of the Local Planning Authority, the development by virtue of the use of materials and its siting within the street scene, is considered to result in an unacceptable form of development, to the detriment of the visual amenity of the surrounding area, contrary to the provisions of saved Policy GEP1 (criterion xi) and the provisions of the NPPF paragraph 64 which states that 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 should be refused.

BACKGROUND PAPERS

2.31 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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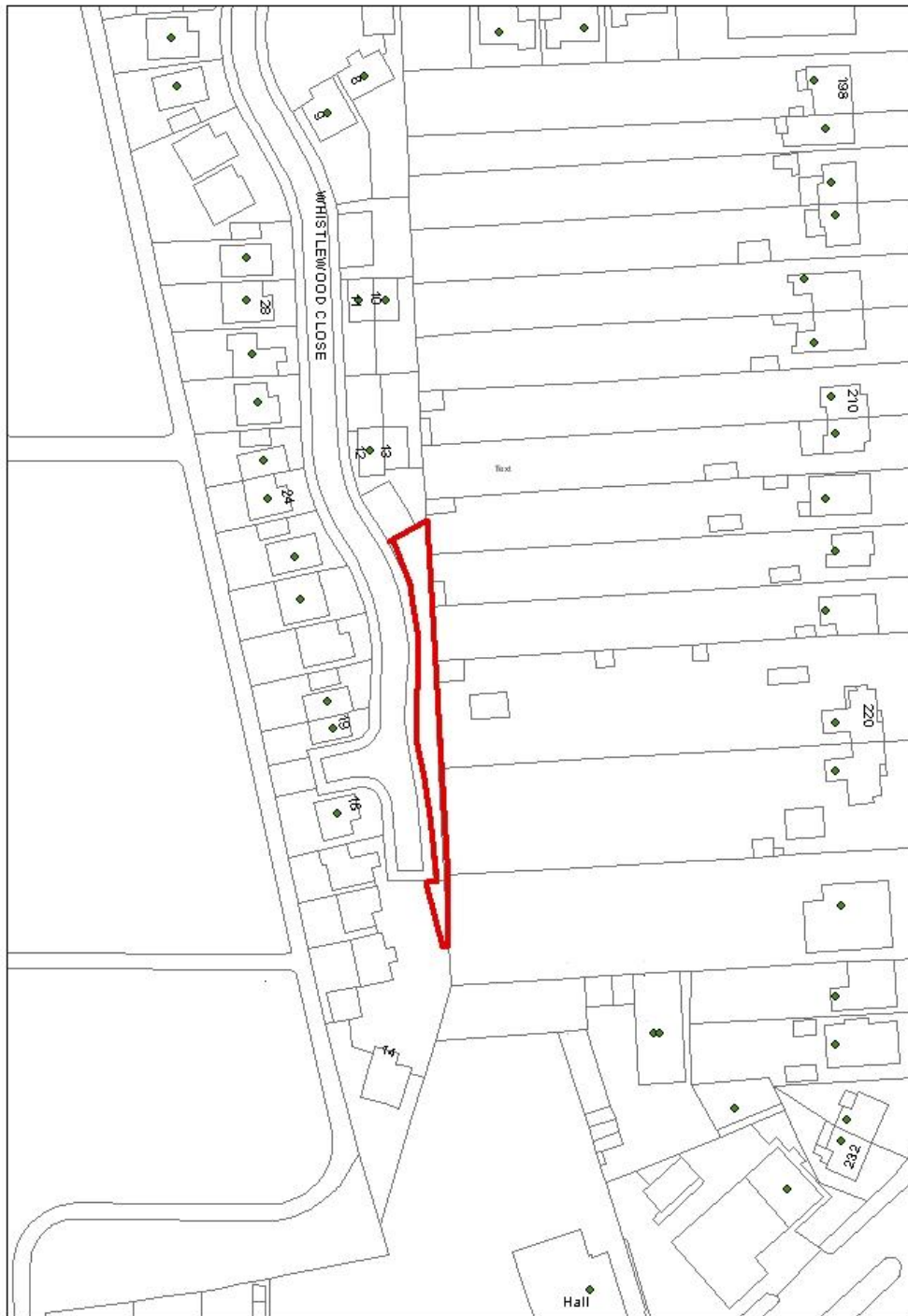
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WHISTLEWOOD CLOSE



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

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H/2016/0211
Scale: 1:1000
Date : 16/06/2016

No: 3
Number: H/2016/0186
Applicant: Mr George Ward
Agent: STEVE HESMONDHALGH AND ASSOCIATES MR C STOCKLEY 24 PARSONS COURT WELBURY WAY AYCLIFFE BUSINESS PARK DL5 6ZE
Date valid: 17/05/2016
Development: Erection of a single dwelling and provision of retaining walls to the rear (demolition of detached garage)
Location: The Homestead Cresswell Drive 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 Planning permission was refused in 2015 at The Homestead, Cresswell Drive for the erection of a detached residential annexe, a detached garage with associated hard surfacing and construction of a retaining wall (ref H/2015/0152). Permission was refused as it was considered that the proposed development would not be acceptable as a residential annexe. The annexe was not of a design that would serve as an ancillary function to the main house and was of a form that would encourage its occupation as a separate dwelling when no longer required. The proposal was therefore contrary to policy Hsg11 of the Hartlepool Local Plan 2006. There were no other grounds for refusal.

PROPOSAL

3.3 Planning permission is sought for the demolition of a detached garage and the erection of a detached dwelling and the provision of retaining walls to the rear within the existing residential curtilage of The Homestead. The new dwelling will be positioned to the south east of the Homestead in a similar position to the existing garage but it will project further towards the south eastern boundary. The existing plot will be subdivided to form a separate curtilage.

3.4 The new dwelling proposed is a two storey, 3 bedroom property with a hipped roof. Two parking bays are indicated to the front of the proposed dwelling on the proposed layout plans. The land to the rear falls steeply and the proposed retaining walls will enable the provision of a terraced garden / amenity area.

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

SITE CONTEXT

3.6 The application site constitutes part of a private garden associated with an existing detached dwelling, known as The Homestead, Cresswell Drive, Hartlepool. The Homestead is a south west facing property and is situated in a large plot within a residential area. The Homestead is accessed via an existing private road which connects to Cresswell Drive/Cresswell Court. The site of the proposed dwelling is level however to the north east the land level falls sharply. There is a terraced garden area to the rear of The Homestead.

PUBLICITY

3.7 The application has been advertised by way of neighbour letters (11) and a site notice. Three letters of objection have been received from neighbours and local residents. No reasons or comments were submitted to support the objections.

3.8 Copy Letters **B**

3.9 The period for publicity expires on the 30th June 2016.

CONSULTATIONS

3.10 The following consultation replies have been received:

HBC Environmental Engineer – No drainage details have been provided as part of this application therefore can a surface water condition be applied.

HBC Structural Engineer – We will require structural calculations demonstrating the adequacy of the retaining walls and whether they are masonry, stone gabions or timber.

HBC Public Protection – No objections.

HBC Conservation – No heritage assets are impacted by this proposal.

HBC Landscape – The land in question lies just outside “The Park” Conservation Area and has a number of semi mature trees running parallel with the proposed development many of which are growing very close together and forming a hedgerow boundary with the adjoining property.

The footprint of the proposed development lies on top of the existing garage with a slight build out towards the hedgerow. That said, these trees are not readily seen from the Cresswell Drive area and as there is already a high presence of trees in Council owned land in front of these - should the applicant wish to remove any trees adjacent to the build, there would be virtually no loss of visual amenity however when viewed from a publicly accessible area, the trees at the front of the site on entering the property do contribute to the amenity of the area and for this reason I am recommending that these are protected by condition.

I do not consider that any additional landscaping is required in this instance.

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

HBC Waste Management – No comments received.

Northumbrian Water - At this stage no comments to make.

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:

GEP1 General Environmental Principles
 GEP3 Crime Prevention by Planning and Design
 GEP12 Tress, Hedgerows and Development
 Hsg9 New Residential Layout – Design and Other Requirements

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 relevant to this application:

PARA 17 – Core Planning Principles
 PARA 49 - Housing Applications and Sustainable Development
 PARA 56 – Ensuring Good Design
 PARA 196 – Primacy of the Development Plan
 PARA 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.14 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 visual amenity, neighbour amenity and highways.

PRINCIPLE OF DEVELOPMENT

3.15 The site lies within the built up area of the town and the principle of the development is considered to be acceptable subject to compliance with saved policies GEP1, Hsg9 and GEP12 of the Hartlepool Local Plan 2006. Hsg9 states that the scale of the proposed development should be appropriate to the locality and existing features of interest, including trees and hedgerows, are retained. GEP12 seeks to protect trees where they are of a significant quality in terms of visual amenity and notes conditions can be used to ensure they are retained. These issues will be considered later on in this report.

VISUAL AMENITY

3.16 The immediate area is characterised by detached dwellings situated in large plots, for example The Homestead, Dingly Dell and Homestead Cottage. Beyond this there are a variety of residential properties in terms of style which are situated in more modest sized plots. The proposed site is situated along a private drive off Cresswell Drive. Views from Cresswell Drive will be limited due to the proposed dwellings position.

3.17 The dwelling proposed is set back from Cresswell Drive and is considered to be of a simple design which is in keeping with the host property. The roof design, eaves and ridge height of the new dwelling matches that of The Homestead. The new dwelling holds the same building line as The Homestead and has the same depth and orientation. The materials will match those of the host dwelling. It is acknowledged that the proposed dwelling and curtilage is smaller in comparison to the host property and the scheme will result in a denser form of development. It is however considered that the dwelling is in keeping with The Homestead for the reasons outlined above and will not be overly dominating. Consequently there will not be a significant visual impact on the character of the area or the street scene.

3.18 Within the existing plot vegetation and semi mature trees run along the shared boundary to the south east, some of which are within the curtilage of the Homestead. This forms a hedgerow boundary with the adjacent property. There are also a number of trees to the rear, behind the site of the proposed dwelling. The applicant's agent has indicated that the trees to the side of the proposed dwelling and some to the rear would need to be removed to facilitate the development. It has been emphasised that the applicant would be willing to retain some of the trees where they would not interfere with the construction of the dwelling.

3.19 The Council's Arboricultural Officer was consulted on the application. It was commented that the footprint of the proposed dwelling sits on top of the existing garage with a slight build out towards the adjacent hedgerow. These trees are not

readily seen from the Cresswell Drive area and there is already a high presence of trees in the Council owned land in front of these. The Council's Arboricultural Officer stated should the applicant wish to remove any trees adjacent to the build, there would be virtually no loss of visual amenity when viewed from a publicly accessible area. It was however commented that when viewed from the public highway, the trees at the front of the site on entering the property do contribute to the amenity of the area and for this reason it is recommended that these trees are protected by condition. A condition has been applied accordingly. Additional landscaping was not requested.

3.20 With regard to the retaining walls to the rear, there are no concerns regarding a potential adverse visual impact due to their massing and position. A boundary wall is also proposed between the new dwelling and The Homestead to the front of the properties. The wall is approximately 1m in height. Due to its massing there are no concerns regarding the visual impact.

3.21 For the reasons outlined above, it is considered that the proposed scheme is in accordance with saved policy GEP1 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

3.22 In terms of the physical relationship with The Homestead, the dwellings will stand side to side there will be a separation of approximately 2.5m with the new dwelling. It should be noted that there are no standard separation distances between side elevations in the Hartlepool Local Plan 2006. There are no windows in the south east facing elevation of The Homestead and no windows are proposed in the north west facing elevation of the new dwelling. Given the siting and design and the relationship there are no concerns regarding a loss of amenity in terms of privacy light, outlook or any overbearing effect for either The Homestead or occupiers of the new dwelling.

3.23 It should be noted that within Supplementary Note 4 of the Hartlepool Local Plan standard separation distances between dwelling houses are outlined and should be adhered to. It states that there should be a minimum separation of 20m where principal elevations face one another or 10m where a blank gable wall would face the front or back of a property.

3.24 With regards to the neighbouring properties to the south and south east (No.20 Greenacre and No. 22 Tall Trees) more than adequate separation is maintained between the proposed new dwelling and these properties. Two windows are proposed in the south east facing elevation of the dwelling, one at ground floor and the other at first floor. Both windows are small secondary windows which serve habitable rooms. Along the shared boundary there are trees, vegetation and some board fencing (approximately 1.5m in height). There are also a number of outbuildings along the shared boundary within the curtilage of No.20. No.20 Greenacre is situated at a lower level however a separation of 20m plus will be maintained. There is an even greater separation between the proposed new dwelling and No. 22 Tall Trees. Although some trees are to be removed to facilitate the

development a number will be retained along the shared boundary with these properties which will provide some screening.

3.25 More than adequate separation is also maintained between the proposed dwelling and neighbouring properties to the west. The new dwelling will be screened to the north by The Homestead itself.

3.26 To the rear of the proposed dwelling, to the north east, is Dingly Dell Cottage. The rear of the proposed dwelling does have a number of windows serving habitable rooms. The rear elevation faces towards the side elevation of the stable / garage of Dingly Dell which is a blank gable wall. A separation of approximately 15m will also be retained between the new dwelling and the stable /garage. A separation of approximately 21m will also be maintained with Dingly Dell Cottage itself.

3.27 As outlined above, the land level does drop steeply towards Dingly Dell and there could be the potential for overlooking, however due to the separation retained and the new dwellings position (with the rear elevation facing towards the stable / garage) there are no concerns regarding a significant impact on neighbour amenity in terms of overshadowing, overbearing or loss of privacy. There could also be a potential for overlooking from the proposed terraced garden area of the new property into Dingly Dell, this is however an existing situation with the terraced garden area of The Homestead and consequentially the proposal does not worsen the existing relationship.

3.28 With regard to the proposed retaining walls to the rear, due to their massing and position there are no concerns regarding a potential adverse impact on neighbour amenity.

3.29 In view of the above, it is considered that the proposal would not create any significant overshadowing, overbearing or loss of privacy to neighbouring properties. The proposal is considered to be in accordance with saved policies GEP1 and Hsg9 of the Hartlepool Local Plan 2006.

HIGHWAYS

3.30 The site is located on a private driveway. It is indicated on the proposed layout plans that two parking spaces will be provided to the front of the proposed new dwelling and two spaces will be provided for The Homestead. The Council's Traffic & Transport section have been consulted on the proposal. No objections or concerns have been raised. The scheme is considered to be acceptable in terms of highway safety and parking.

RESIDUAL MATTERS

3.31 With regards to the retaining walls to the rear, these structures do not fall under the building regulations. Consequently the Council's Structural Engineer was consulted to seek advice on whether the walls are structurally safe. The Council's Engineer stated that structural calculations would be required, including details of materials used to ensure that they are adequate and safe. This information has been conditioned accordingly.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.34 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.

REASON FOR DECISION

3.35 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 (drg no S288 PL 001 Location Plan, drg no S288 PL 003 Proposed Site Plan, drg no S288 PL 004 Block Plan, drg no S288 PL 005 Floor Plans, drg no S288 PL 006 Elevations) and details received by the Local Planning Authority on 03/05/2016 and the additional plans (drg no S288 PL 009 Proposed Sections, drg no S288 PL 010 Proposed Sections) received on the 17/05/2016.
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. Prior to the commencement of development, surface water drainage details shall be submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented at the time of development.
To ensure the development does not cause surface water flooding.
5. Structural details of the retaining walls, including surcharge loading details and materials, shall be submitted to and approved in writing by the Local Planning Authority before development commences. The development shall thereafter proceed in accordance with the details so approved.
To ensure the retaining walls are structurally adequate.

- 6 Notwithstanding the submitted details no trees shall be removed from the site unless otherwise agreed in writing with the Local Planning Authority. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.
In the interests of the health and appearance of the preserved tree(s).
- 7 Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
- 8 The proposed first floor bedroom window(s) facing Greenacre shall be glazed with obscure glass which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition.
To prevent overlooking.

BACKGROUND PAPERS

3.36 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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THE HOMESTEAD, CRESSWELL DRIVE



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/2016/0186
Scale: 1:1000
Date : 16/06/2016

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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.

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.

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

Rur1 (Urban Fence) - States that the spread of the urban area into the surrounding countryside beyond the urban fence will be strictly controlled. Proposals for development in the countryside will only be permitted where

they meet the criteria set out in policies Rur7, Rur11, Rur12, Rur13 or where they are required in conjunction with the development of natural resources or transport links.

Rur2 (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

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.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

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

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

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.

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

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

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

integration of new development into the natural, built and historic environment.

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.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

123. Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

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

PLANNING COMMITTEE

6th July 2016



Report of: Director of Regeneration & Neighbourhoods

Subject: APPEAL AT 10 FORESTER CLOSE, HARTLEPOOL – APPEAL REF: APP/H0724/D/16/3150541 – ERECTION OF A FIRST FLOOR EXTENSION TO EXISTING BUNGALOW, TWO STOREY EXTENSION TO THE SIDE AND FRONT, EXTERNAL ALTERATIONS AND EXTENSION OF DRIVEWAY

1. PURPOSE OF REPORT

- 1.1 To advise Members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a first floor extension to an existing bungalow, two storey extension to the side and front, external alterations and an extension of the driveway, at 10 Forester Close, Hartlepool. The decision was made under delegated powers through the Chair of the Planning Committee. A copy of the report is **attached**.
- 1.2 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

2. RECOMMENDATIONS

- 2.1 That Members authorise Officers to contest the appeal.

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DELEGATED REPORT

Application No H/2016/0107

Proposal Erection of a first floor extension to existing bungalow, two storey extension to the side and front, external alterations and extension of driveway

Location 10 Forester Close HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	14/04/2016
1) Publicity Expiry	Site notice:	N/A
	Advert:	N/A
	Weekly list:	17/04/2016
	Expiry date:	16/05/2016
	Extended date:	N/A
2) Publicity/Consultations		
The application has been advertised by way of 3 neighbour letters. No objections have been received.		
HBC Traffic & Transport – There are no highway or traffic concerns.		
HBC Engineers – This is a gassing site and as such a gas membrane detail will be required.		
HBC Building Control - I can confirm that the above application does require a Building Regulation application. However it has also come to our attention that the proposed works is on an area of bad ground and where ground gas is also present. Please find attached details confirming this. I would therefore be obliged if you could forward this information over to the plan drawer to bring this to his attention prior to his Building Regulation submission.		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy		
<u>Planning Policy</u>		
In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government		

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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 paragraphs below are considered to be most relevant.

PARA 17: Core Planning Principles

PARA 56: Ensuring Good Design

PARA 64: Refusal of Development of Poor Design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles

Hsg10: Residential Extensions

6) Planning Consideration

Site

The application site constitutes a north facing, detached bungalow at Forester Close, Seaton Carew, Hartlepool. The host property is situated in a corner plot adjacent to a landscape corridor to the west and open space to the south.

History

H/2016/0031 Erection of a first floor extension over the existing garage, a two storey extension to the front and side and alterations to the roof to provide a dormer window. Refused on 16/03/2016 for the following reasons.

"It is considered that the proposed development would be detrimental to the appearance of the host dwelling and the character of the street scene due to its inappropriate design and massing. For this reason the proposal is contrary to policy GEP1 and Hsg10 of the adopted Hartlepool Local Plan (2006)."

Proposal

Planning permission is sought for the erection of a first floor extension to an existing

bungalow, two storey extension to the side and front, external alterations and extension of the driveway. The proposal will alter the bungalow to a two storey dwelling house in an 'L' shape design. The bungalow does already have an upper floor element. The external alteration involves the blocking up of the existing garage door and providing a standard window. The driveway extension is not illustrated fully in the submitted plans. It is outlined on the application form that block paving is to be extended across the front of the garden. As block paving is considered a permeable surface planning permission would not be required for this element of the scheme and will therefore not be considered as part of the application.

It should be noted that permitted development rights have been removed from the property for extensions and alterations via the original permission for the property (ref no: H/FUL/0475/93).

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

The main considerations in regard to this application are the impacts of the proposal on visual amenity, neighbour amenity and highways.

Visual amenity

Saved policy Hsg10 of the Hartlepool Local Plan states that residential extensions should be of a size, design, materials and external appearance that harmonises with the existing dwelling. They should also be unobtrusive and not adversely affect the character of the street. This approach reflects the general principles set out in policy GEP1, which includes the need to take account of the external appearance of new development and its relationship with the surrounding area. Paragraph 56 and 64 of the NPPF also highlights that good design is a key aspect of sustainable development.

The immediate area consists of mainly large detached dwellings which vary in style and design. The street was developed as self build plots. It is considered that the first floor extension to the existing bungalow would be acceptable in terms of the visual impacts given the surrounding context of detached houses.

The proposed two storey extension to the front and side is considered to be substantial in terms of the scale and massing. It is acknowledged that the property is situated in a comfortable sized plot; the proposed extension is however located in a prominent position at the end of the cul de sac. The end of the cul de sac is currently quite an open vista with only a single storey detached double garage positioned at the end which is associated with number 12 Forester Close. It is considered that this element of the scheme is of a poor design and will result in a substantial amount of facing brickwork as a result of the proposed fenestration and space above the garage door. It is considered the design of this extension does not assist in mitigating against the dominate visual impact.

In view of the site context detailed above, it is considered that the overly large two storey extension to the front/side would not blend in and would in fact draw the eye

and be a dominant and incongruous feature in this prominent position

Consequently, it is considered that this element of the scheme would be detrimental to the character and appearance of the street scene, contrary to saved policies GEP1 and Hsg10 of the Hartlepool Local Plan and paragraph 56 and 64 of the NPPF which states “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”.

As set out above, the previous refusal on the site (ref H/2016/0031) related to issues of inappropriate design and massing. It should be noted that the applicant and the applicant's agent have been advised informally and throughout the process of the application that the scheme would be more acceptable if the proposed 2 storey element of the front/side extension was reduced to single storey. Although not directly comparable, an extension which is similar in massing and design to the dwellings at number 30 and 31 Forester Close would be more acceptable. These properties are two storey 'L' shaped dwellings with single storey offshoots to the front. It is considered that the reduction in the massing of the proposed scheme would mitigate the adverse visual impacts outlined above. On both occasions when amendments were advised the applicant decided to progress the application with the original plans submitted.

Neighbour amenity

Saved policy Hsg10 of the Hartlepool Local Plan states that extensions should not significantly affect the amenity of neighbouring properties in terms of overlooking, overshadowing or by creating poor outlook. This is reinforced in the principles set out in paragraph 17 of the NPPF.

The existing property is situated in a comfortable sized plot. With regard to the extensions, it is considered that adequate separation is maintained on all sides. To the west and south is a landscape corridor and open space.

The two storey side and front extension is adjacent to number 12 Forester Close to the north. The proposed extensions will be adjacent to the double detached garage of number 12. There is approximately 10.5m between the extension and the principle elevation of number 12 which accords with the separation distances outlined in Supplementary Note 4 of the Hartlepool Local Plan. This neighbouring property is also positioned at an angle to the host property (facing in a south east direction). No windows are proposed on the closest north facing elevation of the extension. In view of the above, it is considered that the proposal would not create any significant overshadowing, overbearing or loss of privacy to this neighbouring property.

The neighbouring property to the east is a two storey detached dwelling house (number 9 Forester Close). A separation of approximately 3m will be retained between the two properties. The first floor extension over the existing bungalow would result in a higher roof height adjacent to the shared boundary with number 9. The host property is set back approximately 3m in comparison to number 9. It is considered that the increase in roof height will result in a slight overshadowing

impact on this neighbouring property at the rear. It should be noted that the stagger is modest between the properties, the roof proposed is pitched (sloping away from number 9) and the host dwelling is set off the shared boundary 1.25m (approx). It is considered that on balance this impact is not significant enough to warrant a refusal of the application.

On the west facing elevation of number 9 there is a window at both ground and first floor level. The ground floor window serves a utility room and the first floor window is an obscurely glazed bathroom window which are classed as non habitable rooms. A window is proposed at first floor level in the east facing elevation of the host dwelling. It is to be obscurely glazed and serves a bathroom. The obscure glazing could have been made a condition of a permission if it had been recommended for approval. In view of this, there are no concerns regarding a loss of privacy to the adjacent property to the east (number 9 Forester Close). It is considered that the increase in roof height of the host property will not have a significant impact on the adjacent windows in the side elevation of number 9 Forester Close in terms of overshadowing and overbearing due to the separation which will be retained.

In summary, the scheme is considered to be acceptable in terms of the impact on neighbour amenity and is in accordance with policies GEP1 and Hsg10 of the Hartlepool Local Plan.

Highways

The Council's Traffic & Transport section were consulted on the application. No objections or concerns were raised. The proposal is therefore considered to be acceptable in terms of parking, access and highway safety.

Conclusion

It is considered that the proposed development would be detrimental to the character of the street scene due to its massing. For this reason the proposal is contrary to policy GEP1 and Hsg10 of the adopted Hartlepool Local Plan (2006).

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary

Y

**10) Recommendation
REFUSE**

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, it is considered that the proposed development by virtue of its design, massing and siting would introduce an incongruous feature, detrimental to the character and appearance of the street scene. For this reason the proposed development is contrary to saved policies GEP1 and Hsg10 of the adopted Hartlepool Local Plan (2006) and paragraphs 56 and 64 of the NPPF which states 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.

INFORMATIVE

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, sought 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 inappropriate design, massing and siting of the proposed development and the resultant impact on the character of the street scene, it is not possible to address this key constraint in this instance.

Author of Report: Fiona McCall

Signed:

Dated:

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

6 July 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT LAND TO THE REAR OF VOLTIGEUR DRIVE AND OTTERINGTON CLOSE, HART, HARTLEPOOL. APPEAL REF: APP/H0724/W/16/3143528 - OUTLINE APPLICATION FOR THE ERECTION OF FIVE DETACHED DWELLINGS WITH GARAGES AND FORMATION OF A NEW ACCESS

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 appeal decision

3. CONTACT OFFICER

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4. AUTHOR

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Appeal Decision

Hearing held on 10 May 2016

Site visit made on 10 May 2016

by Susan Ashworth BA (Hons) BPI MRTPI

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

Decision date: 15 June 2016

Appeal Ref: APP/H0724/W/16/3143528

Land to the rear of Voltigeur Drive and Otterington Close, Hart, Hartlepool, Cleveland

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Michael Seymour against the decision of Hartlepool Borough Council.
 - The application Ref H/2015/0050, dated 6 February 2015, was refused by notice dated 5 August 2015.
 - The development proposed is outline application for the erection of five detached dwellings with garages and formation of a new access.
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application was in outline with access and layout to be considered at this stage. All other matters are reserved for subsequent approval.
3. During the course of the appeal process, the appellant submitted revised plans which in effect removed a proposed detached garage from Plot No 1. The Council and interested parties have had the opportunity to comment on these plans and I am satisfied that no-one would be prejudiced by my consideration of them. I have dealt with the appeal on this basis.
4. A completed section 106 agreement was submitted during the course of the appeal. That agreement provides financial contributions relating to play provision, built sports provision, playing pitches, the improvement of footpath provision, bowling green provision and an additional primary school place.

Main Issue

5. The main issue is the effect of the proposed development on the setting of the Church of St Mary Magdalene which is a grade I listed building.

Reasons

6. Under s.66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I am obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The glossary to the National Planning Policy Framework (the

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Framework) defines the setting of a heritage asset 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'.

Paragraph 137 of the Framework advises that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of the asset should be treated favourably.

7. The Church of St Mary Magdalene dates from the late C11 to the early C12 with later additions and alterations at various periods in time through to the 20th century. The grade I listing confirms that the building is a heritage asset of a very high level of significance. That significance lies in its architectural and historic development as set out in the list description, its survival as a harmonious whole and its physical context which provides evidence of the importance of the place in centuries gone by.
8. The Church lies in a slightly elevated position to the north of the village with a graveyard predominantly to the south and east sides. It has a secluded and tranquil character, enhanced by mature vegetation within its grounds and by the open space around it. It is understood that the church was originally associated with a Manor House situated immediately to the west and medieval fishponds to the north, which are scheduled ancient monuments. Evidence indicates that the church and manorial complex were originally set apart from the village but that over time, and particularly in the late 20th century the village has expanded in closer proximity to the church on the south-east side at Voltigeur Drive and Otterington Close. Nevertheless, although some residential development abuts the churchyard on the south-east side, the land to the north and to the east of the church remains open and in agricultural use.
9. The appeal site is a rectangular area of grassed land which borders part of the eastern boundary of the graveyard. The site is bordered by mature hedgerows to three sides and a variety of fencing and planting where it borders the rear of dwellings on Voltigeur Drive and Otterington Close. Proposed are five detached dormer bungalows which would be set out in an irregular pattern in an open plan arrangement across the centre of the site, with an access road running along their north side leading from Voltigeur Drive and Otterington Close.
10. There is no dispute between the parties that the site is within the setting of the listed building. Indeed the church can clearly be seen and thereby experienced from within the site. Viewed from within the grounds of the church the site appears as open space, free from built development and part of the agricultural landscape. From the higher levels, particularly close to the church's entrance, there are long range views across agricultural land to the sea. As such the site maintains the historic separation between the church and built development and contributes to the sense of tranquillity which complements the function of the building. Consequently the site contributes positively to the significance of the listed building.
11. It is clear that the historic and physical relationship between the manorial complex and the church carries a very high degree of significance. I note that footpaths crossing the churchyard run west and northwards rather than to the agricultural land to the east. The church has a squat appearance with a tower of only a modest height and whether it was located and designed to be seen in wide range views across the fields is debatable, although I noted that it is prominent in views from the south-east. Nevertheless, it seems to me that

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even if the agricultural setting is fortuitous, it is now part of the significance of the heritage asset.

12. The two storey dwellings on Otterington Close are clearly visible from within the church grounds and there are glimpses of the roofs of those on Voltigeur Drive. Although the proposed dwellings would be dormer bungalows and thereby slightly lower in height than the two-storey dwellings, the increase in land levels would mean that they, and particularly the dwelling on Plot 1, some 2m from the boundary at its closest point, would be highly prominent from within the church grounds, considerably more so than existing development.
13. As such the proposal which would have an urbanising effect which, along with the domestic activity associated with it, would significantly change the character of the site. Physically, the development would create a sense of enclosure and obscure views from the church across the agricultural land to the sea some 4km away. Furthermore the historic separation of the church from the village would be eroded and the sense of seclusion compromised. Consequently the development would have a harmful impact on the experience of the listed building which relates to its setting.
14. I accept that a degree of visual permeability would be retained through the site, affording glimpses of the wider landscape beyond. However, the proposal would bring the built development in such close proximity to the boundary of the churchyard that it would dominate the scene. Even if the proposed landscaping were to be carried out as part of mitigation measures, it is unlikely to fully screen the development and could in itself become a visual barrier. I understand that the boundary hedge has recently been reduced in height and I accept that planting could take place on the site without requiring planning permission. Nevertheless, such planting would not be comparable to the effect of the built development proposed.
15. I have taken into consideration that the churchyard was extended towards the east, up to the boundary of the site, in the 1930s and therefore the original churchyard boundary has been altered. Nevertheless, the churchyard extension is now an established part of the setting and function of the church. Its presence does not justify the appeal proposal which, for reasons set out, also forms part of the setting.
16. As the proposal would not result in a total loss of significance of the heritage asset its impact, in terms of the approach of the Framework, would be less than substantial. Paragraph 134 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the scheme.
17. The main public benefit of the scheme is the provision of five additional dwellings in a sustainable location, within easy reach of services and facilities. The development would add to the range of housing stock in an area where the Council cannot currently demonstrate a five year supply of deliverable sites. In addition the proposal would support local services and provide jobs during the construction period. There would be, therefore, both social and economic benefits arising from the development. Given the scale of the proposal such benefits would be limited but nevertheless attract moderate weight.

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18. Paragraph 132 of the Framework notes that the significance of a heritage asset can be harmed as a result of development within its setting. It states that great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Given the grade 1 listed status of the building, that harm carries significant weight and importance. Consequently I conclude that the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal.
19. In its decision notice the Council refers to saved Policy HE8 of the adopted Hartlepool Local Plan. That Policy essentially provides design guidance relating to works to listed buildings, and to those buildings which affect their settings, and is expanded on in the Supplementary Note 5. It seems to me that as the design of the development is reserved for later approval the Policy is not entirely applicable to the proposed development. Nevertheless this does not affect my conclusions on the principle of the development particularly given the statutory duty set out in the Act to consider the desirability of preserving the setting of the heritage asset.

Planning Obligation

20. In view of my conclusion that the appeal should be dismissed, I have not considered further the contributions sought and offered towards open space provision, built sports provision, playing pitches, the improvement of footpath provision, bowling green and an additional primary school place.

Other Matters

21. Local residents have expressed concern about the effect of the development on drainage. Had I been minded to allow the appeal I am satisfied that such an issue could have been satisfactorily dealt with by condition. Given the distances between the rear of the proposed dwellings and the neighbouring houses, I am also satisfied that the development would not have caused any material harm to the living conditions of neighbouring residents.
22. The Council raised no objection to the layout of the development on the character or appearance of the area. I have no reason to disagree. The design of the development is a issue that would have been dealt with at the reserved matters stage and there is no reason to suggest that appropriate design or materials would not have been used.

Conclusion

23. For the reasons set out above and taking all other matters raised into account, the appeal is dismissed.

S Ashworth

INSPECTOR

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APPEARANCES

FOR THE APPELLANT:

Michael Seymour The appellant

Neil Cookson BA PLD MIFA North East Archaeological Research Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Daniel James BA(Hons) MSc MRTPI Hartlepool Borough Council

Sarah Scarr BSc (Hons) DipTP MRTPI Hartlepool Borough Council

INTERESTED PERSONS:

Mr & Mrs Bulmer Local residents

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PLANNING COMMITTEE

6 July 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 the erection of a fence at a residential property in Meadowsweet Road.
2. An investigation has commenced in response to a complaint regarding the erection of bollards and the provision of outside seating at the rear of a licensed premises in Church Street.
3. An investigation has commenced in response to a complaint regarding the operation of a car repair business from a residential property in Hart Lane.
4. An investigation has commenced in response to a complaint regarding the change of use to a hotel of a residential property in Gladstone Street.
5. An investigation has commenced in response to a complaint regarding the stationing of a caravan on public land adjacent to a residential property in Hill View.
6. An investigation has commenced as a result of Officer monitoring regarding the installation of condensing units at the rear of a commercial premises on York Road.
7. An investigation has commenced in response to a complaint regarding the erection of a timber outbuilding in the rear garden of a residential property in Harvester Close.
8. An investigation has commenced in response to a complaint regarding the erection of a boundary fence and incorporation of land into residential curtilage at a residential property in Rosthwaite Close.
9. An investigation has commenced in response to a complaint regarding the running of a hairdressing business at a residential property in Linden Grove.

10. An investigation has commenced in response to a complaint regarding the erection of a rear extension at a residential property in Swanage Grove.
11. An investigation has commenced in response to a complaint regarding the siting of a caravan at the rear of a guesthouse on The Cliff.
12. An investigation has commenced in response to a complaint regarding car repairs at a residential property in Newhaven Court.
13. An investigation has commenced in response to a complaint regarding the erection of an illuminated shop front sign at a commercial premises on The Front.
14. An investigation has commenced in response to a complaint regarding the erection of a pigeon loft at the rear of a residential property in Bilsdale Road.
15. An investigation has been completed in response to a complaint regarding the installation of external lighting at a guesthouse on The Cliff. A valid application seeking to regularise the installation of the lighting has subsequently been received.
16. An investigation has been completed in response to a complaint regarding non-compliance with conditions relating to a condenser unit specification at a commercial premises in Catcote Road. A valid application seeking to vary the relevant condition has subsequently been received.
17. An investigation has been completed in response to concerns raised regarding works involving the erection of new and replacement fencing at the site of a scheduled ancient monument on Hart Lane. Permitted development rights applied in this case.
18. An investigation has been completed in response to a complaint regarding the installation of a chimney in a conservatory at a residential property in Amble Close. Permitted development rights applied in this case.
19. An investigation has been completed in response to a complaint regarding the change of use from a dwelling house to a hotel at a residential property in Windsor Street. It was concluded that the use of the property falls within the definition of a small house in multiple occupation, which is a permitted change of use from a single dwelling house, and therefore no further action is necessary.
20. An investigation has been completed as a result of a complaint regarding car repairs and car sales at a residential property in Hayston Road. It was concluded that the activity is hobby based, domestic in scale and not connected with a commercial enterprise, and therefore there has not been a material change of use requiring planning permission.
21. An investigation has been completed as a result of a complaint regarding a rear extension at a residential property in Glentower Grove not being built in accordance with plans submitted under the prior notification scheme for larger home extensions. It was found that the extension is being built in

accordance with the submitted plans, and is therefore permitted development.

22. An investigation has been completed as a result of a complaint regarding car sales from a public highway to the front of a parade of shops on Throston Grange Lane. As the car sales were taking place on the public highway, the complaint was redirected to the Council's Community Safety and Engagement Team to action as necessary.

2. RECOMMENDATION

2.1 That members note this report.

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