

PLANNING COMMITTEE AGENDA



Wednesday 19 October 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 21 September 2016 (*to follow*)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

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|---|-------------|---|
| 1 | H/2016/0258 | 9 Hardwick Court (page 1) |
| 2 | H/2015/0283 | Land at Nelson Farm, Nelson Lane (page 9) |
| 3 | H/2016/0334 | Land adjacent to 30 Coniscliffe Road (page 39) |
| 4 | H/2016/0282 | Former Stackyard, Rear of Hart Farm, Front Street, Hart (page 49) |
| 5 | H/2016/0317 | 25-27 Church Square (page 67) |

4.2 Proposed Diversion of Public Footpath No 31, Persimmon Homes, Britmag, Hartlepool – *Director of Regeneration and Neighbourhoods*

4.3 Appeal at 76 Church Street, Hartlepool – *Director of Regeneration and Neighbourhoods*

4.4 Appeal at 91 York Road, Hartlepool – *Director of Regeneration and Neighbourhoods*



5. ITEMS FOR INFORMATION

- 5.1 Update on current complaints - *Director of Regeneration and Neighbourhoods*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. 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 16 November, 2016 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

21st September 2016

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, James Black, Rob Cook, Marjorie James, Trisha Lawton, Brenda Loynes, Ray Martin-Wells and George Morris

Officers: Andrew Carter, Planning Services Manager
Jim Ferguson, Planning Team Leader (DC)
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Daniel James, Senior Planning Officer
Helen Williams, Senior Planning Officer
Leigh Taylor, Planning Officer
Richard Maynes, Solicitor
Jo Stubbs, Democratic Services Officer

40. Apologies for Absence

None

41. Declarations of interest by members

None

42. Confirmation of the minutes of the meeting held on 24th August 2016

Minutes approved

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

Number:	H/2016/0224
Applicant:	SEP Properties Mr P Lees Stone Street DUDLEY
Agent:	Mr P Lees SEP Properties Dudley House Stone Street DUDLEY
Date received:	23/06/2016
Development:	Proposed external alterations to building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Proposal also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 2no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development)
Location:	The Schooner Warrior Drive HARTLEPOOL

The Senior Planning Officer clarified that there had been no objections lodged to this application, either from the public or technical consultees.

The Ward Councillor, Paul Thompson, spoke on the application. He withdrew his previous objections on the basis of the lack of a Retail Impact Assessment (which he accepted was not required in this case) and the visual impact of the proposed Warrior Drive elevation following the amendment of the plans. However he did feel that an increased number of retail businesses would inevitably lead to an increase in large delivery vehicles. He was concerned that an accident could result. In order to mitigate against this he asked whether yellow lines could be put at the South and West areas of the site to discourage parking on Warrior Drive and Forester Close as he felt drivers would be naturally inclined to park there rather than drive the extra distance to the parking provided for them. The Senior Planning Officer advised that the Council's traffic team had felt there was no requirement for traffic calming measures in that area however the Chair asked that they look at possible conditions relating to this and refer back to the Committee. Councillor Thompson urged members to support the application in order to assuage the anti-social behaviour which had plagued the area in recent weeks.

Members asked if a condition could be imposed requiring the developer to commence building work within a specified time frame rather than the conditioned 3 years. The Solicitor indicated that this would require agreement from the parties but could be done. The Planning Team Leader concurred that it was possible to do this but it would need to be for material reasons and with the consent of the developer. The Chair requested that officers explore this and asked for member approval to delegate this decision

to the Chair and Vice-Chair. Members were happy to approve this with the proviso that it be brought back to Committee if there was a problem.

Members asked whether delivery times could be conditioned. The Chair asked that this also be included as part of the negotiations. He expressed disappointment that the applicant was not present as these issues could have been clarified informally during the meeting. He also asked that the Ward Councillors be kept fully apprised of any developments.

With reference to concerns raised around traffic management the Technical Services Manager felt that traffic calming might be inappropriate in Forester Close given the number of delivery wagons which would be accessing the site. He suggested a 'wait-and-see' approach but members noted in respect to waiting restrictions that if this were imposed as a condition this would mean the Council would not be liable to fund any works but the developer would.

Members approved the application unanimously.

Decision: **APPROVED** as recommended with condition 1 amended to require the implementation of the development within one year of the date of the permission, and two additional conditions restricting the timing of deliveries and requiring the imposition of parking restrictions on Warrior Drive and Forester Close. Final decision delegated to the Chair. If applicant declines to agree with the amendments to the conditions then the application is to return to committee for consideration

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with plan No 16.144.01 (Location Plan) received 27th May 2016 by the Local Planning Authority and amended plan No(s) 16.144.02 Rev A (Block Plan; Existing), 16.144.03 Rev E (Block Plan; Proposed (showing tracking)), 16.144.03 Rev F (Block Plan; Proposed), 16.144.04 Rev A (Existing Ground Floor Plan), 16.144.05 Rev E (Proposed Ground Floor Plan), 16.144.06 Rev B (Existing First Floor Plan), 16.144.07 Rev C (Proposed First Floor Plan), 16.144.08 Rev B (Existing Roof Plan), 16.144.09 Rev C (Proposed Roof Plan), 16.144.10 Rev B (Existing Elevations), 16.144.11 Rev B (Proposed Elevations (enclosures shown)), 16.144.12 Rev A (Demolition & Foundations Plan), 16.144.13 Rev A (Proposed Elevations (enclosures omitted)), 16.144.14 Rev B (Site Plan; Proposed (with tracking)) and 16.144.14 Rev C (Site Plan; Proposed) received 9th August 2016 by the Local Planning Authority.
For the avoidance of doubt.

3. Notwithstanding the submitted information, no development shall commence until details of the proposed methods for the disposal of surface water arising from the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter proceed in accordance with the details so approved and the approved drainage details shall be retained for the lifetime of the development.

To ensure that the site is adequately drained and to ensure that surface water run off from the site is not increased into the watercourse.

4. Notwithstanding the submitted details in the application, the external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building has been approved in writing by the Local Planning Authority. The materials shall be in accordance with the details approved

To enable the Local Planning Authority to control details of the proposed development.

5. Notwithstanding the submitted information, the development hereby approved shall be carried out in accordance with the following requirements:

1. Site Characterisation

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. ground waters and surface waters,
 - e. ecological systems,
 - f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical

environment shall be prepared, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme shall ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

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

to workers, neighbours and other offsite receptors.

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

6. Notwithstanding the requirements of Condition 07 and prior to the occupation of the building for the permitted use(s) as laid out on plan 16.144.05 Rev E (Proposed Ground Floor Plan, date received 9th August 2016), the required works to amend the existing vehicular entrance/exit and amendments to the car park layout of the site shall be completed in accordance with agreed plan No's 16.144.03 Rev F (Block Plan; Proposed), 16.144.11 Rev B (Proposed Elevations) and 16.144.14 Rev B (Site Plan; Proposed) all plans date received by the Local Planning Authority 09.08.2016 to the satisfaction of the Local Planning Authority. The development shall thereafter be retained as approved for the lifetime of the development.

In the interests of highway and pedestrian safety and to ensure a satisfactory form of development.

7. Notwithstanding the proposals detailed in the submitted plans and prior to the commencement of any development on site, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the building for the permitted uses. 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 the visual amenity of the area.

8. Notwithstanding the submitted information and prior to the occupation of the 2no. flats hereby approved, provision shall be made for the provision of storage of refuse as shown on approved plan No's 16.144.03 Rev F (Block Plan; Proposed), 16.144.11 Rev B (Proposed Elevations) and 16.144.14 Rev B (Site Plan; Proposed), all plans date received by the Local Planning Authority 09.08.2016. The agreed details shall be implemented accordingly and retained for the lifetime of the development.

In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.

9. Notwithstanding the submitted information, details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in

accordance with the approved details and the enclosures erected prior to the occupation of the development hereby approved.

In the interests of the amenity of surrounding neighbouring properties and visual amenity of the surrounding area.

10. The development hereby approved shall operate solely in accordance with the working layout as set out on plan No 16.144.03 Rev F (Block Plan; Proposed) date received by the Local Planning Authority 09.08.2016 including the servicing areas, car parking and access/egress to/from the site.

For the avoidance of doubt.

11. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

The Committee considered representations in relation to this matter.

Number:	H/2016/0258
Applicant:	Mr Michael Streeting 9 Hardwick Court HARTLEPOOL
Agent:	ASP Associates Vega House 8 Grange Road HARTLEPOOL
Date received:	15/07/2016
Development:	Variation of conditions 2, 3 and 5 of planning permission H/2013/0602 (erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front) for alterations to first floor internal layout changes to obscurely glazed panels to side of balcony and removal of shutters on front elevation
Location:	9 Hardwick Court HARTLEPOOL
Decision:	DEFERRED for site visit

Number:	H/2016/0289
Applicant:	Mr Robert Robinson PALACE ROW HART

HARTLEPOOL

Agent: Mr Robert Robinson 6 PALACE ROW HART
HARTLEPOOL

Date received: 01/07/2016

Development: Demolition of garage and erection of a single storey extension to side and rear, alterations to garden wall and patio and provision of hardstanding parking area to side (resubmitted application)

Location: 6 PALACE ROW HART HARTLEPOOL

A member referred to documentation she had received from the objector. While she accepted that this was a civil matter between neighbours she was concerned at the impact this would have on them in terms not being able to get their bins out for collection. They would be left with 2 options – bringing their bins through the house or leaving them on the front street permanently thereby risking being fined. She expressed a hope that good neighbourliness might help resolve this impasse. The Planning Team Leader acknowledged this was not an ideal situation but said the applicant was adamant that no right of way existed. If the neighbour wished to they could pursue this matter through the courts however it was not the Committee's place to intervene in a civil matter.

Robert Robinson, the applicant, was present and addressed the Committee. He confirmed that the only objection had come from the neighbours whilst other residents had expressed a keen interest in the proposed extension. He felt it was a careful and sympathetic design in keeping with the original style and not unduly large. The side development meant the current view of a derelict garage would be replaced with a whitewashed annexe which matched the terrace. This would be their retirement home in order to stave off the need to rely on other support services for as long as possible. Members queried whether it would be possible for them to come to an agreement with their neighbour in terms of bin access. Mr Robinson advised that they had tried to speak to their neighbour but he refused to engage in dialogue and had sent an 'avalanche' of objections to their plans from early in the process. He disputed that the property was landlocked saying that with a small amount of work access onto St James Grove could be enabled and appropriate storage made available for the bins.

The Ward Councillor, Paul Beck, reiterated the concerns raised by the neighbour that if this development were approved they would be unable to put their bins out for collection without either bringing them through the house or leaving them on the street permanently. In the latter case this could cause problems in high winds as waste could be strewn across the highway and be a danger to pedestrians and drivers.

A member suggested that the Council's mediation service might be of assistance in this matter. The Planning Team Leader confirmed that the mediation team had not yet been involved. Mr Robinson confirmed that he would be willing to take part if that was required in order to secure planning approval. Members approved the deferral by a majority. The Chair asked that this be actioned as soon as possible and that the application be brought back to the next meeting for approval if possible. At that time he asked that members take care not to revisit the same issues again.

Decision: **DEFERRED** to allow for mediation to take place regarding the issue of access (particularly in respect to access to the highway for bin collection)

The Committee considered representations in relation to this matter.

Number: H/2016/0285

Applicant: Mr S Arnell 6 CHAFFINCH CLOSE HARTLEPOOL

Agent: Mr S Arnell 6 CHAFFINCH CLOSE
HARTLEPOOL

Date received: 20/07/2016

Development: Erection of a detached double garage and conversion of existing garage to study and cloakroom

Location: 6 CHAFFINCH CLOSE HARTLEPOOL

Members approved the application unanimously.

Decision: **APPROVED**

CONDITIONS AND REASONS

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans and details received by the Local Planning Authority on 11/07/16 (Proposed Front Elevation and Proposed Plan), 14/07/16 (Site Location Plan) and 20/07/16 (Proposed Garage Elevations, Section and Floor Plan) as amended by the amended plans received

24/08/16 (Site Plan; Tree Location Plan).

For the avoidance of doubt.

3. The external materials used for this development shall match those of the existing dwellinghouse unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
5. 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 garage 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 properties and in the interests of highway safety.

44. Update on current complaints (*Director of Regeneration and Neighbourhoods*)

Members were informed of 30 issues currently under investigation.

Decision

That the report be noted

45. Neighbourhood Planning (Hartlepool Rural Neighbourhood Plan 2016-2031) (*Director of Regeneration and Neighbourhoods*)

The Planning Services Manager presented a report on the final draft of the Rural Neighbourhood Plan 2016-2031. Neighbourhood Planning was introduced under the Localism Act 2011 to provide communities with the opportunity to create a community-led framework for guiding the future development, regeneration and conservation of an area. Plans must be formulated, consulted upon, submitted to the Local Planning Authority, submitted for independent examination and finally put to public vote via a referendum. The Rural Neighbourhood Plan was currently at the Local Planning Authority stage. It was a requirement that the final draft comply with the relevant statutory requirements set out in European legislation and the Town and Country Planning Act 1990. The Council's Planning Services and Heritage and Countryside teams had reviewed the draft plan and associated documents and were satisfied that it complied with these requirements. However a final decision on this would be taken by Regeneration Services

Committee the following week. Members of the Planning Committee were being asked to note the report.

A member queried which residents would be included in the referendum. A Planning Officer confirmed that everybody living within the area encompassed by the rural plan boundary would have an automatic right to vote. It was at the discretion of council to allow a vote to other areas which might be impacted however this would not be town wide. The member commented that part of the boundary included Summerhill and areas for horse riding therefore the impact might be felt further than the immediate area.

Decision

That the final draft of the Rural Neighbourhood Plan 2016-2031 be noted subject to a decision by Regeneration Services Committee that it is in general conformity with national planning policy and the Local Authority's Development Plan (The Hartlepool Local Plan 2006 and the emerging Local Plan)

The meeting concluded at 11:05am

CHAIR

No: 1
Number: H/2016/0258
Applicant: Mr Michael Streeting 9 Hardwick Court HARTLEPOOL TS26 0AZ
Agent: ASP Associates Mr Paul Alexander Vega House 8 Grange Road HARTLEPOOL TS26 8JA
Date valid: 15/07/2016
Development: Variation of conditions 2, 3 and 5 of planning permission H/2013/0602 (erection of two storey extensions at the sides and at the rear to include a balcony, a first floor extension over garage, single storey extension at the rear and a porch at the front) for alterations to first floor internal layout changes to obscurely glazed panels to side of balcony and removal of shutters on front elevation
Location: 9 Hardwick Court HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The application was deferred at the September 2016 meeting of the Planning Committee in order that members could undertake a site visit. A Ward Councillor has asked that the application be considered by Planning Committee.

1.3 Under Section 73 of the Town and Country Planning Act 1991 (as amended) an application has been submitted to vary the conditions of the previous planning approval. The previous application H/2013/0602 was approved for the erection of two storey side and rear extensions including a balcony at the rear, a first floor extension over garage, single storey extension at the rear and a porch at the front.

1.4 The property has been the subject of a number of previous planning applications. Of relevance to this proposal are the following previously approved applications:

H/2009/0130 – Erection of a two storey lounge/bedroom/en-suite extension to the side, a two storey garage/utility/bedrooms extension to other side and a detached garage/hobby workshop to rear.

H/2013/0602 – Erection of two storey side and rear extensions including balcony at the rear, a first floor extension over the garage, single storey extension at the rear and a porch at the front.

H/2015/0097 – Non-material amendment for alterations to window types and removal of two bay windows.

PROPOSAL

1.5 Planning permission is sought retrospectively for a variation of conditions 2, 3 and 5 of previously approved planning application H/2013/06. The amendments sought involve the following:

- Reconfiguration of internal first floor layout to create corridor leading to balcony

The previously approved floor plans under condition 2 showed that the first floor layout would include provision of a bedroom with en-suite towards the rear. The length of this room has been reduced with the en-suite no longer adjacent to the balcony. A corridor would now be created from the landing with a doorway leading into the balcony area.

- Removal of shutters from front elevation of original dwelling and side extensions

Condition 2 (approved plans) showed that shutters would be added back on to the original dwelling and side extensions. Condition 3 also required that samples of these were provided to the Local Planning Authority for approval prior to commencement of any works. An amendment is now sought to not include the shutters.

- Alteration to obscurely glazed panels fitted to sides of balcony.

Condition 2 (approved plans) and condition 5 (obscure glass panels to balcony) of the previously approved scheme required that obscurely glazed panels were fitted to each side of the balcony area in the interests of the amenities of the occupants of adjacent properties. It is proposed to amend the details of the screen.

SITE CONTEXT

1.6 The application site is no.9 Hardwick Court, a large two storey detached dwelling house located on Hardwick Court, Hartlepool. The property is set within fairly large grounds with open front garden and driveway. The property has previously been extended to the side and rear under a previous planning permission. Hardwick Court is an oval shaped street comprising of a number of detached residential dwellings all facing inwards towards a central grassed area. The properties are largely from the same period and of a similar style, with some variation in the design of porches, garages, bay windows and shutters.

PUBLICITY

1.7 The application has been advertised by way of 10 Neighbour Notification letters and 3 Councillor Notification letters. 2 objections have been received. The reasons given for objecting are as follows:

- The external appearance of the house is different to the original plans. It is very out of place with the rest of Hardwick Court.
- The shutters are a characteristic feature of the mock Georgian house design in Hardwick Court.

- The shutters should be retained on the front as the house occupies a prominent position in the court.
- No changes should be made to the planning permission H/2013/0602
- The glazing to the balcony should be obscured in order to prevent adjacent properties and gardens from being overlooked.

Copy Letters **B**

CONSULTATIONS

1.8 There are no consultation responses.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

Hsg10: Residential Extensions

National Policy

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

PARA 001 – Apply Policy

PARA 002 – Primacy of the Development Plan

PARA 011 – Planning Law and the Development Plan
PARA 012 – Statutory Status of the Development Plan
PARA 013 – NPPF is a material planning consideration
PARA 014 – Presumption in favour of sustainable development
PARA 017 – Core Planning Principles
PARA 056 – Ensuring Good Design
PARA 196 – Primacy of the Development Plan
PARA 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

1.12 The main issues for consideration in this instance are the principle of development, and the impacts on visual amenity and neighbour amenity.

Principle of development

1.13 The property has been the subject of a number of previous planning applications, the most relevant to this application is H/2013/0602. Permission was granted at Planning Committee in 2014 for the erection of two storey side/rear extensions (with balcony at the rear), erection of extension over garage, single storey extension at the rear and a porch at front. Prior to this, permission was also granted under H/2009/0130 for two storey side extensions.

1.14 Section 73 of the Town and Country Planning Act 1991 (as amended) allows for minor material alterations to a previously approved scheme. It is under this provision that this application has been submitted seeking consent to a variation of condition 2 (approved plans), condition 3 (examples of external materials/finishes) and condition 5 (obscure glazing to balcony) as described above.

1.15 Given the scale and nature of the changes to the previously approved scheme and the fact that planning permission has previously been granted twice for extensions to the property, it is considered that the principle of development is acceptable in accordance with relevant Hartlepool Local Plan 2006 Saved Policies and the NPPF.

Visual amenity

1.16 In relation to the visual impact, it is noted that planning permission has previously been granted for a similar scheme. The previous permission was granted subject to conditions relating to the plans indicating the addition of shutters to the front elevation and also samples of these being provided to the Local Planning Authority. This condition applies only to the side extensions and not to the original dwelling house, which is not subject to any special controls through planning regulations requiring the retention of the shutters.

1.17 This application seeks to amend the plans to exclude the provision of the shutters. Most of the properties on Hardwick Court are noted to have retained/replaced the shutters, with the exception of no.1 Hardwick Court which is adjacent to the highway entrance from Valley Drive. It is acknowledged they are a minor architectural feature of the houses in the area and it is understandable that it

might be considered desirable to retain the feature. However the applicant does not wish to do so and on balance the removal of the shutters on the front elevation of the property is not considered to have such a significant visual impact on the property itself or the surrounding street scene as to warrant refusal of this application.

1.18 It is noted there are no conditions restricting the removal of the shutters on the original dwelling, which at the time of a site visit had not been restored to the property, nor are there planning conditions requiring neighbouring properties to retain the shutters which could be removed in the future at any time. Effectively should this application be refused the Local Planning Authority could only seek to require the shutters on the extensions to be provided which in itself would not fully reflect the predominant treatment in the area. For the reasons discussed above it is considered unlikely that any attempt to enforce the provision of the shutters would be successful at appeal.

1.19 With regards to the alteration to the obscurely glazed panelling to the sides of the balcony, it is noted that the previously approved scheme provided details indicating that the obscure area would be fitted to fully cover each side of the balcony. However, following the construction, glass panelling was added with an approx. 20-30cm gap at the top of the window opening, with a translucent film applied to the glass to create obscuration. Discussions with the applicant/agent resulted in an agreement that the existing panels would be replaced with obscure glazing to fit into the full opening with an approx. 25mm gap to accommodate the fixings. It is therefore considered that subject to a condition on details of the obscure glazing to be provided for approval and a timescale for implementation, the visual impact would be minimal.

1.20 In relation to the internal reconfiguration, it is considered that the works are largely minor and would result in no significant or detrimental impact on visual amenity to the property of the surrounding street scene.

1.21 Overall, the impact on visual amenity is considered to be acceptable, in accordance with Saved Policies GEP1 and Hsg10 and in particular paragraph 56 of the NPPF.

Neighbour amenity

1.22 Two objections have been received from neighbouring properties. The reasons for objecting are noted above.

1.23 In relation to the alteration to the obscurely glazed panelling, comments stated that this should be required in order to prevent loss of privacy and direct overlooking. Whilst it is noted that the current glass panels with obscure film do not accord with the requirements of the previous planning permission, an agreement to add fully obscured panels has been reached. Therefore there would be little change to the level of privacy and/or overlooking to the originally approved scheme under ref. H/2013/0602. The impact on neighbour amenity in regard to this aspect is considered to be minimal.

1.24 In relation to the alterations to the shutters and internal reconfiguration, it is considered that these aspects would have no significant impact on the amenity of neighbouring properties.

1.25 Comments were also received with regards to the fact that no alterations should be made to the original planning permission. This is not considered to be a material planning consideration given that the Town and Country Planning Act 1991 (as amended) makes provision under Section 73 for amendments to be made to planning permissions.

1.26 Overall, the proposal is not considered to result in any significant or undue impact on neighbour amenity in relation to overbearing, overshadowing, loss of privacy or loss of outlook, in accordance with Saved Policies GEP1 and Hsg10 and the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.27 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.28 There are no Section 17 considerations.

REASON FOR DECISION

1.29 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is 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 the plans (Proposed Amended Elevations & Plan Dwg No. 1788/4 Rev F and Proposed Amended First Floor Plan Dwg No. 1788/3 Rev F) received by the Local Planning Authority on 10/06/16 and the amended application form received by the Local Planning Authority on 15/07/16 except as amended by condition 3 below.
For the avoidance of doubt.
2. Notwithstanding the submitted details, within 1 month of the date of this planning permission, a scheme detailing the provision of obscurely glazed panels to be added on the sides of the rear balcony with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent, shall be submitted to the Local Planning Authority for its approval, samples of the desired materials being provided for this purpose. The application of translucent film would not satisfy the requirements of this condition. Thereafter within 2 months of the date of this planning permission the approved scheme shall be installed in accordance with the approved details. Thereafter the obscurely glazed panels shall be retained as approved at all times during the lifetime of the development.
To prevent overlooking.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting the Order with or without modification), no additional windows shall be inserted in the elevations of the extensions facing Auckland Way and 8 Hardwick Court without the prior written consent of the Local Planning Authority.
To prevent overlooking
4. The proposed ground floor WC window facing 8 Hardwick Court shall be glazed with obscure glass which shall be installed before the WC is brought into use and shall thereafter be retained at all times while the window exists.
To prevent overlooking

BACKGROUND PAPERS

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

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9 HARDWICK COURT



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/2016/0258
Scale: 1:1000
Date : 05/08/2016

No: 2

Number: H/2015/0283

Applicant: Mr COLIN FORD COALBANK FARM HETTON LE HOLE
HOUGHTON LE SPRING DH5 0DX

Agent: R & K Wood Planning LLP Mr Robin Wood 1 Meadowfield
Court Meadowfield Ind. Est. Ponteland Newcastle upon
Tyne NE20 9SD

Date valid: 15/07/2015

Development: Outline application with some matters reserved for
residential development comprising 50, two storey houses
including highway access, layout and provision of land for
use as open space

Location: LAND AT NELSON FARM NELSON LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The application was considered by planning committee on 24 August 2016. It was deferred by members to allow for flooding monitoring to be undertaken detailed drainage design/evidence to be provided and to allow clarification relating to the viability assessment particularly in relation to the provision of affordable housing.

2.3 With regard to flooding the agent has confirmed that he is not prepared to undertake monitoring at the site owing to the timescales involved. The Council's engineers confirmed that there has been only one incident of surface water ponding reported to the Council in January 2016. Therefore the agent has taken the approach to submit additional information in the form of a detailed drainage design. As such whilst the application is in outline, detailed drainage design has been submitted to demonstrate that a scheme can be accommodated on site to ensure that the development would not result in drainage issues in the area.

2.4 Essentially the scheme proposed is a network of varying pipe sizes and a buried storage tank. Within one of the manholes there is a flow restrictor that will limit the discharge into the watercourse (on adjacent land to the north) to 5L/s.

2.5 The Council's engineers and Northumbrian Water were consulted on the additional drainage information. This will be discussed in further detail in the following report.

2.6 In relation to concerns raised by members regarding the provision of 10% affordable units on site further detail regarding the assessment of the viability assessment is provided in the main body of this report.

PROPOSAL

2.7 Outline approval is sought for the erection of 50 two storey dwellings with matters relating to appearance and landscaping to be subject to a reserved matters application. As such access, layout and scale are considered under the current outline application.

2.8 The layout plan submitted shows 50 dwellings to be accessed from the existing turning head of Applewood Close which is a cul de sac with access taken from Jaywood Close.

2.9 Details of housetype design has not been submitted however the layout shows a mix of detached and semi detached dwellings, each having amenity space to the front and rear with incurtilage car parking. The applicant is proposing to provide affordable housing within the site. The final details of housetype will be considered as part of a subsequent reserved matter application.

2.10 The layout shows an area of public open space to be located towards the west of the site which will be naturally surveyed owing to the orientation of properties which have been designed to overlook the area. Additionally due to the proximity to designated sites, in order to address initial concerns from the Councils ecologist and Natural England, an amended layout plan was submitted to include a large area of open greenspace adjacent to the west of the proposed residential development known as a Suitable Alternative Green Space (SANGs) to reduce the recreational pressure on designated areas and provide space for residents to exercise dogs etc.

SITE CONTEXT

2.11 The application site is an area of agricultural land measuring approximately 1.5 hectares. The site is enclosed by post and rail fencing with mature hedgerow adjacent to some of the boundaries. There is also a hedgerow which runs through the centre of the site which would be removed as part of the application.

2.12 The site is outside the defined development limits adjacent to an existing housing development to the east which consists of a mix of detached and semi detached dwellinghouses. There is agricultural land to the south and west. To the north there is a single lane access track beyond which is Seaview residential caravan park which is enclosed by mature hedgerow.

2.13 The application site is approximately 1.2km from a European designated site the Teesmouth and Cleveland Coast Special Protection Area (SPA). The site is also listed as the Teesmouth and Cleveland Coast Ramsar site and is notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

PUBLICITY

2.14 The application has been advertised by way of neighbour letters (35), site notices and press notice. Amended plans have also been advertised by neighbour notification, site notice and press notice. To date, there have been 28 objections and one letter of support. 9 objectors re-submitted their objections in response to the reconsultation.

2.15 The concerns raised broadly consist of

Increased traffic on existing roads (particularly Jaywood and Applewood Close)
 Poor access due to existing junctions being too narrow
 Insufficient car parking resulting in additional on street car parking to the detriment of vehicle and pedestrian safety
 Insufficient public transport to serve future residents
 Impact upon residential amenity in terms of loss of light, overlooking, loss of view and appearing overbearing
 Insufficient openspace
 Overdevelopment of the site resulting in development which is too dense
 Out of character with the surrounding area
 Housing too dense
 Loss of open countryside
 Concerns that the site is of archaeological interest
 Openspace design could easily facilitate further housing development
 Additional pollution
 Impact upon existing footpath routes
 Increased risk of flooding in an area which has previously flooded
 Additional noise disturbance to the detriment of quality of life for existing residents
 Impact upon wildlife due to loss of hedgerow
 Insufficient school places in the area which are already over subscribed
 Disruption during construction
 Depreciation of existing house values
 No need for additional homes
 Wind turbines are proposed immediately to the west of the site which would impact upon proposed dwellings

Copy Letters **D**

2.16 The period for publicity has expired.

CONSULTATIONS

2.17 The following consultation replies have been received:

HBC Countryside Access: I am pleased that a public right of way ‘corridor’ will be created to allow the public to access the existing public bridleway to the north of the site, from within the housing. As a result the owner of the land affected will need to enter into a creation agreement with the Council for the creation of a public footpath, between the new adopted highways within the new site and the public bridleway.

Also the permanent provision of an area of land to the west of the housing (SANGS), for recreation/dog walking exercising is also welcomed. I understand that there will also be provision and installation of a soft landscaping planting scheme, within this SANGS area/site.

Whilst the agent and landowner have made known that they will not consider further rights of way creation, in relation to this housing development, I am sure that the s106 agreement of green infrastructure contributions will assist in improvements to recreational access and enjoyment of the area, as well as improvements to the green landscaping, some of which may be used to improve the existing hedges so as to increase the native tree/hedge population. This will benefit the conservation/environmental aspect of the area.

HBC Engineers: There is not enough drainage and SI information in order for me to adequately assess the proposals. I have read through the FRA submitted and agree with the conclusions that discharge to watercourse seems the most logical surface water solution however before we can take this proposal any further I would need to see detailed design drawings and calculations etc. In January 2016 I was provided with photographs from a resident showing some ponding issues on and around the site, it is important that all of these issues are addressed and any drainage design is capable of accepting and storing the flows required to meet the 5l/s discharge rate.

As per my previous request can I attach a SW and SI condition to this application.

Further Comments: Essentially the scheme is a network of varying pipe sizes and a buried tank. Within one of the manholes there is a flow restrictor that will limit the discharge into the watercourse to 5L/s, there will be enough storage in the pipes and tank to ensure that this flow rate can be achieved.

At this stage I am not in a position to approve the drainage system based on the current submission as it will require some amendments and a bit of further work but if we could put our standard drainage condition onto the application plus an additional condition to ensure that the topography of the new development is shaped so that water cannot flow towards the existing properties then I am satisfied. The topography condition should not be an issue given that the design submitted substantially facilitates this anyway.

HBC Economic Development: No objections

HBC Arbocultural Officer: It is stated in a supporting email that the area will be grassed and the western boundary planted with a native hedge mix with occasional hedgerow trees such as Hazel and Crab Apple. This is welcomed, however it is considered that additional tree planting could be accommodated within the green space, with perhaps a small number of irregularly spaced groups of half a dozen standard sized trees of a native woodland mix (i.e. Oak, Scots Pine, and Wild Cherry) in order to further enhance the visual and ecological value of the site.

HBC Ecology: (summarised) HBC has concluded that while there is evidence of recreational disturbance there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers

to accept that they are increasing recreational disturbance and to offer mitigation for this.

The Nelson Farm development has offered the following mitigation:

- ☐ An area of 0.9 Ha SANGS.
- ☐ The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.
- ☐ Financial contribution towards interpretation panels

Given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of 'new' people involved and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, HBC concludes that the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site.

Further Comments: At the request of Planning Committee the applicant has provided a drainage design for the development ultimately the system will discharge to a watercourse in the caravan site to the north.

I have no ecological concerns with the proposed water discharge into the beck to the north. The beck lies in a relatively steep v-shaped valley with some mature trees on the boundary and within the valley. [NB: the owner of this land has recently cleared a large amount of scrub from the valley].

I am satisfied that there are no protected species (such as water vole) in the beck that might be affected by higher water levels or greater water flow.

HBC Landscape: From a landscape perspective no details are given at this stage of the application, therefore there is limited scope for comment. Following loss of existing established hedgerow it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The northern boundary will also be a key site issue relating to visual impact. A full landscape plan for the site should be submitted as part of the detailed proposals. This should include proposals for boundary treatment, including the key western and northern boundaries.

It is noted that the layout provided as part of the outline application is indicative only, however, the proposed open space along a small section of the western boundary would not appear to be sited in a location that encourages community use, visual surveillance or legibility. Issues such as this should be fully considered at detail stage.

HBC Public Protection: I would have no objections to this application subject to conditions to restrict hours of construction and to secure a construction management plan.

HBC Traffic & Transport: The access to the proposed development is via Applewood Close and Jaywood Close, the width of the carriageway is 4.8 metres

and 5.5 metres respectively. The 4.8 metre width is the minimum width used on residential roads, these roads are usually cul-de-sacs and do not carry public transport. Therefore it would be acceptable for this development to be accessed from these roads. The scale of the development is below the threshold the council requires for a Transport Assessment which requires key junctions to be assessed for capacity. Therefore any increase in traffic and impact on surrounding junctions would not be considered severe.

Highway Layout

The roads and footways for the development to be constructed to an adoptable standard either through a Section 38 agreement or an Advanced Payment Code agreement. The access road width should be 4.8 metres at Applewood Close. It is not entirely clear whether the applicant intends for the ends of each cul-de-sac to be a shared surface type layout, if this is the case the verges should be removed and the carriageway width increased to 6 metres which includes a 1.2 metre service strip. The applicant has shown a parking lay by with the footway removed next to plot 23, a footway should be provided which will provide access for passengers. The parking bays should be a minimum 6 metres in length.

The drive for plot 13 should enter the highway at a perpendicular angle.

Following amended plans: I have no Highway concerns with this amendment, the PROW will need to be closed during the duration of the works and the path temporarily diverted. The developer will need to pay all costs associated with the temporary closure and diversion.

Hartlepool Water: Having assessed the proposed development against the context outlined above I can confirm the following. We do not anticipate any diversion work. I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development. We have no objection to this development.

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

Further comments: I have looked into our records for the proposal and can't seem to find any record of correspondence with the applicant to agree suitable connection points to the sewerage network or assess sewer capacity. As it does not appear that these details have yet been agreed with Northumbrian Water, we would continue to request a drainage condition to cover the disposal of foul flows irrespective of the surface water drainage solution. We would recommend that the applicant carries out a pre-development enquiry with Northumbrian Water, as detailed in our response, to identify a suitable drainage strategy with regard to foul flows.

Tees Archaeology: The geophysical survey has not identified any anomalies that appear archaeological in origin. Based on the results of this survey I do not wish to recommend any further archaeological works. This report along with the previous

desk-based assessment meets the information requirements of the NPPF. I can confirm that I have no further comments to make on the application.

Further Comments: Thanks for the consultation on the drainage proposals for this scheme. Geophysical survey was carried out on the site in 2015 with largely negative results and based on that I have no further comments to make on the drainage scheme.

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

Natural England: No objection - Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has undertaken an Appropriate Assessment of the proposal, in accordance with Regulation 61 of the Regulations. Natural England is a statutory consultee on the Appropriate Assessment stage of the Habitats Regulations Assessment process.

The appropriate assessment concludes that your authority is able to ascertain that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England advises that it concurs with the assessment conclusions, providing that all mitigation measures are appropriately secured in any permission given. In this regard, we note that the development has offered the following mitigation:

- An area of 0.9ha Sustainable Alternative Natural Green Space (SANGS).
- The provision of a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking.
- A financial contribution to improvements of interpretation panels at the access point to Crimdon beach, indicating the wildlife importance of the area. We suggest that a one-off financial contribution of £1000 would be an appropriate sum.

RSPB (summarised) Objects to the proposed development

Due to Indirect effects through an increase in recreational disturbance upon the interest features of the Teesmouth and Cleveland Coast SPA/Ramsar site – namely breeding little tern and overwintering species/assemblage and the overwintering interest features of the Northumbria Coast SPA/Ramsar site.

Little tern

The little tern colony at Crimdon is sited approximately 1.2km from the proposed development. At the time of writing the Crimdon colony represents the entire breeding population of little tern within the SPA. The colony is subject to ongoing high levels of disturbance through beach users (particularly people with dogs), and requires protection through wardening during the breeding season.

Wintering waterbirds

The Teesmouth and Cleveland Coast and Northumbria Coast SPAs are both designated for important populations of wintering waterbirds. The two designated sites abut one another approximately 1.5km from the proposed development.

Appropriate Assessment

The RSPB has had the opportunity to review the document entitled Hartlepool Borough Council (competent authority) HRA stage 2, Appropriate Assessment: Development Lane at Nelson Farm, Hartlepool (50 houses) – (hereafter AA).

Having examined the evidence presented within the AA, it is the RSPB's opinion that indirect impacts upon the Teesmouth and Cleveland Coast SPA resulting from the development (either alone or in combination) cannot be ruled out.

We accept that that this is a relatively small development, therefore, the numbers of new residents visiting the coast (resulting from this development alone) are likely to be small. However, the HRA/AA relies on generic studies from different parts of the UK. It cannot be assumed, therefore, that the findings of those studies in relation to recreational access and behaviour are directly comparable to coastal habitats.

The RSPB is profoundly concerned by the approach taken to the issue of interactions between birds and people. The underlying presumption appears to be that because birds and people are found together that there is no issue. We consider that this is fundamentally unsound as there are a number of issues which this fails to take account of. For instance, the assessment takes no account of the energetic cost to birds of these close interactions with people – no information is presented to suggest that the birds are feeding rather than watching the people in preparation to fly away. Over the course of a day such interactions can have a significant impact on the overall fitness of individual birds and (collectively) that part of the SPA population which uses these beaches. In addition, no evidence is supplied to suggest that the overall integrity of the SPA is not being undermined – for instance, by an analysis of the density (as well as overall numbers) of birds in the most disturbed parts of the SPA compared to the least disturbed parts. We are concerned at the suggestion that disturbance is not the cause of the decline of birds at North Sands. We note that no evidence has been supplied to support this assertion.

Without survey information giving accurate details of visitor numbers and areas used alongside the bird numbers and areas used for both 2005-6 and the present day it is not possible to assert that the disturbance situation now is no different to then. This is particularly important in the light of declining bird populations and speculation within this appropriate assessment of the likely causes.

The RSPB is concerned by the conclusion that a low bird population at Crimdon beach is not caused by the acknowledged high levels of recreational use at various times of the day. A key issue which needs to be considered is whether the disturbance levels throughout the day are sufficiently high that birds have learnt to avoid this particular stretch of beach altogether. This could be examined by comparing the food available at this beach with a low visitor pressure beach which has high bird numbers.

The RSPB disagrees with the suggestion that 80.1% of the people will be relocating from within Hartlepool. There are two issues which need to be addressed: firstly, what happens to the homes that these people vacate (i.e. will there be a net increase in the number of residents in Hartlepool and therefore potentially an increase in the number of recreational users of the SPA), and secondly, do the 80.1% currently use the SPA for recreation, and if so will they use it more intensively if they live closer to it (both in terms of the amount of time spent there and the number of visits). In assessing whether a 2.1km walking route to the coast is likely to be off-putting to new residents, we would like to reiterate that a well designed visitor survey (as previously described) would assist HBC in assessing the likely behaviour of residents.

HBC has concluded that there is evidence of recreational disturbance but there is no clear evidence that this is the cause of shore bird declines. It is our opinion that, using the precautionary principal, the onus is upon the developer to show that recreational disturbance is not the cause. However, we agree that it is reasonable for developers to accept that they are increasing recreational disturbance and to offer mitigation for this.

With regards to the proposed mitigation measures, the provision of leaflets to new residents is welcomed, as is a contribution to improvements of interpretation panels. It is our opinion that the protection through wardening is essential to the success of the little tern breeding colony. Therefore, we suggest that a contribution to the cost of the site protection and wardening provision at Crimdon is a more appropriate measure.

With regards the proposal to create a 0.9 hectare area of SANG to the west of the proposed development, we would like to reiterate our previous advice. It is important to note that the use of SANGs is still experimental. While the proposal is welcome in terms of providing a facility for the new residents, to date, there is little evidence to confirm the supposition that they should work in diverting recreational pressure from important nature conservation areas, in particular in a coastal location. In summary, it is our opinion that there is insufficient evidence to be able to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA; to be able to assess the likely behaviour of new residents with regards to their recreational activities on this particular stretch of coast or to be confident of the efficacy of the mitigation package proposed.

Hart Parish Council: (summarised) Objects as the development will result in an incursion in the Hart Parish Council boundary. The only access proposed is from a narrow estate road in Appleton Close. The car parking expectation has been underestimated therefore there will be more traffic movement and on street parking with implications for emergency vehicle access and refuse lorries. The original layout of the estate suggests there would be no further extension to it. The proposed development would be adjacent to existing footpaths and bridleways therefore development could serve to smother pedestrian links. There are other housing developments which have been approved therefore there is no need for the development. Flooding is also a concern.

PLANNING POLICY

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

Local Policy

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Rec 2	Provision for Play in New Housing Areas
RUR1	Urban Fence (not currently in use for housing applications)
RUR7	Development in the Countryside
RUR14	The Tees Forest
RUR18	Rights of Way

National Policy

2.20 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 particularly relevant to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
58	Quality development for the area.
60	Should not attempt to stifle innovation, originality or initiative
61	The connections between people and places
64	Improving the character and quality of an area
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
97	Increase the use and supply of renewable and low carbon energy
118	Conserve and enhance biodiversity
119	Presumption of Sustainable Development does not apply where appropriate assessment is required under Birds or Habitats directives

196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

PLANNING CONSIDERATIONS

2.21 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, the impact upon the amenity of neighbouring residents, character of the area/visual amenity, highway safety, ecology, drainage, loss of farmland and other residual matters.

PRINCIPLE OF DEVELOPMENT

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

2.23 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. Concerns from objectors regarding the loss of green space and erosion of the countryside are noted however the site is adjacent to the limits to development and an existing housing estate. Furthermore there is a footpath link provided by the existing track, adjacent to the north of the site, which provides links to the adjacent residential estate and a wider network of rural footpath links. Additionally access to the proposed development is to be taken from an existing cul de sac at Applewood Close providing a direct link to the existing urban area and associated public transport and existing services. Given the sites location and proximity to services it is considered that the principle of development within this area would constitute sustainable development.

2.24 The development area lies outside of the Rur1 policy allocation, meaning that the development is essentially outside of development limits and in this regard is not in accordance with policy Rur1. However policy Rur1 is not fully consistent with the NPPF as it seeks to restrict potential additional housing provision outside the urban fence. As the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47, full weight cannot be given to

policies which seek to restrict additional housing provision based upon the extent of the urban fence. In this instance, it is considered that the need to deliver additional housing in order to help meet the 5 year supply holds greater weight than the need to restrict development beyond the urban fence.

DEVELOPER OBLIGATIONS

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

2.26 Following concerns raised by members at committee on August 24 2016 the planning policy section has provided further clarification regarding the assessment of the viability assessment provided by the applicant. The applicant, in their correspondence, conveyed that the viability of the development did not allow for an affordable housing contribution, despite this they proposed to provide 5 affordable dwellings on site. Originally their assessment set out all of the other planning obligations, although this did not consider the additional obligations as set out in the November 2015 update of the Planning Obligations SPD, following negotiation these were also agreed in full by the applicant.

2.27 As is the process with all viability assessments, the development income and costs are tested to ensure that these are what would be expected. As no affordable housing element was detailed in the viability assessment by the applicant, these costs were included (both at 10% (5 Dwellings) and 18% (9 Dwellings) into the testing of viability and the level of developer profit was adjusted to determine the level of affordable housing which could be accommodated whilst achieving a residual land value which would allow the development to happen.

2.28 Assessment of the information concluded that the residual land value is low when compared to other similar sites. By reducing the developer profit from 20% to 15% the information suggests that development can accommodate 5 affordable dwellings on site, this is in addition to all of the other planning obligations, this would still achieve a residual land value which would allow the development to progress (i.e remain financially viable). Therefore it was concluded from this assessment there is not the viability within the scheme to achieve an 18% affordable housing contribution however a 10% affordable housing contribution could be achieved.

2.29 To provide further clarification, below is confirmation of the calculations of the figures.

2.30 10% on site contribution – this is the provision of 5 dwellings. From considering evidence of need, this would be 2 x 2 bedroom terraced homes (sale value £109,990) and 3 x 3 bedroom semi-detached (sale value £142,950). On the open market these would achieve a sales value of £648,840. When delivering on site the developer receives 60% of the market value from a registered provider when they purchase houses for social rent, therefore the developer would receive £389,304 for the same 5 dwellings. Therefore it will cost the developer £259,536 to provide the

affordable housing on site. If an offsite contribution was sought, this would be £267,805.80.

2.31 For completeness, an 18% contribution would be:

18% on site contribution – this is the provision of 9 dwellings. From considering evidence of need, this would be 4 x 2 bedroom terraced homes (sale value £109,990) and 5 x 3 bedroom semi-detached (sale value £142,950). On the open market these would achieve a sales value of £1,154,730. When delivering on site the developer receives 60% of the market value from a registered provider when purchase houses for social rent, therefore the developer would receive £692,838 for the same 9 dwellings. Therefore it will cost the developer £461,892 to provide the affordable housing on site. If an offsite contribution was sought, this would be £482,050.44.

2.32 In this case the offsite contribution would be slightly higher by £8,269.80 in the 10% affordable housing scenario. This is due to Council policy on affordable housing contributions using a borough wide average house sale price, this does not take into account the geographical location of a development and varying values across the borough. In this case due to the lower development value and market sales values of the affordable homes, it costs the developer less to build affordable homes on site than make an offsite contribution, although it should be noted that the difference is marginal. In cases where a development would achieve an average market sales value for affordable housing which is above the borough wide average (£133, 902.89) it costs the developer less to provide an offsite contribution. Despite this, planning policy would always request affordable housing is delivered on site to help deliver sustainable development (with the exception of executive housing). The only way to prevent there being a cost difference to the developer between delivering affordable housing onsite and offsite is to assess the sales value in the locality of the site rather than using a borough-wide average.

2.33 Therefore in light of the above, taking into account the specific circumstances of the development and giving consideration to the viability assessment submitted it is considered reasonable to accept contributions for the following;

- ☐ 10% affordable housing is considered to be acceptable on the following terms;
 - The 5 affordable units on site comprise 2 2-bedroom dwellings and 3 3-bedroom dwellings.
 - The units are all provided as affordable rent.
 - The local authority has a first refusal option on purchasing the affordable dwellings.
- ☐ £85,234 towards Primary education based on an assessment of 9.3 pupils being generated by the site, this is to be directed towards Hart and Clavering Primary Schools.
- ☐ £79,332 towards secondary education based on an assessment of 6.5 pupils being generated by the site, this is to be directed to High Tunstall.

- £12,500 (£250 per dwelling) towards play facilities this will be directed towards Clavering Park as this is the most accessible play provision from the development.
- £12,500 (£250 per dwelling) towards built sports. HBC Sports and Recreation Team have identified that the contribution should be focused towards the improvement and maintenance of the wet side of Mill House Leisure Centre.
- £12,500 (£250 per dwelling) towards green infrastructure, this will be directed towards green infrastructure improvements within the SANGS area and within the vicinity of the site. Provision for footpath links will also be secured through the S106 agreement.
- £11,664.50 (£233.29 per dwelling) towards playing pitches, it is yet to be confirmed what this will contribute towards.
- £2,851 (£57.02 per dwelling) towards tennis courts however it is yet to be determined which scheme this will contribute towards.
- £248.50 (£4.97 per dwelling) towards bowling greens to be directed to town wide provision.

In addition to the provision of a Suitable Alternative Green Space (SANGS) including provision for its landscaping and maintenance as part of the ecological mitigation a financial contribution of £7,000 + VAT is to be secured to allow the Local Authority to provide information panels to minimise increased recreational activity and disturbance with regard to the European Designated Sites (Teessmouth and Cleveland Coast SPA and Ramsar) and a requirement for leaflets to be provided to new residents informing them of the importance of the Natura 2000 sites in the local area encouraging the use of the SANGs, all through the S106 .

The maintenance of open spaces within the site will also be secured through the S106.

AMENITY OF NEIGHBOURING RESIDENTS

2.34 A number of residents have submitted objections to the proposed development on the grounds of impact upon the amenity of existing properties in terms of overlooking, appearing overbearing and loss of light. Local Planning policy GEP1 and Hsg9 require the amenity of neighbouring residents to be considered, this is also required in paragraph 17 of the NPPF.

2.35 The closest residential properties are adjacent to the east of the application site and front onto Applewood Close. Number 6 Applewood Close is currently located at the end of the existing cul de sac approximately 2 metres from the shared boundary with a side elevation facing towards the site however this elevation does not contain any habitable room windows. The proposed layout plan shows the side elevation of Plot 1 of the proposed development approximately 1 metre from the shared boundary. As such there will be approximately 3 metres between the properties. However these are side elevations and this relationship is currently prevalent across

the existing housing layout. Therefore it is not considered that the position of Plot 1 would result in a detrimental impact upon the amenity of the existing adjacent neighbouring property.

2.36 Plots 48 to 50 are proposed with rear elevations which face towards the rear elevation of properties fronting on to Applewood Close. There is a separation distance of approximately 22 metres shown on the proposed layout plan. This complies with requirements of Guidance Note 4 of the Hartlepool Local Plan which requires 20 metres between elevations containing habitable room windows. There is also sufficient separation distances proposed between existing properties and other plots adjacent to the eastern boundary of the site. As such it is not considered that the proposal would result in a detrimental impact upon the amenity of existing neighbouring properties adjacent to the application site.

2.37 The submitted layout plan demonstrates sufficient separation distance between the proposed dwellings within the site in accordance with requirements of Guidance Note 4 of the Local Plan.

2.38 As such whilst details of the design of dwellings will be subject to the consideration of a reserved matters application it is considered that the proposed layout plan demonstrates that sufficient separation distance can be accommodated to comply with the requirements of Local Plan Guidance. As such it is not considered that the proposed development will result in any detrimental impacts upon the amenity of existing neighbouring properties in terms of overlooking, loss of light or appearing overbearing.

2.39 Whilst loss of view has been raised by objectors this is not a material planning consideration and as such cannot be considered when assessing this application.

2.40 Public Protection were consulted regarding the proposed development and have raised no objections subject to conditions restricting hours of construction and requiring a construction management plan. As such whilst concerns from objectors relating to disruption during construction are noted subject to appropriate conditions it is not considered that this would result in a significant detrimental impact upon the amenity of neighbouring residents.

CHARACTER OF THE AREA/VISUAL AMENITY

2.41 The application site is currently agricultural in nature. The development proposals will result in 50 dwellings consisting of detached and semi detached dwelling houses. Concerns have been raised by objectors regarding the impact upon the character of the surrounding area however the proposed density is similar to the existing residential estate to the east of the application site. Furthermore the proposed development consists of plot sizes and dwellings which are considered to be of a scale and layout commensurate to the layout of the adjacent estate albeit that the final design of the dwellings will be subject to a reserved matters application. Given the separation distances and layout of the proposed development it is considered that the proposal will provide a continuation of the existing urban area.

2.42 The proposed housing development will largely be in line with the northern boundary of the existing adjacent properties following the line of the existing track to the north of the site which forms a logical boundary. The submitted layout plan indicates that this boundary of the site will be predominantly enclosed by rear and side boundaries of the new dwellings which is considered to be consistent with the layout of existing properties. Furthermore the track is enclosed by mature hedging, on the northern side, which will provide a significant amount of screening for the proposed development. Therefore it is not considered that the proposal would appear incongruous when viewed from the north.

2.43 The approval would be subject to a landscaping condition which will ensure additional planting is provided, particularly to the west, to create further screening and integrate the development into the surrounding rural area.

2.44 Therefore although the site is outside the defined limits to development, given that the proposed residential development will be adjacent to an existing housing estate of a similar layout and density, and that additional landscaping will be secured through a condition, it is considered that the impact of the proposal upon the character of the area and visual amenity is acceptable.

HIGHWAY SAFETY

2.45 The access to the proposed development is via Applewood Close and Jaywood Close, objectors have raised concerns regarding the intensification of the use of the existing cul de sacs. The width of the carriageway is 4.8 metres and 5.5 metres respectively, the width of the carriageway has also been raised by a number of objectors to the proposed development. However the Council's Highways officers were consulted on the proposals and have confirmed that a 4.8 metre width is the minimum width used on residential roads. It is accepted that these roads are usually cul-de-sacs and do not carry public transport. Therefore, given the layout of the proposed development, taking into account that the proposal itself will form a cul de sac, the proposed carriageway width is considered to be acceptable. As such it is considered to be acceptable for this development to be accessed from these roads as proposed.

2.46 The scale of the development is below the threshold that the council requires for a Transport Assessment which requires key junctions to be assessed for capacity. Therefore the Council's Traffic and Transport officers have confirmed that any increase in traffic and impact on surrounding junctions would not be considered severe.

2.47 The roads and footways for the development are to be constructed to an adoptable standard. This will be secured through a Section 38 agreement or an Advanced Payment Code agreement.

2.48 Objectors have also raised concerns that the proposals do not provide sufficient car parking and will result in additional on street car parking to the detriment of highway safety. An amended layout plan was submitted to address specific concerns raised by the Council's highways engineers regarding the proposed highway layout. The amended layout plan demonstrates adequate drive length to serve each of the

dwellings. Whilst details of the design of dwellings will be subject to a reserved matters application it is considered that the proposed layout demonstrates that each dwelling has sufficient space to accommodate the required number of in curtilage car parking spaces. As such it is not considered that the proposal will generate unsustainable amounts of on street car parking.

2.49 In conclusion whilst objectors concerns are noted the Council's highways officers have confirmed that the width of Applewood Close and Jaywood Close are considered to be acceptable to serve the proposed residential cul de sacs. Furthermore the proposed layout demonstrates sufficient space to accommodate the required in curtilage car parking. Therefore, in this regard, the proposal is considered to be acceptable and as such it is not considered that it will result in any adverse impacts upon highway safety.

ECOLOGY

2.50 The application site is approximately 1.2km from a European designated site and is in close proximity to the Teesmouth and Cleveland Coast Special Protection Area (SPA) which is a European site. The site is also listed as the Teesmouth and Cleveland Coast Ramsar site¹ and is notified at a national level as the Durham Coast Site of Special Scientific Interest (SSSI).

2.51 In order to fully assess the impact of the development upon designated sites, and related protected bird species, the agent submitted information in order to allow the Council's ecologist to carry out a Habitats Regulations Assessment. Following on from this an in combination assessment was carried out by Hartlepool Borough Council taking into account other applications within the vicinity of the site. Following an Appropriate Assessment the Council's ecologist has concluded that while there is evidence of recreational disturbance there is no clear evidence that this is the cause of shorebird declines. However, under the precautionary principle it is reasonable for developers to accept that in developing sites in proximity of the protected areas they are increasing recreational disturbance and to offer mitigation for this.

2.52 As such an amended layout plan was submitted which includes an area, measuring approximately 0.9 hectares, adjacent to the site which will provide an area of Suitable Alternative Green Space (SANGS). It is considered that this provision will provide the residents an adequate alternative area to exercise dogs etc and so minimise the impact upon the designated areas in particular upon the little tern colony on which exercising of dogs was identified as a particular cause of disturbance. In addition the Section 106 agreement will ensure that the developer will provide a leaflet to new householders highlighting the importance of the Natura 2000 sites in the local area, particularly the breeding colony of little terns and encouraging people to use the newly created SANGS for dog walking. Additionally the agent has agreed to a financial contribution towards the provision of 2 interpretation panels aimed to encourage the use of the SANGS and reduce the impact upon the designated areas.

2.53 Despite the appropriate assessment finding RSPB maintain their objection to the development as detailed in the consultee comments section of this report. In summary RSPB require further survey work, more specific to the application site in

order to rule out recreational disturbance as a contributing factor to significant shore bird declines within the Teesmouth and Cleveland Coast SPA.

2.54 However whilst the RSPB objection is noted, the Council's ecologist, in consultation with Natural England has concluded that the survey work that has taken place is acceptable. Therefore given the already very high levels of recreation on the coast, especially the most accessible beaches, the low number of 'new' people involved in the proposed residential development and the relatively unpleasant route to the start of the coastal access footpath as opposed to walking within the SANGS provided, it is considered the Nelson Farm housing development adequately mitigates for its contribution to the combined adverse impact on the SPA/ Ramsar site. Natural England support this view and have no objections to the proposed development subject to the mitigation which will be secured through the Section 106 agreement. Therefore taking into account the mitigation measures proposed it is not considered that the proposed development will result in a detrimental impact upon protected species or upon Teesmouth and Cleveland Coast Special Protection Area (SPA), Teesmouth and Cleveland Coast Ramsar site or the Durham Coast Site of Special Scientific Interest (SSSI).

DRAINAGE

2.55 A number of objectors have raised concerns relating to the impact of the proposed development in terms of flooding and Photographs from one objector were submitted showing some ponding issues on and around the site. A Flood Risk Assessment has been submitted to accompany the proposed development. The site is within Flood Zone 1 and is therefore considered to be at low risk of flooding from sea or watercourses. The report does identify that a small area of the site may be at risk from pluvial flooding as a result of overland flows in times of heavy rainfall towards the existing watercourse. As such a small area of culvert is recommended to address this issue.

2.56 At the planning committee meeting in August, members deferred the determination of the application to allow for monitoring of the site, in relation to flooding to be undertaken. The Council's drainage engineers have advised that there is only one reported incident of flooding from the site which was reported to the Council in January 2016. Therefore, instead of monitoring, the agent has submitted a detailed drainage scheme to demonstrate how surface water will be attenuated on site. Essentially the scheme is a network of varying pipe sizes and a buried storage tank. The Council's engineers have confirmed that the submitted design demonstrates that there will be enough storage in the pipes and tank to ensure that the agreed flow rate can be achieved. The proposal shows that the attenuated water will be discharged into an existing watercourse on land to the north of the application site. The agent has confirmed that the applicant has 'grandfather' rights to allow drainage of the site into this watercourse however this would be subject to a section 106 agreement to ensure that this is agreed with third parties involved.

2.57 The principle of the drainage design proposed is considered to be acceptable. However at this stage the Council's engineers are not in a position to approve the drainage system based on the current submission as it will require some amendments and further work. Therefore the standard drainage condition is

recommended. The design submitted shows the proposed topography of the land will ensure the new development is shaped so that surface water cannot flow towards the existing properties. However a levels condition is recommended to ensure building and land levels are agreed.

2.58 Northumbrian Water were consulted on the drainage proposals and have no comments however have recommended a condition relating to foul and surface water which are recommended accordingly.

2.59 In conclusion the additional information submitted satisfactorily demonstrates that a scheme can be accommodated to appropriately attenuate surface water on the site. As such subject to an appropriate foul and surface water condition and a levels condition, the Councils engineers and Northumbrian Water have raised no objections. Therefore it is not considered that the proposed development would result in an increased flood risk.

LANDSCAPING

2.60 In order to accommodate the proposed development the hedgerow which is currently located across the centre of the application site will need to be removed. The hedge predominantly consists of Hawthorne, Elder and Bramble. The submitted report does not identify any individual trees which are of any significance. The Council's Arbocultural officer has no objection to the removal of the hedge however following loss of existing established hedgerow it is considered that it would be beneficial to provide a replacement landscape buffer along the western boundary of the proposed site. The applicant has agreed to provide replacement landscaping. As such an appropriate landscaping condition is recommended.

ARCHAEOLOGY

2.61 To accompany the application a desk based assessment and geophysical survey has been submitted on which Tees Archaeology were consulted. The submission has not identified any anomalies that appear archaeological in origin. Based on the results of this survey Tees Archaeology has confirmed that no further archaeological works would be required. As such in terms of archaeology it is considered that the application meets the information requirements by the NPPF. As such it is considered that the proposed development is acceptable in terms of archaeology.

PUBLIC RIGHTS OF WAY

2.62 The creation of new access links between the development and the surrounding network of public rights of way to the north and west are proposed as part of the provision of the SANGS and a contribution towards green infrastructure will be secured through the Section 106 agreement. This will allow for the creation of a suitable access link from the within SANGS to benefit the public and residents of the new development site. Therefore whilst concerns raised by Hart Parish Council regarding the public rights of way surrounding the site are noted, the Countryside Access Officer raises no objections to the development proposals and it is not

considered that the proposed development will result in any adverse impact upon existing public rights of way.

LOSS OF FARMLAND

2.63 The development will result in the loss of farmland. However the land is not designated as best and most versatile agricultural land. The loss of this land must therefore be weighed against the benefits of the proposal.

RESIDUAL MATTERS

2.64 Objectors have stated that the development will result in devaluation of property however this is not a material planning consideration and as such cannot be assessed when considering this application.

2.65 Concerns have been raised with regard to the consultation that has taken place however consultation has taken place in accordance with requirements set out in the Town and Country Planning (Development Management Procedure) (England) Order 2015. Neighbours were notified. Site notices were placed adjacent the proposed site entrance in Applewood Close and at the entrance to Jaywood Close. Furthermore the application was publicised in the Hartlepool Mail.

2.66 Objectors have raised concerns regarding the development of wind turbines immediately adjacent to the site. A 47 metre high wind turbine was approved on land to the north west (H/2013/0414). However owing to the height of the approved turbine and the distance from the development it is not considered that this would result in a detrimental impact upon the amenity of future occupants.

CONCLUSION

2.67 The site is on the edge of the town and is considered a sustainable site. It lies outwith the limits to development, however the Borough cannot currently demonstrate a 5 year supply of housing land and so housing policies are out of date. In light of this in accordance with paragraph 14 of the NPPF planning permission should be granted unless any adverse impacts of the development would significantly and demonstrably outweigh the benefits when assessed against the policies of the NPPF as a whole. The benefits of the scheme would include additional housing to meet the housing needs of the Borough, a proportion of affordable housing and employment created during the construction period, potential new homes bonus and increased council tax. The adverse impacts would include the loss of farmland, potential impacts on designated ecological sites, additional traffic, impact on the amenity of neighbours and the landscape. These matters are discussed above where it is considered that the impacts are acceptable and/or can be satisfactorily mitigated against. It is not considered therefore that any adverse impacts of the development would significantly and demonstrably outweigh the benefits.

2.68 The proposed outline application is considered acceptable, subject to the completion of a legal agreement to secure developer contributions as outlined below and subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.69 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.70 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.

2.71 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the completion of a legal agreement to secure 5 affordable housing units on site, £85,234 towards Primary education, £79,332 towards secondary education, £12,500 (£250 per dwelling) towards play facilities, £12,500 (£250 per dwelling) towards built sports, £12,500 (£250 per dwelling) towards green infrastructure, £11,664.50 (£233.29 per dwelling) towards playing pitches, £2,851 (£57.02 per dwelling) towards tennis courts, £248.50 (£4.97 per dwelling) towards bowling greens, £7000 towards the provision of 2 interpretation panels as part of the ecological mitigation, provision for the maintenance of open space within the site, the provision of 0.9 hectares of land to provide a Suitable Alternative Green Space (SANGS) (including provision for its landscaping and maintenance) and accommodation of footpath link(s) and the provision of a leaflet informing new residents of the importance of the Natura 2000 sites in the local area and encouraging the use of the SANGS and to secure the drainage scheme proposed in respect to securing the outlet to the water course on the third party land in addition to the following conditions;

1. The application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid
2. Approval of the details of the appearance and landscaping of the development (herein called the 'reserved matters') shall be obtained in writing from the Local Planning Authority.
For the avoidance of doubt
3. The development hereby permitted shall be carried out in accordance with the drawing number number R2353:01 (Proposed Site Layout) Rev E received by

the Local Planning Authority 9 June 2016 and TCP01 (Tree Constraints Plan) received by the Local Planning Authority on 9th July 2015.

For the avoidance of doubt.

4. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted and details of hardstandings have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

In order to secure a satisfactory form of development.

5. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

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

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

9. Prior to the commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings to be erected and any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall indicate the finished floor levels and garden areas of the existing, adjacent properties that bound the site. Development shall be carried out in accordance with the approved details unless some variation is otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan 2006 and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract

- from the visual amenity of the area or the living conditions of nearby residents and to take account of any drainage implecations.
10. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.
In the interests of highway safety and to protect the amenity of neighbouring residents
 11. Details of trees to be retained on the site in terms of location and species shall submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The specified trees must be protected by the erection of protective barriers, as detailed in the Arboricultural Method Statement submitted in support of this application, and these shall remain in place during the period of construction.
In order to protect the trees and in the interests of visual amenity.
 12. Details of the location of the works/contractors compound, to be located outside of the root protection areas of trees shall be submitted to and approved by the Local Planning Authority prior to the commencement of the development.
In order to maintain the amenity of the area and to protect the root system of trees.
 13. No development shall take place until details of bat and bird roosts have been submitted to and approved in writing by the local planning authority. The provision of the approved bat and bird roosts on the site shall be completed before the first occupation of the development
In order to protect and maintain the ecology of the area
 14. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.
 15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no outbuildings or garage(s) other than those expressly authorised by this permission shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the preservation of protected trees and the amenities of the occupants of the adjacent residential property.
 16. No development shall take place until the Local Planning Authority has approved a report identifying how the predicted CO2 emissions of the development will be reduced by at least 10% above and beyond what is

required to comply with Part L Building Regulations. Before any part of the development is occupied the energy saving measures, detailed in the report, shall be installed as approved for that part of the development.

To support sustainable development

17. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO₂ emissions from on-site renewable energy. Before any part of the development is occupied the renewable energy equipment, detailed in the report, shall be installed as approved for that part of the development.
To support sustainable development.

18. The development hereby approved shall be carried out having regard to the following:

1. Site Characterisation

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

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

- (ii) an assessment of the potential risks to:

- a. human health,

- b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,

- c. adjoining land,

- d. groundwaters and surface waters,

- e. ecological systems,

- f. archeological sites and ancient monuments;

- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

given two weeks written notification of commencement of the remediation scheme works.

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

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

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

20. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent increased risk of flooding from any sources in accordance with the NPPF.

BACKGROUND PAPERS

2.73 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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NELSON FARM



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

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H/2015/0283
Scale: 1:3000
Date : 05/08/2016

No: 3
Number: H/2016/0334
Applicant: MR P COCKRILL
Agent: GAP DESIGN MR GRAEME PEARSON CHANTRY
COTTAGE 11 THE GREEN ELWICK HARTLEPOOL
TS27 3ED
Date valid: 28/07/2016
Development: Erection of detached dwellinghouse
Location: LAND ADJACENT TO 30 CONISCLIFFE ROAD

PURPOSE OF REPORT

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

PROPOSAL

3.2 Approval is sought for the erection of a detached dwellinghouse located within the side garden of number 30 Coniscliffe Road. The dwelling will measure approximately 10 metres in width and 10 metres in length with an attached garage which will project a further 10 metres towards the front of the site. The maximum roof ridge will measure approximately 9 metres.

3.3 The proposed layout consists of an open plan kitchen, dining and living room with a utility, WC and home office at ground floor. At first floor the proposed dwelling comprises 4 bedrooms and a family bathroom.

3.4 The development also includes an attached double garage which will project further forward than the main dwelling towards the highway to the front of the site. Access is proposed via the creation of a new vehicle access from Coniscliffe Road.

3.5 The application is before planning committee as the Ward Councillor has requested that the application should be determined by planning committee.

SITE CONTEXT

3.6 The application site consists of an area of land adjacent to the west of the host dwelling, 30 Coniscliffe Road.

3.7 The host property consists of a detached two storey dwelling which has previously been extended. There is a large rear and side garden, beyond which to the west is a school field and school. The school field is also to the north of the site, there are residential properties to the south and east.

3.8 There are mature trees to the front of the site adjacent to Coniscliffe Road.

3.9 The surrounding area is residential in nature comprising individually designed dwellings which follow a general building line with a substantial set back from the highway, set within generous plots.

PUBLICITY

3.10 The application has been advertised by way of site notice and neighbour letters (5). To date, there have been no objections.

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Traffic & Transport: No objections, The proposed drive crossing will need to be constructed in accordance with the HBC Design Guide and Specification and by a NRSWA accredited contractor.

HBC Public Protection: No objections

HBC Engineers: No surface water details have been provided. Section 12 of the application does state that discharge will be via the mains sewer. Can the applicant confirm if negotiations with Northumbrian Water have already taken place.

HBC Arborist: At first glance the trees at the front of this property appear sound and form part of the avenue running down Coniscliffe Road. On closer inspection (see enclosed plan) most of these have inherent defects especially the Sycamore near to the entrance which has extensive heart decay and only small amount of sound wood supporting the main body of the tree. The remaining Whitebeam trees are leaning over Coniscliffe Road and there are defects with some that are a threat to the public highway which is also a busy school route. Some small trees have been planted recently but these could be easily transplanted and offer no significant amenity at this moment in time. The entire road has an avenue of Whitebeam trees running along it but there are numerous occasions where some of these have become dangerous and have had to be removed for the reasons previously mentioned. It is for this reason and this reason alone that I am not resisting the removal of these as they have now become a highway safety issue. Having said that I would like to see some replacements planted where space permits to retain the tree cover which is an important feature on this street and this can be done by condition.

Northumbrian Water: Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have the following comments to make:

Northumbrian Water actively promotes sustainable surface water management across the region. The Developer should develop their Surface Water Drainage solution by working through the following, listed in order of priority:

- Discharge into ground (infiltration); or where not reasonably practicable

- Discharge to a surface water body; or where not reasonably practicable
- Discharge to a surface water sewer, highway drain, or another drainage system; or where not reasonably practicable
- Discharge to a combined sewer

I trust this information is helpful to you, if you should require any further information please do not hesitate to contact me.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

GEP12: Trees, Hedgerows and Development

GEP3: Crime Prevention by Planning and Design

Hsg9: New Residential Layout - Design and Other Requirements

National Policy

3.15 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 relevant to this application:

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

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system Significantly boost the supply of housing
 PARA 049 : Housing applications and sustainable development
 PARA 056 : Design of built environment
 PARA 060: Planning decisions
 PARA 064 :Refusal for development of poor design
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.16 The main issues for consideration when assessing the application are the principle of development, in terms of local and national planning policy, character of the surrounding area, amenity of neighbouring properties, highway safety, trees and drainage.

Principle of development

3.17 The proposed development consists of the erection of a dwelling within the existing curtilage of a dwellinghouse. As such the site is considered to be highly sustainable in terms of access to facilities and services. Therefore the principle of residential development in the area is considered to be acceptable subject to the consideration of the impact upon the proposal upon the character of the area, potential impact upon trees and hedgerows, any impact upon the amenity of neighbouring occupiers and other residual matters. These considerations are detailed below.

Character of the area

3.18 Paragraph 17 of the NPPF identifies the core principles which underpin planning, This states that the determination of planning applications should *‘always seek to secure high quality design’*. Paragraph 56 of the framework goes on to state *‘the government attaches great importance to the design of the built environment. Good design is a key aspect to sustainable development, is indivisible from good planning, and should positively contribute to making places better for people’*. Indeed paragraph 65 goes on to clarify 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’*.

3.19 The requirement for good design which reflects the character of the area is reiterated through policies Gep1 and HSg9 of the Hartlepool Local Plan.

3.20 The proposed development consists of a detached dwellinghouse located within the side garden of 30 Coniscliffe Road. The surrounding dwellings comprise relatively large, predominantly double fronted, properties set within generous plots. The proposed dwelling will measure approximately 10 metres in width with overall plot width measuring some 12 metres. This is significantly narrower than other plots in the immediate vicinity of the site. As such the proposals are considered to be out

of keeping with the scale and proportions of the dwellings within the surrounding area resulting in a cramped form of development which would appear squeezed into the streetscene resulting in an incongruous feature which would appear at odds within the general scale and proportions of the properties within the setting of the application site. As such the proposed development is considered to be to the detriment of the character and appearance of the surrounding area and therefore would be contrary to policy Gep1, Hsg9 of the Hartlepool Local Plan and principles held within paragraph 17 and 56 of the NPPF.

3.21 Additionally the proposal also includes an attached single storey garage which projects further forward than the main dwellinghouse by approximately 10 metres. It is acknowledged that there is some stagger between the properties fronting on to Coniscliffe Road however there appears to be a general building line within the street scene with properties being set well back from the highway to the front. As such it is considered that the inclusion of an attached garage to the front would result in an incongruous feature within the streetscene to the detriment of the character and appearance of the surrounding area.

3.22 Therefore by virtue of the scale and proportions of the proposed development it is considered that it would appear at odds with the scale of the surrounding dwellings. By virtue of the inclusion of an attached garage which would project significantly further forward than other properties within the streetscene and as such would result in an incongruous feature within the streetscene. Therefore it is considered that the proposed development fails to secure high quality design and given that the NPPF states that '*Good design is a key aspect of sustainable development*' the development is not considered to represent sustainable development in this regard. As such the development proposals are considered to be contrary to principles within the NPPF and Local Planning Policy Gep1 and Hsg9.

Amenity of neighbouring properties

3.23 The host property is located to the east of the application site. By virtue of the access paths to the rear gardens adjacent to the side boundaries of the properties there will be a separation distance of approximately 4 metres. The side elevation of the host property does not contain habitable room windows. Furthermore the side elevation of the proposed dwelling only contains an en-suite window which does not constitute a habitable room window. Guidance within Guidance Note 4 to the Local Plan only provides separation distance guidance for principle elevations. As such there are no minimum requirement between elevations containing non-habitable rooms. The proposed relationship is prevalent within residential estates across the borough therefore given that the side elevations do not contain habitable room windows the proposed relationship is considered to be acceptable.

3.24 The proposed dwelling would project approximately 4 metres further back than the host dwelling however given the distance from the shared boundaries it is not considered that the proposal would result in a detrimental impact upon the amenity of this neighbouring property in terms of appearing overbearing or any loss of light. Furthermore it should be noted that under permitted development rights a detached dwelling could extend 4 metres to the rear without planning permission. Taking the existing stagger into consideration it is considered that should the application have

been recommended for approval permitted development rights could be removed by means of a condition to limit any further extension to the rear. As such it is not considered that the proposed dwelling would result in a detrimental impact upon the amenity of the host property in terms of overlooking, loss of light or appearing overbearing.

3.25 There is a school field to the north and west of the application site therefore there are no neighbouring properties directly to the north or west of the site.

3.26 There is a large separation distance of approximately 35 metres to the neighbouring property directly opposite. As such it is not considered that the proposal would result in a detrimental impact upon the amenity of this neighbouring property.

Highway Safety

3.27 The proposed dwelling would be accessed by means of the creation of a new access from Coniscliffe Road. Incurtilage car parking is proposed by means of the attached garage and driveway. The Council's Traffic & Transport section were consulted and have raised no objections. As such it is not considered that the proposal would result in an adverse impact upon highway safety.

Impact Upon Trees

3.28 There are mature trees located adjacent to the front boundary of the application site. The trees appear sound and form part of the avenue running down Coniscliffe Road. However the Council's arborist has carried out a site inspection and most of the trees have inherent defects especially the sycamore near to the entrance which has extensive heart decay and only a small amount of sound wood supporting the main body of the tree. The remaining whitebeam trees are leaning over Coniscliffe Road and there are defects with some that are a threat to the public highway which is also a busy school route. Some small trees have been planted recently but these could be easily transplanted and it is considered that these offer no significant amenity value. The entire road has an avenue of whitebeam trees running along it but there are numerous occasions where some of these have become dangerous and have had to be removed for the reasons previously mentioned. Therefore the Council's arborist is not resisting the removal of trees as they have now become a highway safety issue.

3.29 However should the application have been recommended for approval replacement tree planting, where space permits, would have been required by planning condition to retain the tree cover which is considered to be an important feature on the street.

Drainage

3.30 No surface water details have been provided, Section 12 of the application does state that discharge will be via the mains sewer. The Council's engineers have no objections to this providing that it acceptable to Northumbrian water. Should the

application have been recommended for approval a condition would have been recommended accordingly.

Conclusion

3.31 The proposal is considered to be acceptable in principle due to the sustainability of the site. Furthermore it is considered to be acceptable in terms of its impact on the amenity of neighbouring properties, trees and highway safety. However it is considered that the proposed dwelling would be out of keeping with the scale and proportions of the surrounding properties resulting in a cramped form of development which is at odds with the predominantly generous proportions of the surrounding dwellings and plots. Furthermore by virtue of the design of the proposal, which incorporates a single storey garage which will project past the main front elevation and the front of other properties fronting on to Coniscliffe Road. As such it is considered that it would result in an incongruous feature within the street. The proposals are therefore considered to be contrary to policies Gep1, Hsg9 and principles within the NPPF.

3.32 Therefore in line with the requirements of paragraph 65 of the NPPF which 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'* The proposed development is recommended for refusal for the reasons detailed above.

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.

3.35 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons:

1. In the opinion of the Local Planning Authority the proposed dwelling by virtue of its design, scale and siting would result in a development which appears out of keeping with the character of the area which is characterised by well proportioned dwellings within generous plots. As such the development is considered to be to the detriment of the character and appearance of the area

contrary to policy Gep1 and Hsg9 of the Hartlepool Local Plan and paragraph 17 and 56 of the NPPF.

2. In the opinion of the Local Planning Authority by virtue of the design and inclusion of an attached garage to the front of the dwelling the development would result in an incongruous feature within the streetscene contrary to Policy Gep1 Hsg9 of the local Plan and paragraphs 17 and 56 of the NPPF.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

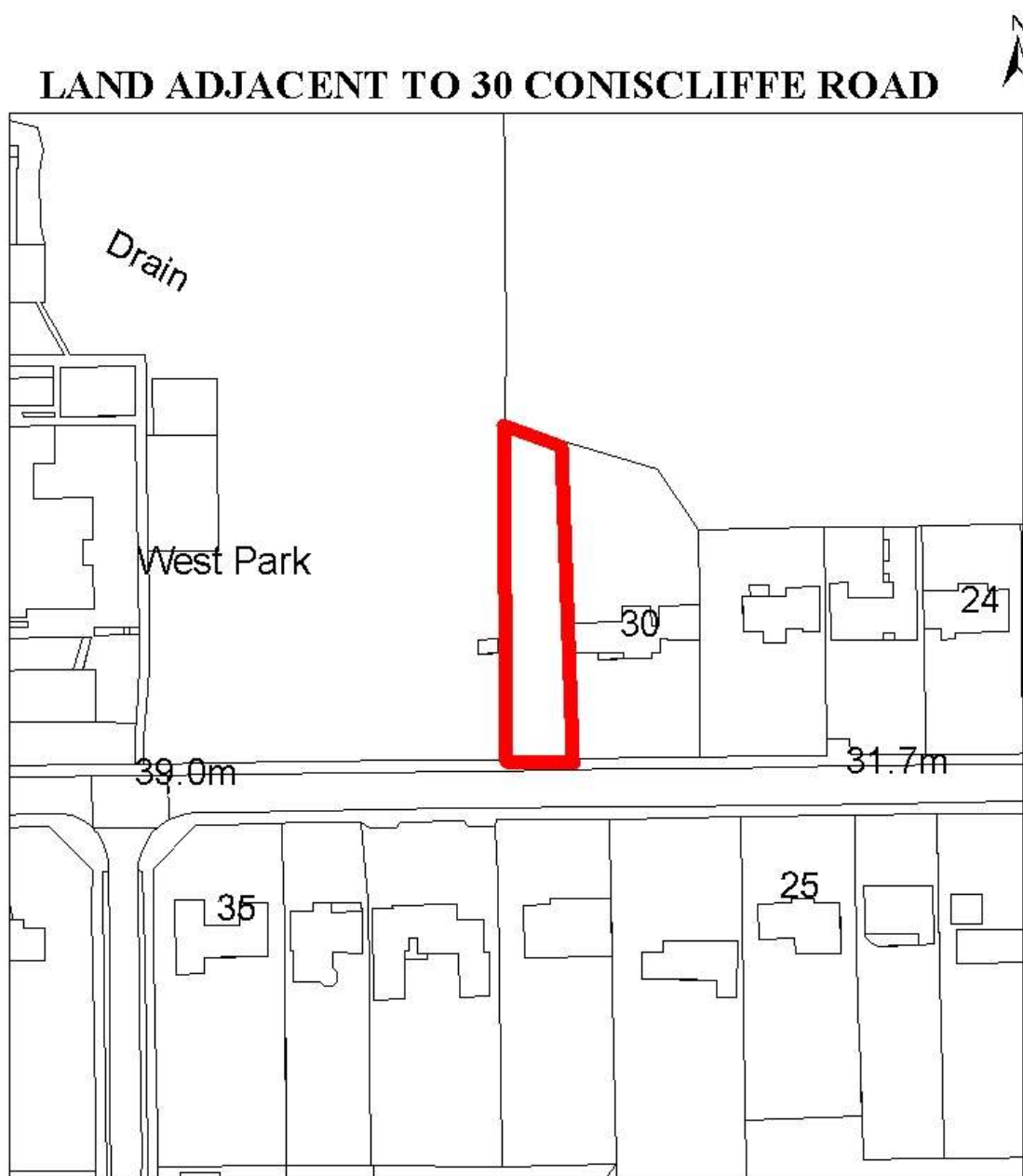
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 29.09.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0334	REV

No: 4

Number: H/2016/0282

Applicant: MR RICHARD GUY 24 BEAKER PLACE MILTON
ABINGDON OXFORDSHIRE OX14 4FR

Agent: FORSYTH TECHNICAL MR RAY FORSYTH
WHICKHAM PARK HOUSE WHICKHAM NEWCASTLE
UPON TYNE NE16 4EH

Date valid: 29/06/2016

Development: Demolition of stable and part long shed, conversion of
barn and remaining long shed into a dwelling and erection
of two new dwellings

Location: FORMER STACKYARD REAR OF HART FARM FRONT
STREET HART HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 In 2003 an application for three new build dwellings on the site was approved (H/2003/0201).

4.3 In 2014 a previous application (H/2014/0376) for demolition of the existing barns and erection of 3 new build properties on the site was withdrawn following concerns raised by the Councils ecologist with regard to bats. Bat surveys have now been carried out (at an appropriate time of the year) and appropriate surveys now accompany the current application.

PROPOSAL

4.4 Approval is sought for the demolition of some of the existing structures on the site with the barn being retained and redeveloped to form part of one of the three proposed residential units. Two of the proposed units (towards the south of the site) consist of new build properties.

4.5 The existing stable building will be demolished with the northern wall of the site being reduced in height to just above the ridge of the roof of the building serving the adjacent farm with new coping stones to be installed. This work will all take place on land belonging to the applicant. An extension is proposed to project from the side

elevation of the existing barn which will form plot 1, towards the east of the site. This dwelling will consist of a lounge, kitchen, dining room hall and WC at ground floor with three bedrooms and a bathroom at first floor.

4.6 Part of the long shed currently on the site will be demolished and the roof will be replaced with pantiles and new trusses installed to reduce the overall height of the roof. Following concerns raised by objectors and public protection, regarding the proximity of the long shed to the working farm adjacent, an amended plan was submitted which shows the long shed being a garage rather than habitable rooms as originally proposed. As such the long shed will form a double garage to serve plot 1.

4.7 Plot 2 and 3 consist of new build properties measuring approximately 8.5 metres in width by 8.7 metres in length and providing kitchen, lounge, study and dining room at ground floor with four bedrooms and a bathroom at first floor. The proposed finishing materials consist of a mix of render, brick detailing and coursed limestone.

4.8 A double garage and car parking is proposed adjoining plot 3 providing car parking for that dwelling. A double driveway directly in front of the main dwelling is proposed to provide in curtilage car parking for plot 2.

SITE CONTEXT

4.9 The site is a former stackyard associated with a nearby farm north, it is located to the rear of Hart Farm which faces on to Front Street within Hart Village.

4.10 There are existing buildings on the site adjacent to the northern boundary. The buildings currently comprise a barn, stable and long shed which are in a state of disrepair. To the front south of the application site, is an area of rough grassland beyond which is agricultural land. There are farm buildings to the west of the site. Immediately to the east of the site is the blank gable wall of 1 Hart Pastures.

4.11 Access to the site is gained from an existing residential cut de sac, adjacent to the driveway serving number 1 Hart Pastures.

PUBLICITY

4.12 The application has been advertised by way of neighbour letters (16) site notice and press notice. To date, there have been five objections largely on the following grounds;

- There is an existing working farm adjacent to the site there are various noises and smells associated with the existing use
- The drainage for the adjacent farm crosses the application site
- There is a difference in levels with the application site being lower than the adjacent farm, as such the application site floods
- Access and parking in Hart Pastures is already a problem and parking limitations (single line restrictions) are not enforced
- Access for emergency vehicles will be a problem
- Demolition of the stable block does not take into account that the adjacent neighbouring property stable ties into the building

- Disruption during the construction phase

4.13 Copy Letters E.

4.14 Amended plans have been received which include the treatment of the east elevation of the garage of plot 1. A reconsultation has taken place. The period of publicity expires before the meeting.

CONSULTATIONS

4.15 The following consultation replies have been received:

HBC Public Protection I would have no objections to the amended plans.

HBC Traffic & Transport The site access is located off Hart Pastures a quiet cul-de-sac, the road can get quite congested with parked cars, however the location for a private drive access is acceptable and will not result in the loss of any 'on street' parking, as the new drive is located between two existing drives and any vehicles parked in this location would partially block the drive to No.1 Hart Pastures. The drive crossing will need to be constructed in accordance with the HBC Design guide and Specification and the works carried out by NRASWA accredited contractor.

Further Comments: There's been a long standing issue with visitors to the PH parking on Hart Pastures particularly near the entrance. A number of objections were raised several years ago although I do not believe there's been any in recent years. Parking tends to take place half on and off the footway in order to maintain access along the road, although this is technically a traffic offence (obstruction of the highway) very few prosecutions are made because of the practical reasons for parking on the footway. No concerns have been raised by the Emergency Services or the Councils Refuse Collection Service. Extending the parking restrictions can be considered, however this may result in objections from other residents worried about the displaced parking. Restrictions would be considered if the above services considered them necessary to carry out their operations.

No.1 Hart Pastures has a garage and driveway, the Hartlepool Borough Council Design Guide and Specification at the time would have considered this level of parking provision applicable for a house of this size, the garage would count as a parking space. Currently at times No.1 park their vehicles on the carriageway blocking access to their own drive. This is obviously a convenient situation for No.1 at present and the construction of a private drive would see this parking opportunity removed. This parking space would only be available to No.1 as anyone else parking in this location would cause an obstruction to No.1's drive, hence my earlier assessment that no 'on street' parking would be lost.

The level of parking provision for this development is such that in normal circumstances would not result in the exacerbation of parking issues on Hart Pastures other than the loss of the one parking space which can only be used by No.1 Hart Pastures. I would consider this a relatively minimal loss and given the

small scale of the development (3 properties) would not be able to sustain an objection on parking or grounds.

HBC Engineers: In line with the recommendations of the Desk Study can I please request a stage 2 intrusive investigation.

In terms of the foul sewage this would be something Northumbrian Water will be approving if it is to be discharged into mains sewers. If the new properties are situated over the existing sewers then either a building over agreement will be required or the sewers themselves may require a diversion, again this is something the developer would need to discuss with Northumbrian Water.

In relation to surface water discharge from the adjoining properties, if this is a historical drainage route then the new developer has a duty to accept this flow in a responsible matter, therefore the drainage design would need to take account of this. No drainage details were supplied with his application only an intention to discharge into a surface water sewer. I would still need to see a drainage design to show how a 1:100 year storm can be accommodated onsite. In the past I have conditioned this but I know on a recent application a certain member of the planning committee was unhappy at conditioning the drainage for a smaller development.

HBC Conservation The proposal is the demolition of a stable and part long shed, conversion of barn and remaining long shed into a dwelling and erection of two new dwellings. These buildings are situated to the rear of Hart Farm which is recognised as a locally listed building. It is described as,

‘18th century whitewashed render, modern concrete tiled roof. Two storey with single storey wing with attic to east main block has two ground floor and two first floor horizontal sash windows with glazing bars, one central circular window with radial glazing bars to first floor. Rendered gable copings and two rendered gable end chimney stacks. Single storey wing has a four panel door to right with rectangular fanlight with central vertical glazing bar. One ground floor horizontal sash and one horizontal sash to attic.

To the rear of the property are a series of barns which appear to be contemporary with the main farmhouse. These are constructed in random rubble with pitched roofs over.’

In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF).

Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible.

The neighbouring property is Home Farm house which is recognised as a grade II listed building however it is considered sufficient distance away from the application site that the setting of the building will not be affected.

A detailed examination of the building on site has been provided as part of the submission. This identifies the best preserved buildings on site which will be retained and converted into a dwelling.

It is considered that the proposal is acceptable and will not significantly impact on the non-designated heritage asset.

HBC Ecology I have considered the Bat Survey Report, prepared by Durham Wildlife Services. Two bat emergence surveys were carried out on 20/07/2015 (dusk) and 06/08/2015 (dawn). While a number of bat events were recorded, there was clear evidence that none of the buildings were being used by bats for roosting. I am satisfied with the survey and report and agree with its recommendation that the development will not impact upon bat populations.

Should the development be approved, I recommend a condition that discrete bat boxes should be built in to any new build or alterations. The website www.wildcareshop.com/soffit-bat-box.html has been recommended as demonstrating suitable bat boxes. Providing biodiversity gain is recommended in the NPPF.

The building has accessible nesting opportunities for birds such as starling, house sparrow and swallow and as such, the applicant should be mindful that demolition or construction must work around any nesting bird. The work should be undertaken outside of the bird nesting season, or potential nest sites should be blocked off prior to the breeding season, or the applicant should be aware that it is a legal requirement under the Wildlife and Countryside Act 1981, that work is halted if a bird is found to be at any stage of its nesting activity, until the nest has naturally failed or the young have fledged. I recommend that HBC's 'informative' statements for both birds and bats are issued.

Northumbrian Water No Comments

Tees Archaeology The southern part of the development area was subject to an archaeological evaluation in 2003, which demonstrated that 19th and 20th century farmyard activities had truncated archaeological deposits. The application was submitted with a heritage statement which assessed the significance of the standing farm buildings. The best preserved of the older buildings, the stone barn, is to be retained within the development.

I am therefore satisfied that the requirement of the NPPF (para. 128) to determine the significance of the heritage assets has been met and have no objections to this development.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles

HE12: Protection of Locally important Buildings

Hsg9: New Residential Layout - Design and Other Requirements

National Policy

4.18 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 001 : Apply Policy

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 049 : Housing applications and sustainable development

PARA 128 : Heritage assets

PARA 129 : Significant heritage assets

PARA 131 : Viable use consistent with conservation

PARA 135 : Non-designated heritage asset

PARA 196 : Primacy of the Development Plan

PARA 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

4.19 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, amenity of neighbouring residents land users, character of the surrounding area, highway safety, drainage, ecology, archaeology and other residual matters.

Principle of Development

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

4.21 Considerable weight should be given to the fact that the authority cannot demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable and all other material planning considerations should be taken into consideration. The proposed development is within the village envelope of Hart as defined on the 2006 adopted Local Plan proposals map where residential development is acceptable in principle. As such the proposed site is considered to be a sustainable location for residential development therefore whilst the principle of development is considered to be acceptable this is subject to other material planning considerations as detailed below.

Amenity of neighbouring residents/land users

4.22 Amended plans were submitted to address initial concerns raised by an objector and the Council's Public Protection section regarding the position of the long shed in relation to an existing working farm adjacent. The original plans showed the long shed being converted into bedrooms however concerns were raised regarding the proximity of habitable rooms in relation to animals and the related functions and potential nuisances of a working farm. The amended plan shows the long shed being a detached garage with no habitable rooms included. Therefore in terms of the impact of the working farm on the residents of the proposed dwellings, the Public Protection section have no objections to the amended plans.

4.23 There is a residential property to the north, Hart Farm, which fronts on to Front Street. This property has a stable adjacent to the shared boundary with the application site with a separation distance of approximately 13 metres to the main dwelling house. The existing barn already features in the outlook of this dwellinghouse. The rear elevation of the proposed barn conversion (plot 1) adjacent to the shared boundary will not contain any habitable room windows. However three rooflight windows are proposed within the roof slope to serve the three bedrooms at first floor level. Given the oblique angle of the rooflight windows and the separation distance of approximately 13 metres to the main farm house it is not considered that the proposal will result in a detrimental impact upon the amenity of the neighbouring property to the north in terms overlooking, loss of light or appearing overbearing.

4.24 There is a farm shed adjacent to the western boundary of the application site which is an operational farm building. As part of the proposed development there is a proposed parking area adjacent to this farm building. The double garage serving plot 2 is beyond this parking area therefore there is a separation distance of approximately 12 metres between the existing farm building and the side elevation of Plot 3. The Council's Public Protection section have no objections to this relationship between the farm building and proposed residential use. As such this is considered to be acceptable.

4.25 There are residential properties to the east of the application site which front on to Hart Pastures. The property immediately to the east, number 1 Hart Pastures has an attached garage adjacent to the application site which does not have any habitable room windows within the main side elevation. There will be approximately 2 metres between the side elevation of plot 2 and the existing dwellinghouse at its closest point. As the side elevation of the properties do not contain any habitable room windows this relationship is considered to be acceptable. The proposed dwellings (plots 2 and 3) will largely follow the building line of the properties fronting onto Hart Pastures. As such it is not considered that the proposed development will result in a detrimental impact upon the amenity of neighbouring properties to the east in terms of overlooking, loss of light or appearing overbearing.

4.26 There is open countryside to the south of the application site therefore there are no neighbouring properties directly to the south of the site.

4.27 Separation distances retained on site between the plots are considered acceptable.

4.28 Concerns raised regarding disruption during the construction phase are noted however given that disruption is likely to be short to medium term impact it is not considered that this would warrant refusal of the application. However given the proximity to residential properties a condition limiting hours of construction is recommended.

Impact upon non-designated heritage assets

4.29 The proposal includes the demolition of a stable and part long shed, conversion of barn and remaining long shed into a dwelling and erection of two new dwellings. These buildings are situated to the rear of Hart Farm which is recognised as a locally listed building. It is described as,

'18th century whitewashed render, modern concrete tiled roof. Two storey with single storey wing with attic to east main block has two ground floor and two first floor horizontal sash windows with glazing bars, one central circular window with radial glazing bars to first floor. Rendered gable copings and two rendered gable end chimney stacks. Single storey wing has a four panel door to right with rectangular fanlight with central vertical glazing bar. One ground floor horizontal sash and one horizontal sash to attic. To the rear of the property are a series of barns which appear to be contemporary with the main farmhouse. These are constructed in random rubble with pitched roofs over. '

4.30 In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF).

4.31 Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible.

4.32 The neighbouring property is Home Farm house which is recognised as a grade II listed building however it is considered sufficient distance away from the application site that the setting of the building will not be affected.

4.33 A detailed examination of the building on site has been provided as part of the submission. This identifies the best preserved buildings on site which will be retained and converted into a dwelling.

4.34 The Council's Conservation Manager was consulted on the proposals and has raised no objections. Therefore it is considered that the proposal is acceptable and will not significantly impact on the non-designated heritage asset upon the setting of a listed building.

Character of the surrounding area

4.25 The proposed residential development is located within the development limits of Hart Village on an area of land which was previously associated with Hart Farm and is therefore brownfield land. The surrounding area is predominantly residential in nature however due to the village location there is no definitive street layout pattern and there are a mix of modern dwellings and traditional farm buildings within the immediate vicinity of the site.

4.36 The proposal will retain a long shed and part of a barn on the site which are locally listed buildings. This part of the development will be adjacent to the northern boundary of the site, beyond which are relatively modern stable buildings and a listed farm house. As such the proposed development will largely be screened by the existing farm buildings directly to the north with limited views of the development from outside the site due to screening provided by existing buildings.

4.37 A two storey extension to the side of the existing barn is proposed to form plot 1 however this will be constructed from matching materials and be of a subservient design to the host building. Furthermore the design will incorporate a glazed elevation to the east. A 1.8 metre fence will enclose the proposed garden area to the east. This will be adjacent to the proposed access to the development. However this will largely be screened from view from outside the site by existing buildings and the boundary wall. Furthermore it will be chamfered to follow the access to the proposed development. As such it is not considered that the proposals to form plot 1 will result in an incongruous feature within the streetscene. Furthermore given the traditional design of the proposed extension it is considered that it will be in keeping with the character of the host building.

4.38 The development also includes the erection of 2 new build properties towards the south of the site which will be of a modern appearance. However the site is adjacent to Hart Pastures which is a modern residential development. The proposed new build dwellings will largely be in line with the existing properties within Hart Pastures and will be of a scale which is considered to be appropriate in relation to the existing dwellings in the surrounding area.

4.39 Therefore the layout, scale and proportions of the proposed development are considered to be acceptable. As such it is not considered that the development would appear incongruous and is considered to be acceptable in terms of its impact on the character and appearance of the surrounding area.

Amenity space

4.40 Objectors have raised concerns with regard to the level of amenity space available to serve each of the dwellings. However whilst the depth of the gardens serving plots 2 and 3 will only measure approximately 5 metres these garden areas width be the full width of each of the properties respectively. Furthermore the gardens will face on to open countryside therefore giving an open aspect to the rear.

4.41 Plot 1 has amenity space proposed to the side of the dwelling which will be enclosed by a 1.8 metre high closed boarded fence therefore providing private amenity space to serve the dwelling. Whilst it is acknowledged that this is a limited space given the village location of the application site the proposed layout and amenity space provision is considered to be acceptable in this location.

4.42 Notwithstanding the above given the limited garden areas, in order to ensure a satisfactory level of amenity space is retained a condition is recommended restrict permitted development rights for the properties.

Highway safety

4.43 The site access is located off Hart Pastures which is an existing cul-de-sac. Objectors have raised concerns regarding the position and width of the proposed access from Hart Pastures asserting that the development will exacerbate existing on street parking and access problems. The Council's highways officers were consulted on the proposal and have acknowledged that the road can get quite congested with parked cars and there has been a long standing issue with visitors to the Public House parking on Hart Pastures, particularly near the entrance. It is acknowledged that parking tends to take place half on and off the footway in order to maintain access along the road, although this is technically a traffic offence (obstruction of the highway) very few prosecutions are made because of the practical reasons for parking on the footway. Furthermore this is an issue which is outside of the control of planning legislation. The Council's Traffic and Transport section have confirmed no concerns have been raised by the Emergency Services or the Council's Refuse Collection Service. An objector has suggested that extending the parking restrictions should be considered as a solution and whilst this can be considered this may result in objections from other residents worried about the displaced parking. Restrictions would be considered if the above services considered them necessary to carry out their operations.

4.44 An objection submitted states that the development will restrict parking at No.1 Hart Pastures. This property has previously been extended and has a garage and driveway. Whilst the drive length of No. 1 Hart Pastures is not a matter for consideration under the current proposals, the Hartlepool Borough Council Design Guide and Specification (at the time of the approval of the extension) would have been considered. At the time the level of parking provision for a house of this size was considered to be acceptable and therefore justified approval of the development.

4.45 Currently at times No.1 park their vehicles on the carriageway blocking access to their own drive. This is obviously a convenient situation for No.1 at present and the construction of the proposed access would see this parking opportunity removed. This parking space would only be available to No.1 as anyone else parking in this location would cause an obstruction to No.1's drive, hence the assessment by the Traffic and Transport officers that no 'on street' parking would be lost as it is only the cars serving No.1 Hart Pastures who are able to park in that space currently.

4.46 The level of parking provision for this development, within its own curtilage, is such that in normal circumstances would not result in the exacerbation of parking issues on Hart Pastures (other than the loss of the one parking space which can only be used by No.1 Hart Pastures). Therefore the Council's Traffic and Transport section consider this a relatively minimal loss and given the small scale of the development (3 properties) would not be able to sustain an objection on parking grounds therefore do not object to the proposed development. As such it is not considered that the proposed development will result in an adverse impact upon highway safety.

Drainage

4.47 The applicant has stated that drainage discharge will be via mains sewer with some mitigation measures. The Council's engineers have raised no objections to this however they have requested a surface water condition to ensure that surface water can be attenuated onsite prior to being discharged at a rate agreed with Northumbrian Water. Therefore a condition is recommended accordingly.

4.48 An objector has raised concerns that the surface water drainage for the adjacent farm cross the application site. The Council's engineers have confirmed that in relation to surface water discharge from the adjoining properties, if this is a historical drainage route then the new developer has a duty to accept this flow in a responsible matter, therefore the drainage design would need to take account of this. No drainage details were supplied with this application, only an intention to discharge into a surface water sewer. Any subsequent drainage design would need to show how a 1:100 year storm can be accommodated onsite. This would be subject to an appropriate planning condition whereby the details submitted would need to demonstrate sufficient capacity including flows from adjacent land.

Archaeology

4.49 The southern part of the development area was subject to an archaeological evaluation in 2003, which demonstrated that 19th and 20th century farmyard activities had truncated archaeological deposits. The application was submitted with a heritage statement which assessed the significance of the standing farm buildings. The best preserved of the older buildings, the stone barn, is to be retained within the development.

4.50 Tees Archaeology are therefore satisfied that the requirement of the NPPF (para. 128) to determine the significance of the heritage assets has been met and have raised no objections to this development.

Ecology

4.51 A Bat Survey Report was submitted with the application. Two bat emergence surveys were carried out on 20/07/2015 (dusk) and 06/08/2015 (dawn). While a number of bat events were recorded, there was clear evidence that none of the buildings were being used by bats for roosting. The Council's ecologist is satisfied with the survey and report and agrees with its recommendation that the development will not impact upon bat populations.

4.52 However a condition to secure bat boxes is recommended providing biodiversity gain as recommended in the NPPF.

4.53 The building has accessible nesting opportunities for birds such as starling, house sparrow and swallow and as such, the applicant should be mindful that demolition or construction must work around any nesting birds. Therefore a condition relating to breeding birds is also recommended accordingly.

Residual Matters

4.54 The adjacent neighbouring resident has raised concerns that the stable block to be demolished is attached to a stable block gable which is not in the ownership of the applicant. The agent has confirmed that the stable wall will remain at a higher level than the roof ridge of the adjacent stable. He has also confirmed that following the demolition of the stable the wall will be made good however no works will be carried out on land not in the ownership of the applicant.

4.55 The application was accompanied by a Preliminary Risk Assessment (desk based study) which concluded that a stage 2 intrusive investigation would be required. The Council's engineers concur with this conclusion therefore an appropriate condition is recommended accordingly.

Conclusion

4.56 The application site is located within the defined boundary of Hart Village and as such is considered to be a sustainable location for a residential development. The proposals are also considered to be acceptable in terms of amenity of neighbouring properties, character of the surrounding area, highway safety, impact upon heritage

assets, archaeology, ecology and all other residual matters and as such is considered to be acceptable. Therefore the application is recommended for approval subject to conditions.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.57 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.58 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. It is not considered any significant issues will arise from the development.

REASON FOR DECISION

4.59 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 Site Location Plan and Site Survey A345 0216 100 Elevations and Roof Plan Plot 1 A345 0216 103 received by the Local Planning Authority 04 July 2016 and
Proposed Elevations and sections Plot 1 A345 1216 106A
Proposed Elevations and Sections Plot 1 A345 0216 107A
Proposed Roof Plan Plot 3 A345 0216 112A
Proposed Floor Plans Barn Conversion Plot 1 A345 1216 105A
Proposed Elevations Plot 3 A345 0216 111A received by Local Planning Authority 31 August 2016
Proposed Floorplans Plot 3 A345 0216 110A received 27 September 2016
Proposed Elevations Plot 2 A3450216109
Proposed Floorplans Plot 2 A345 0216 108
Received by the Local Planning Authority 29 June 2016
And Proposed Site Plan A345 0216 104C received by the Local Planning Authority on 9 September 2016.
And Existing Plans and Elevations of the Long shed Stable and barn A345 0216 101
Proposed Elevations and roof Plan of the Long shed A345 0216 113 received by the Local Planning Authority 28 September 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. The development hereby approved shall be carried out having regard to the following:
 1. Site Characterisation

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

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

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

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

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

In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk

assessment must be undertaken in accordance with the requirements of 1 (Site Characterisation) above, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of 2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

5. No development shall take place until a scheme for the provision of bat and bird roosting features and bird and bat boxes including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.

In the interests of biodiversity compensation and to accord with the provisions of the NPPF.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended 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.

7. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.
8. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water, including how it will adequately attenuate a 1:100 year storm and take into account historical drainage of adjacent land crossing the site, detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. To reduce the risk of flooding to the proposed development, surrounding area and future users.
9. The proposed bathroom and en-suite window(s) in the side elevation of plot 2 and 3 shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent 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.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting the Order with or without modification), no additional doors or windows(s) shall be inserted in the north or south elevations of the dwellinghouse on plot 1 or the east or north elevation of the long shed (the proposed garage on plot 1) without the prior written consent of the Local Planning Authority.
To prevent overlooking.
11. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To allow the Local Planning Authority to retain control to ensure sufficient amenity space remains to serve the dwellings.

BACKGROUND PAPERS

4.60 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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FORMER STACKYARD, REAR OF HART FARM



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

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H/2016/0282
Scale: 1:1000
Date : 05/08/2016

No: 5
Number: H/2016/0317
Applicant: SC & J Trading Co.
Agent: PRISM PLANNING LTD MR STEVE BARKER 1ST FLOOR 11 HIGH ROW DARLINGTON DL3 7QQ
Date valid: 21/07/2016
Development: Retrospective application for a change of use to mixed use of A3 (cafe/restaurant) and A4 (public house) uses (retrospective)
Location: 25 - 27 CHURCH SQUARE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 This application has been submitted retrospectively in accordance with the Town and Country Planning Act 1991 (as amended). The application must now be considered at planning committee due to the request by a Councillor.

PROPOSAL

5.3 Planning permission is sought retrospectively for a change of use of the premises to mixed A3 and A4 use combining a cafe/restaurant and public house. The activities are described as including alcohol sales, films, live and recorded music and other activities associated with these use classes. The property is named 'O'Malley's Irish Fun Pub & Karaoke Bar'. Externally there has been a fascia sign added on the ground floor and advertisements on the front elevation of the first floor. Internally there have been no changes made to the layout.

SITE CONTEXT

5.4 The application site is no.25-27 Church Square, Hartlepool. The property is two storey mid terraced and has a ground floor commercial shop frontage with white smooth rendered first floor. To the north is Christ Church, a Grade II* Listed Building. To the south is Cleveland College of Art and Design and commercial/office premises. To the east are no's 19, 21 & 23 Church Square which have ground floor commercial uses with flats or storage above, and no's 2, 4, 6 & 8 Tower Street again with ground floor commercial uses and flats/storage above. To the west is no.29 Church Square which is a residential dwelling.

PUBLICITY

5.5 The proposal has been advertised by way of a Site Notice, 16 Neighbour Notification letters and 3 Councillor Notification letters. One objection has been received. The concerns raised are:

- Objection based on the grounds of noise pollution

Copy Letters **G**

CONSULTATIONS

5.7 The following consultation replies have been received:

HBC Heritage and Countryside (Conservation): No objections.

HBC Public Protection : I would have no objections to this application subject to the following ;

These premises are located directly through a party wall to a neighbouring residential property. Under the provisions of the Live Music Act 2012 a licence is not required for live music (including karaoke) between the hours of 8:00am and 11:00pm where the audience is no more than 200 and the premises are licensed to sell alcohol. The neighbour has suffered from problems with noise from these premises in the past and the current music is audible in her premises, particularly after 10:00pm on a Friday and Saturday night. I would therefore require a condition prohibiting the playing of all live music and karaoke on the premises at any time.

Any other amplified music should only be played through a fixed amplification system which should be fitted with a noise limiter set at a level in conjunction with and to the satisfaction of the LPA and maintained at this level at all times when amplified music is played on the premises.

An hours condition restricting the opening hours to between 11:00am and midnight 7 days per week. I would also require an extract ventilation condition for the kitchen. I understand that there may be an extract system in place but that it may not have been used for some time and is probably in poor condition.

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

Additional comments: The owner would need to apply to the Council's Highways Section (Chris Roberts) for a Highways Indemnification License. We would require a minimum footway width of 2 metres is maintained past the pub.

HBC Economic Development: I have no objection to the proposals.

PLANNING POLICY

5.8 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

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

Com1: Development of the Town Centre
 Com12: Food and Drink
 Com6: Commercial Improvement Areas
 GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 Rec13: Late Night Uses

National Policy

5.10 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.

5.11 This property is located within the Church Street Conservation Area, a designated heritage asset, and close to the Grade II* Listed Christ Church.

5.12 The National Planning Policy Framework (NPPF) states that a heritage asset is, *‘a building, monument, site, place, area or landscape identified as having a degree of significance meriting consideration in planning decisions, because of its heritage interest. Heritage asset includes designated heritage assets and assets identified by the local planning authority (including local listing).’*

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

5.14 When considering any application for planning permission that affects a conservation area, Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the local planning authority to pay “*special attention...to the desirability of preserving or enhancing the character or appearance of that area*”.

5.15 The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). Para 129 of the NPPF states “*Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset’s conservation and any aspect of the proposal*”.

5.16 The following NPPF paragraphs are relevant to this application:

PARA 007 : 3 dimensions of sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 019 : Sustainable economic growth
 PARA 056 : Design of built environment
 PARA 064 : Refusal for development of poor design
 PARA 067 : Advertisements
 PARA 126 : Positive strategy for the historic environment
 PARA 128 : Heritage assets
 PARA 129 : Minimise conflict
 PARA 132 : Weight given to asset's conservation
 PARA 133 : Substantial harm to heritage asset
 PARA 134 : Harm to heritage asset
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.17 The material planning considerations in regard to the above proposal are the principle of development in relation to the Hartlepool Local Plan 2006 policies and the NPPF, and the impacts on the character and setting of designated heritage assets, neighbour amenity and highway safety.

PRINCIPLE OF DEVELOPMENT

5.18 The proposed development involves formalisation of a change of use to provide an A3/A4 use. The predominant use would be as a licensed public house (A4) with other ancillary uses. The premises was previously an A3 use with the licensed cafe/restaurant forming the dominant use. Consultation with HBC Planning Policy raised no objections to the development providing that the live music element was assessed and considered by HBC Public Protection and that any sound proofing measures were incorporated as required.

5.19 Of relevance is Saved Policy Com1 which states that proposals for A3, A4 and A5 uses will be subject to the provisions of policies Rec13 and Com12. Saved Policy Com9 is also of relevance and states that uses including leisure, entertainment and other main town centre uses should be located in the town centre. The site is located in the town centre and the proposed mix of A3/A4 uses would be considered as main town centre uses, including the public house as the dominant use.

5.20 In considering the application of Saved Policy Com1, Saved Policy Rec13 states that proposals for uses open between the hours of midnight and 7am will only be permitted in the Church Street area providing there is no significant impact on the amenities of nearby properties in terms of noise and disturbance, or any detrimental impact on the overall character, function and appearance of the area. The consideration of the effect on neighbour amenity is set out in the relevant section below.

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

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

5.23 Also of relevance is paragraph 23 of the NPPF which states that Local Planning Authorities should “recognise town centres as the heart of their community” and to “*promote competitive town centres that provide customers choice*”. This proposal involves the use of the building for a mixed A3 and A4 use and therefore could be described as beneficial to the local economy through revenue and job creation/retention. No objections were received from HBC Economic Regeneration. The proposal would therefore result in an active ground floor use, when in use and would offer an increased choice to consumers in relation to food and drink.

5.24 In addition, consultation with HBC Heritage and Countryside (Conservation) raised no objection to the development. It is therefore considered that there would

be no detrimental impact on the character, function and appearance of the area subject to conditions.

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

VISUAL IMPACT – CHURCH STREET CONSERVATION AREA AND LISTED BUILDINGS

5.26 The property is an unlisted building within the Church Street Conservation Area and located to the south of the Grade II* Listed Christ Church. It is therefore necessary to assess the proposal in relation to the impact on both of these designated heritage assets.

5.27 In relation to the impact on the Church Street Conservation Area, Saved Policy HE1 states: *“Proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area...”* Policy HE2 also states that: *“The Borough Council will encourage environmental improvements to enhance conservation areas.”*

5.28 It is noted that the intended use of the building would fall partly within the same use class as the previous use. There have been no internal alterations made and external alterations do not form part of the consideration of this application. Therefore given the nature of the proposed use of the building, there is considered to be no significant impact on the character of the Church Street Conservation Area.

5.29 In relation to the impact on the setting of the Grade II* Listed Christ Church, the NPPF states in paragraph 132 that: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”* Furthermore, paragraph 135 states: *“...a balanced judgement will be required having regard to the scale of any harm of loss and the significance of the heritage asset.”*

5.30 Again, HBC Heritage and Countryside (Conservation) raised no objections to the proposal. Whilst it is recognised that the premises is within close proximity to the Listed Building, given the nature of this change of use application in terms of use of the premises and no significant changes to the appearance of the building, there is considered to be no significant impact on the character and setting of the Grade II* Listed Building.

5.31 Overall, there is considered to be no significant visual impact on any designated heritage assets, in accordance with Saved Policies GEP1, HE1 or HE2 and relevant NPPF paragraphs.

NEIGHBOUR AMENITY

5.32 One objection was received from a neighbour in relation to the proposal. The comments/concerns were in relation to noise pollution.

5.33 Consultation was undertaken with HBC Public Protection with comments stating that there would be no objection to the proposal subject to conditions restricting the playing of live music and karaoke, a system limiting the noise level from pre-recorded music, a condition relating to the installation of extraction equipment for the control of odours and an hours restriction. This is in order to protect the amenity of the adjoining residential property. It is therefore considered that subject to these conditions the impact on the amenity of the neighbouring property would be acceptable, in particular the issues of noise, smells and disturbance.

5.34 It is noted that the current license allows for live music and karaoke, however it has been explained by HBC Public Protection that a license is not required for live music between 8:00am and 11pm under certain circumstances. In any case, Licensing and Planning are separate regimes and in light of the concerns raised regarding the amenity of the neighbour, it is considered reasonable to impose relevant conditions.

5.35 In relation to the impact on other nearby properties and land uses, whilst it is noted that the premises would operate up until midnight on each day of the week, given the nature of the intended dominant and ancillary uses in relation to the previous use and the surrounding land users, there is considered to be minimal impact on amenity in particular in relation to noise and disturbance subject to the use of the conditions already stated above.

5.36 Overall, the impact on neighbour amenity with the conditions proposed is considered to be acceptable, in accordance with Saved Policies GEP1, GEP2 and GEP3.

HIGHWAY SAFETY

5.37 Consultation with HBC Traffic and Transport raised no objections to the proposal. It is therefore considered that the development would be acceptable in relation to highway safety, in accordance with Saved Policy GEP1.

RESIDUAL MATTERS

5.38 It is noted that the proposal has omitted the seating area at the front of the property from the red line application boundary. An assessment of this aspect has therefore not been undertaken however it should be noted that planning consent would be required for the use of this adopted highway verge area, and the applicant has been advised accordingly.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

5.41 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 the application form and the Site Location Plan received by the Local Planning Authority on 21/07/16.
For the avoidance of doubt.
2. No live music or karaoke shall be played/performed on the premises at any time. The playing of any pre-recorded amplified music shall only be through a fixed amplification system, full details of which, including a noise limiter and noise limiter levels, shall be submitted to the Local Planning Authority within 1 month of the date of this planning permission. Thereafter, the approved system shall be installed within 1 month of the details being approved in writing and shall thereafter be used at all times whenever amplified music is played on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
3. Within 2 months of the granting of this permission details for ventilation filtration and fume extraction equipment to reduce cooking smells shall be submitted to the Local Planning Authority for its approval in writing.
Thereafter, the approved scheme shall be implemented within 6 months of the details being approved in writing, by the Local Planning Authority, and shall be retained, and the equipment used in accordance with the manufacturer's instructions at all times whenever food is being cooked on the premises, for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties.
4. The premises shall only be open to the public between the hours of 11:00am and midnight 7 days a week, including Bank Holidays.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

5.42 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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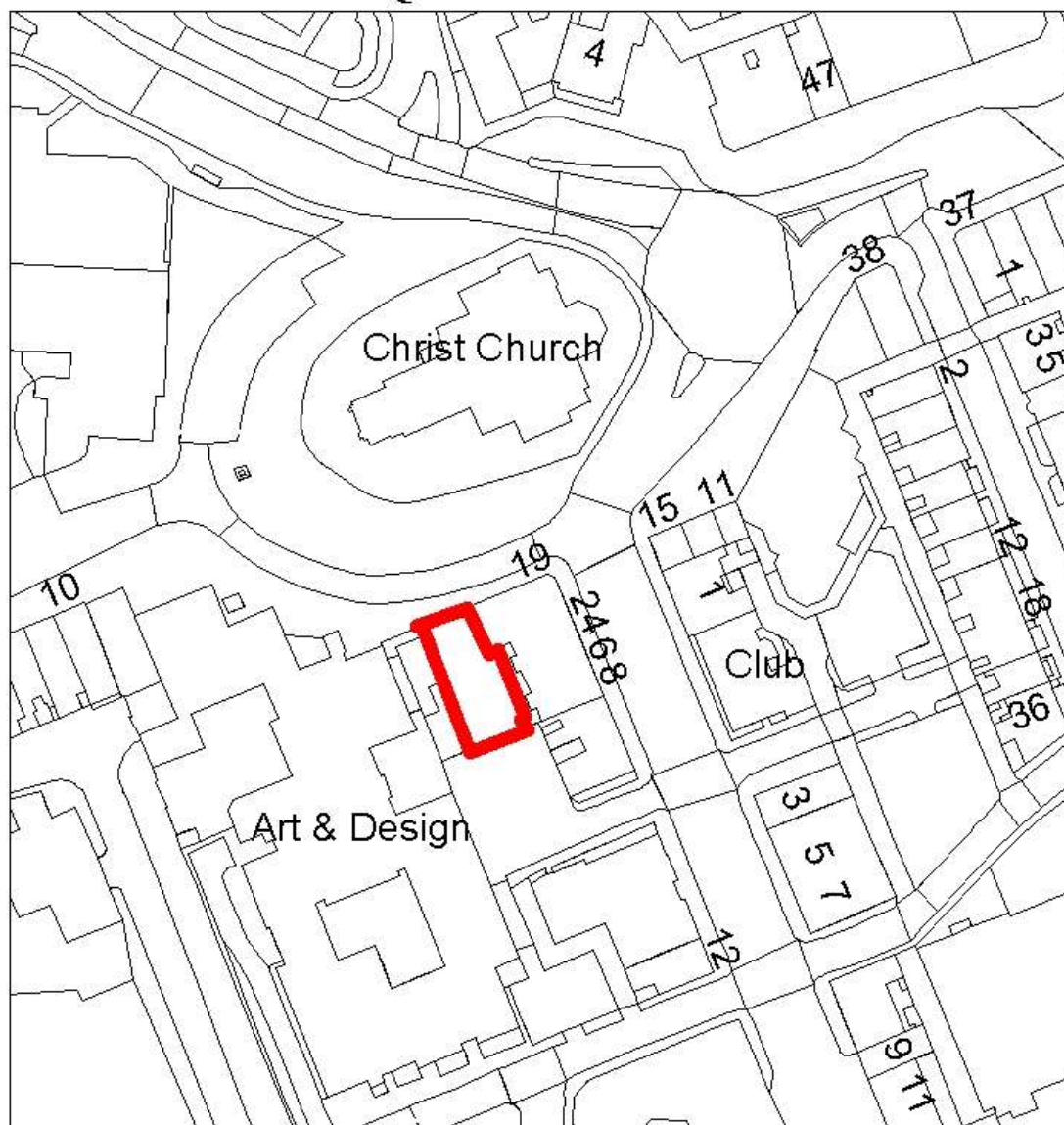
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25-27 CHURCH SQUARE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 04.10.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0317	REV

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

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

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

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

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

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

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

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

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

HE12 (Protection of Locally Important Buildings) - The policy sets out the factors to be considered in determining planning applications affecting a listed locally important building. The Council will only support the demolition or alteration of locally important buildings where it is demonstrated that this would preserve or enhance the character of the site and the setting of other buildings nearby.

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

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

Rec2 (Provision for Play in New Housing Areas) - Requires that new developments of over 20 family dwellings provide, where practicable, safe and convenient areas for casual play. Developer contributions to nearby facilities will be sought where such provision cannot be provided.

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

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

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

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

Rur18 (Rights of Way) - States that rights of way will be improved to form a network of leisure walkways linking the urban area to sites and areas of interest in the countryside.

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.

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this

waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

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

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

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

12. This National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. Proposed development that accords with an up-to-date Local Plan should be

approved, and proposed development that conflicts should be refused unless other material considerations indicate otherwise.

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

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

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

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

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

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.

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to

meet their housing target; and

- set out their own approach to housing density to reflect local circumstances.

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

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

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

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

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

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

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

67: Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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.

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

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

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

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;
- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;
- opportunities to incorporate biodiversity in and around developments should be encouraged;
- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and
- the following wildlife sites should be given the same protection as European sites:
 - potential Special Protection Areas and possible Special Areas of Conservation;
 - listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

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

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

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

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

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

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

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

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

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

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

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

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

PLANNING COMMITTEE

19th October 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: PROPOSED DIVERSION OF PUBLIC FOOTPATH
No 31, PERSIMMON HOMES, BRITMAG,
HARTLEPOOL

1. TYPE OF DECISION

1.1 Non Key: requiring decision

2. PURPOSE OF REPORT

2.1 This report seeks the approval for the making and subsequent confirmation of the diversion order of Public Footpath No 31, Persimmon Homes, Britmag, Hartlepool, as shown in the plan, placed at the end of this report (see **Appendix 1**).

3. BACKGROUND

3.1 On the 29th June 2015 the Highway Authority, known as Hartlepool Borough Council, received an application to divert a section of the Public Footpath No 31, Persimmon Homes, Britmag, Hartlepool. The plan submitted as part of the application is shown in **Appendix 2** and is located at the end of this report.

3.2 The application was made by the landowner, Persimmon Homes, on the grounds that the diversion was necessary to enable the development of a new housing estate. Planning Permission was granted under delegated powers, for this application, on 18th December 2014.

4. PROPOSALS

4.1 The proposed diversion, shown in the attached plan, is to re-route:

- A section of Public Footpath No. 31 through the Persimmon Homes development site, routing it onto a new coastal path, located to the seaward side of the new housing estate.

- This will allow the developer to build the housing estate and so allow the path to be unobstructed and free to use

5. RISK IMPLICATIONS

5.1 There are no risk implications relating to this report.

6. FINANCIAL CONSIDERATIONS

- 6.1 The original costs of the diversion, to the landowner, were quoted as approximately £2,500.00 in 2014.
- 6.2 Hartlepool Borough Council has considered and concluded that the applicant should pay for the full cost that relate to costs for the making and confirmation of this diversion order, reflected at the time of the invoicing of this process.
- 6.3 £2,500.00 is a baseline figure and the actual costs in 2020/2021, when the invoice is likely to be raised, will reflect the advertising expenses, work and time undertaken to that date.
- 6.4 **Appendix 3** (shown at the end of the report) is a copy of the signed declaration submitted as part of Persimmon (Teesside) Homes Ltd application, in June 2015. This declaration explains the applicant's commitment to the full defrayment of all costs and expenses incurred by Hartlepool Borough Council, as part of this diversion process.

7. LEGAL CONSIDERATIONS

- 7.1 An order, under Section 257 of the Town and Country Planning Act 1990, may, if the competent authority are satisfied that it should do so, provide:
- for the creation of an alternative highway for use as a replacement for the one authorised by the order to be stopped up or diverted, or for the improvement of an existing highway for such use;
 - for authorising or requiring works to be carried out in relation to any footpath or bridleway for whose stopping up or diversion, creation or improvement provision is made by the order;
 - for the preservation of any rights of statutory undertakers in respect of any apparatus of theirs which immediately before the date of the order is under, in, on, over, along or across any such footpath or bridleway;
 - for requiring any person named in the order to pay, or make contributions in respect of, the cost of carrying out any such works.
- 7.2 When looking at the Section 257 of the Town and Country Planning Act 1990, the following questions have been considered:

7.3 Landowner/Public Interest

The application was made by Persimmon Homes, acting on its own behalf. The diverted path is needed, to provide a more enjoyable and safe route for people to use. The diversion is required to also protect the privacy and amenity of the proposed dwellings associated with the Planning application H/2014/0470

7.4 Termination Points

The diversion does not alter the termination points of the path at the northern end of the route, at Brus Tunnel, but does alter at the south eastern terminus of the path, where it will now join the adjoining Public Footpath No.32, Hartlepool, rather than its existing termination point of Old Cemetery Road. It allows for the development to take place and the path to be placed on a route as enjoyable and as satisfactory to the user of the public right of way path network in this area of the borough.

7.5 Consideration of the order to divert.

When considering the order of diversion, the Council may consider that the order is satisfactory and works providing a positive addition to the rights of way network being in the interests of the public in general as well as local landowners. It will serve a wider section of the community adding to the safety and sustainability of the highway infrastructure.

7.6 Consideration of the Rights of Way Improvement Plan

When looking at the legal considerations for this diversion with regards to the Rights of Way Improvement Plan, the Council feels that in this case there are no material provisions to be met, above normal management upon the conclusion of the order. The diverted route is already owned and managed by the existing landowner.

8. **CHILD AND FAMILY POVERTY**

- 8.1 There are no child and family poverty implications relating to this report.

9. **EQUALITY AND DIVERSITY CONSIDERATIONS**

- 9.1 There are no Equality or Diversity issues or constraints in relation to the diversion of the public footpath at Persimmon Homes, Britmag, Hartlepool.

10. **ACCESS/DDA**

- 10.1 Hartlepool Access Group has been consulted. All reasonable steps have been taken to create a path that suits the needs of Mobility and Visually Impaired Groups.

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

11.1 Section 17 of the Crime and Disorder Act 1988 requires Local Authorities and Police Authorities to consider the community safety implications of all their activities.

11.2 Section 17 states:

- *‘Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area’.*

11.3 The Community Safety Implications, in respect of the diversion of the public footpath at Persimmon Homes, Britmag, Hartlepool, have been taken into account and that all has been reasonably done to prevent crime and disorder.

12. CONSIDERATION OF AGRICULTURE AND FORESTRY

12.1 There are no agricultural or forestry issues or constraints in relation to the diversion of the public footpath at the Persimmon Homes, Britmag, Hartlepool.

13. CONSIDERATION OF BIODIVERSITY

13.1 There are no biodiversity issues or constraints in relation to the diversion of the public footpath at the Persimmon Homes, Britmag, Hartlepool.

14. CONSULTATIONS

14.1 Full informal consultation was carried out with all relevant parties, including all the relevant user groups. None of these informal consultees raised any objections to the proposals concerned. A full list of consultees is provided as **Appendix 4** and is located at the end of this report.

14.2 The Ramblers Association have requested that the alternative route be of a width of 2 metres,

15. STAFF CONSIDERATIONS

15.1 There are no staff considerations relating to this report

16. ASSET MANAGEMENT CONSIDERATIONS

16.1 There are no asset management considerations relating to this report

17. RECOMMENDATIONS

17.1 That the Planning Committee:

- approves the making of a Diversion Order in respect of Public Footpath No 31, Persimmon Homes, Britmag, Hartlepool and to implement the proposal as shown in the attached plan;
- If no objections are received, or if any objections which are received are subsequently withdrawn, the Order be confirmed; and,
- If any objections are received, and not subsequently withdrawn, the Order be referred to the Secretary of State for confirmation

18. REASONS FOR RECOMMENDATIONS

- 18.1 Section 257 of the Town and Country Planning Act 1990 requires a competent authority to consider the authorisation of a diversion order of a public footpath if they are satisfied that it is necessary to do so in order to enable development to be carried out at Persimmon Homes, Britmag, Hartlepool site.
- 18.2 On 18th December 2014 planning permission was granted, under delegated powers, to Persimmon Homes for the development of a new housing estate with associated landscaping (H/2014/0470).
- 18.3 To carry out and finalise these works the public footpath is required, for part of its route, to be diverted away from the existing path and onto another route through the development site.
- 18.4 The public footpath is designated as Public Footpath No 31, Hartlepool and runs from the entrance of the Hart to Haswell Walkway at Hartville Road/Ocean Road, Hartlepool and terminates at the northern end of Old Cemetery Road, Hartlepool.

19. BACKGROUND PAPERS

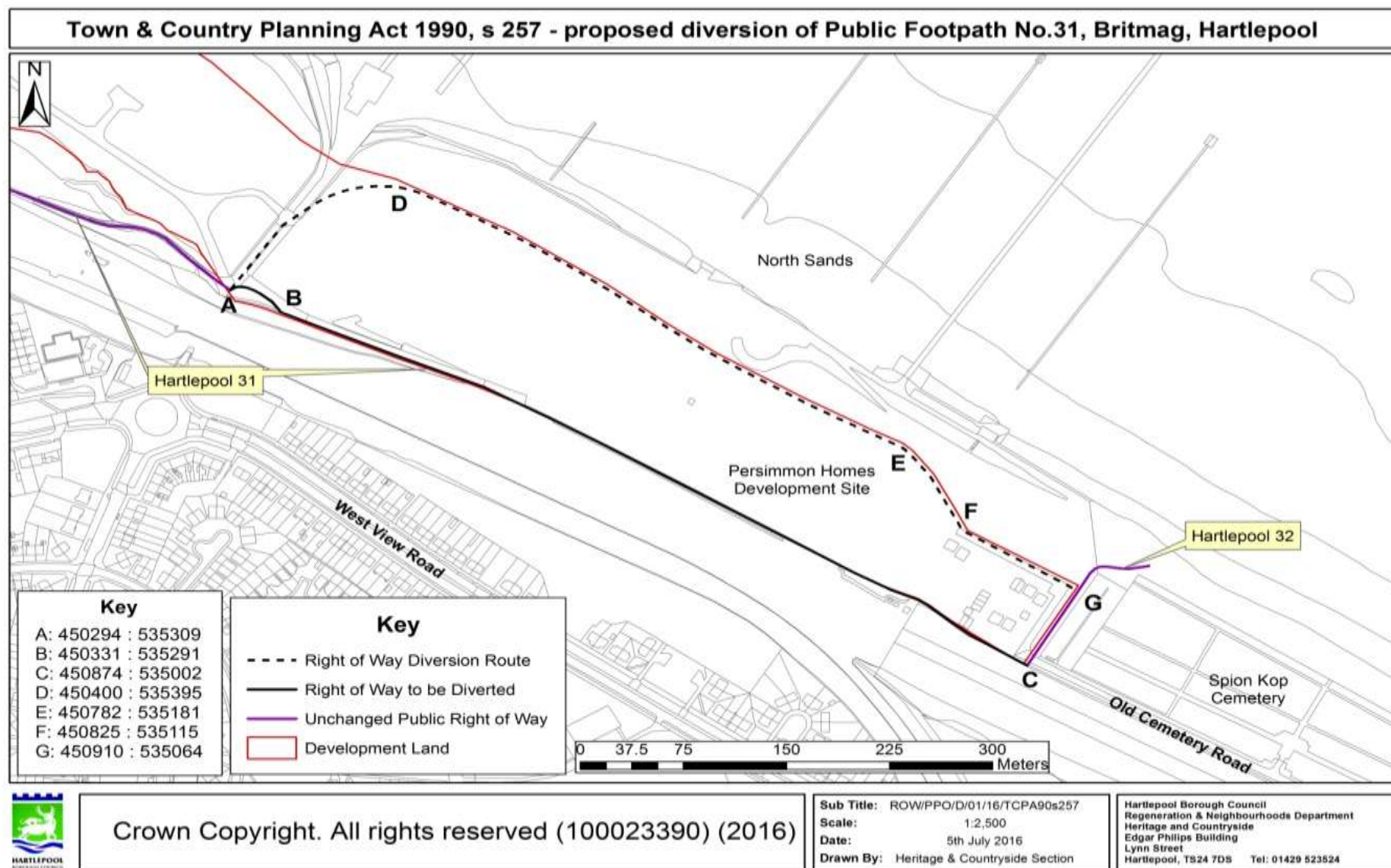
- 19.1 All background papers are available for public viewing via appointment (01429 523524) and are located at Edgar Philips Building, Lynn Street Depot, Lynn Street, Hartlepool, TS24 7DS

20. CONTACT OFFICER

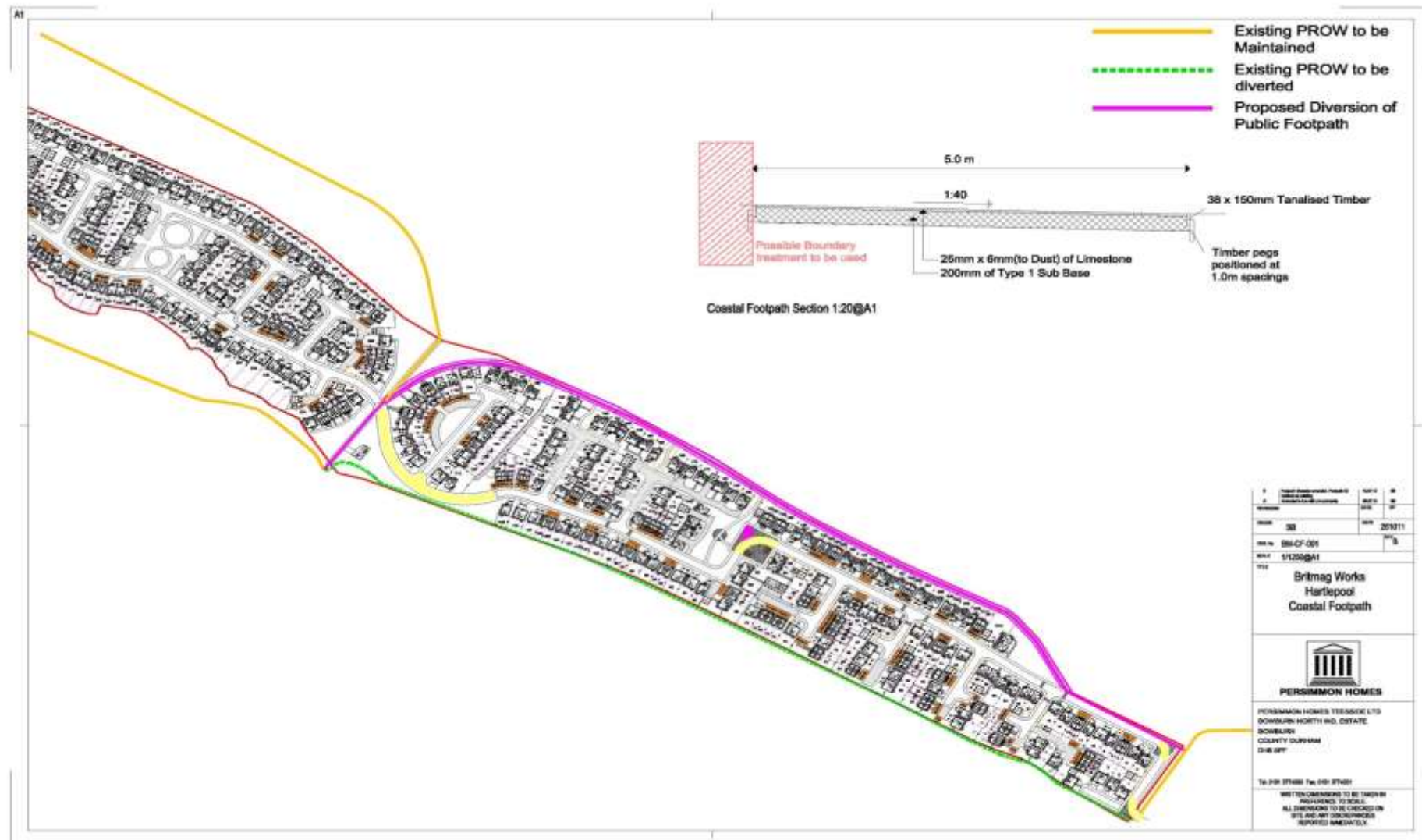
Denise Ogden
Director of Regeneration and Neighbourhoods
Civic Centre
Victoria Road
Hartlepool

TS24 8AY
Email denise.ogden@hartlepool.gov.uk
Tel: 01429 523301

Chris Scaife
Countryside Access Officer
Heritage and Countryside Section
Regeneration and Neighbourhoods Department
Email: chris.scaife@hartlepool.gov.uk
Telephone: (01429) 523524



Plan submitted with the application
to divert the afore-mentioned public footpath



4.2 APPENDIX 3:

Copy of the signed declaration submitted as part of
Persimmon (Teesside) Homes Ltd application, in June 2015

DECLARATION

I / We

- a) understand that no authority for the stopping up or diversion of a highway is conferred unless or until an order has been made and notice of its confirmation has been published;
- b) declare that, except to the extent authorised by or under some other statutory provision, the highway or highways to be stopped up or diverted are in no way obstructed and are fully available for use;
- c) undertake to defray the following costs and expenses incurred by Hartlepool Borough Council.
 - Any compensation which may become payable in consequence of the coming into operation of the Order.
 - The cost of any works necessary as a consequence of the coming into operation of the Order including the removal or repositioning of statutory undertakers' apparatus or equipment.
 - The cost of advertising the making and confirmation of the Order in the local newspaper.
 - The administrative costs incurred by Hartlepool Borough Council in the making of the Order, as specified in the Local Authorities (Recovery of Costs for Public Path Orders) Regulations 1993, as amended in 1996.
- d) Undertake to provide the alternative way to the agreed specification within six weeks of notification from the Highway Authority;
- e) Hereby declare that, to the best of my knowledge and belief, all the particulars given in this application are correct and that I/We have read and understood the form and the notes attached.

Signed: K. Offield KARL OFFIELD - ENGINEERING MANAGER

Agent for: Persimmon Homes Teesside

Date: 29/06/15

This form should be returned to:
The Director of Regeneration and Neighbourhoods
C/o Heritage and Countryside Section
Civic Centre
Victoria Road
Hartlepool
TS24 8AY

4.2 APPENDIX 4

A list of all parties consulted as part
of the process to consider the application to divert this path.

Public Footpath No.31, Persimmon Homes, Britmag, Hartlepool

List of Consultees during consultation – 25th February 2016

Ward Members: Councillor Rob Cook
 Councillor Sheila Griffin
 Councillor Stephen Thomas

Ramblers Association
Hartlepool Access Group

Hartlepool Borough Council Services:
Ecology
Tees Archaeology
Planning
Property Services

Utilities:
Hartlepool Water Authority
National Grid
Northern Gas Networks
Northern Power Grid: Middlesbrough and National Offices
Northumbrian Water Authority
Telecom Open Reach (BT)
 Virgin Media

List of Consultees during secondary consultation – 5th July 2016

Ward Members: Councillor Brenda Harrison

Regeneration Committee Chair: Councillor Kevin Cranney

PLANNING COMMITTEE

19th October 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT 76 CHURCH STREET HARTLEPOOL –
APPEAL REF: APP/H0724/W/16/3152211 – CHANGE
OF USE OF GROUND FLOOR TO HOT FOOD
TAKEAWAY AND A RESIDENTIAL FLAT OVER
FIRST AND SECOND FLOOR (H/2016/0089)

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 change of use of the ground floor to a hot food takeaway and a residential flat over first and second floor at 76 Church Street. The decision was made at Planning Committee on 11 May 2016, for reasons relating to insufficient car parking, impact on the health and wellbeing of the area, insufficient bin storage and impact on rear access as a result of waste accumulating in the rear yard.
- 1.2 Members will recall that a similar application (H/2016/0227) which included an internal bin storage area was approved at Planning Committee on 27 July 2016.
- 1.3 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 this appeal.

3. CONTACT OFFICER

- 3.1 Denise Ogden
Director of Regeneration & Neighbourhoods
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523400
E-mail: denise.ogden@hartlepool.gov.uk

3.2 **AUTHOR**

Leigh Taylor
Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523537
E-mail leigh.taylor@hartlepool.gov.uk

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

PURPOSE OF REPORT

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

BACKGROUND

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

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

PROPOSAL

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

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

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

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

SITE CONTEXT

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

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

PUBLICITY

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

Copy letters **C**

CONSULTATIONS

3.10 The following consultation replies have been received:

HBC Public Health

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

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

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

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

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

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

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

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

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

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

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

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

HBC Heritage and Countryside (Conservation)

The proposal is located within Church Street Conservation Area.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

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

Policy HE2 seeks to encourage environmental improvements within conservation areas.

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

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

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

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

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

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

Further to the additional information provided on this application.

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

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

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

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

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

HBC Public Protection

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

HBC Traffic and Transport

There are no highway or traffic concerns.

HBC Waste Management

No objections.

Cleveland Police

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

PLANNING POLICY

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

Local Policy

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

Com1: Development of the Town Centre
 Com9: Main Town Centre Uses
 Com12: Food and Drink
 GEP1: General Environment Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 Rec13: Late Night Uses

National Policy

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

PARA 001 – Apply Policy
 PARA 002 – Primacy of the Development Plan
 PARA 011 – Planning Law and the Development Plan
 PARA 012 – Statutory Status of the Development Plan
 PARA 013 – NPPF is a material planning consideration
 PARA 014 – Presumption in favour of sustainable development
 PARA 017 – Core Planning Principles
 PARA 023 – Ensuring the vitality of Town Centres
 PARA 056 – Ensuring Good Design
 PARA 128 – Significance of Heritage Asset
 PARA 129 – Avoid conflict between the conservation of an asset and development
 PARA 131 – Viable use consistent with conservation
 PARA 132 – Weight given to conservation of designated heritage asset
 PARA 134 – Harm weighed up against public benefits
 PARA 137 – Contribution of new development to local character and distinctiveness

PARA 171 – Health and Well-being

PARA 196 – Primacy of the Development Plan

PARA 197 – Presumption in favour of sustainable development.

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

PLANNING CONSIDERATIONS

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

Principle of Development

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

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

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

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

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

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

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

Health and wellbeing

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

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

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

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

3.25 It is noted that Cleveland College of Art and Design and Hartlepool College are nearby and within walking distance of the proposed takeaway. Given the 10am weekday opening time, there is potential that this could contribute to the

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

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

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

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

Church Street Conservation Area – visual amenity

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

3.30 It is recognised that the proposed use of the ground floor as a hot food takeaway could result in an increase in general disturbance of the Conservation Area

by way of noise and odours. The Church Street Conservation Area is however noted to be part of the late night area of Hartlepool Town Centre (covered under Policy Designation Rec13) with a variety of bars, restaurants and hot food takeaways occupying nearby properties.

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

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

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

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

Neighbour amenity

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

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

3.37 Consultation with HBC Public Protection resulted in no objection subject to conditions requiring detail of the proposed extraction system and noise insulation. It is therefore considered that subject to acceptable schemes being provided to satisfy

these conditions, the impact on neighbour amenity is acceptable, in accordance with Saved Policy GEP1.

Waste management

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

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

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

Crime and disorder

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

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

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

Highway safety

3.44 Consultation was undertaken with HBC Traffic and Transport with no objections received. In relation to pick-up of takeaways from the ground floor, there is an area

of short stay parking available close to the front of the property on Church Street. Given the typical time required for parking at such a premises, the hot food takeaway is considered to result in a minimal impact on parking and traffic. The proposed residential flat currently has allocated parking for business owners and staff. As stated in the submitted *Design Heritage & Access Statements*, the owner would apply for a permit to park at the rear of the property. It is therefore considered that the impact on highway safety would be low as a result of the proposal, in accordance with Saved Policy GEP1.

Conclusion

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.46 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

REASON FOR DECISION

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the details and the plans (Site Location Plan, Proposed Ground Floor Plan, Proposed First Floor Plan and Proposed Second Floor Plan) received by the Local Planning Authority on 09/03/16 and the amended details (Indicative Flue System Detail – Extract/Ventilation System) received by the Local Planning Authority on 12/04/16.

- For the avoidance of doubt.
3. The premises shall only be open to the public between the hours of 10am - 1am Monday - Saturday and between 1pm - 11pm Sundays and Bank Holidays.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the surrounding properties.
 4. Notwithstanding the submitted details, prior to the hot food takeaway being brought into use, final plans and details for ventilation, filtration and fume extraction equipment to reduce cooking smells shall be submitted to and approved by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details and shall be retained and used in accordance with the manufacturer's instructions at all times whenever food is being cooked on the premises.
In the interests of the amenities of the occupants of neighbouring properties.
 5. Prior to the commencement of the development hereby approved, the building shall be provided with noise insulation measures, details of which shall be submitted for the consideration and approval of the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the ground floor hot food takeaway and the first floor of the residential flat above. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
In the interests of the amenity of the occupants of the residential flat.
 6. This permission does not authorise any external alterations to the building save for the installation of equipment approved under condition 4.
For the avoidance of doubt in the interests of visual amenity and to protect and enhance the character and appearance of the Church Street Conservation Area.

BACKGROUND PAPERS

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

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PLANNING COMMITTEE

19th October 2016



Report of: Director of Regeneration and Neighbourhoods

Subject: APPEAL AT 91 YORK ROAD, HARTLEPOOL,
APPEAL REF: APP/H0724/W/16/3155866 –
CHANGE OF USE TO OPERATE AS A MICROPUB
(H/2016/0152)

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 change of use of the application site to a micropub.

1.2 The application was refused through the Chair of Planning Committee on 14 June 2016 on the grounds that the proposed development, by virtue of noise and disturbance at unsociable hours would result in a detrimental impact upon the amenity of neighbouring residential properties contrary to policies Gep1 and Com4 of the Hartlepool Local Plan and paragraph 17 of the NPPF. A copy of the delegated report is **attached**.

1.3 The appeal is to be determined by written representation and authority is therefore requested to contest the appeal.

2. RECOMMENDATIONS

2.1 That members authorise officers to contest the appeal.

3. CONTACT OFFICER

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3.2 AUTHOR

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DELEGATED REPORT

Application No H/2016/0152

Proposal Change of use to micro pub

Location 91 York Road HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters:	20/05/2016
1) Publicity Expiry	Site notice:	25/06/2016
	Advert:	n/a
	Weekly list:	22/05/2016
	Expiry date:	23/06/2016
	Extended date:	n/a
2) Publicity/Consultations		
<p>The application was publicised by site notice and neighbour letters (13). One letter of objection has been received. This is largely on the grounds of the impact upon the amenity of neighbouring properties by virtue of the expansion of the night time economy into a residential area.</p> <p>The following consultee responses have been received;</p> <p>HBC Traffic & Transport: There are no objections to this proposal , the site is located close to the town centre and within walking distance of town centre car parks. The nearby roads have parking restrictions in place to prevent inappropriate parking.</p> <p>HBC Public Protection: I would have no objections to this application subject to the following conditions. A condition restricting the opening hours to 11:00hrs to 23:30 hrs. A condition prohibiting live music, karaoke or any regulated entertainments taking place on the premises. A condition restricting deliveries to between the hours of 9:00am and 7:00pm. I would also require a condition preventing the tipping or the collection of glass bottles between the hours of 7:00pm and 9:00am.</p>		
3) Neighbour letters needed	Y	
4) Parish letter needed	N	
5) Policy		
Planning Policy		

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

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system

PARA 018 : Economic growth

PARA 056 : Design of built environment

PARA 070: Community Facilities

Decision taking in a positive way

PARA 196 : Planning system is plan led

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

Com12: Food and Drink
Com4: Edge of Town Centre Areas
GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design

Comments: Planning Policy does not support this application. Local Plan policy Com4 does not support applications for drinking establishments within this edge of centre location due to the proximity of residential properties and the negative impact that a drinking establishments could have upon residents.

6) Planning Consideration

PLANNING HISTORY

The site has a complicated planning history.

Planning permission for a restaurant on the site was first approved in July 1998 subject to various conditions these included a condition restricting the use of the

premises to a restaurant use and the hours to between 8am and midnight Mondays to Saturdays with no opening on Sundays (H/FUL/0296/98). These conditions were imposed in the interests of the amenities of nearby flats.

In November 1999 an application, to vary conditions applied to the above approval to allow a bar on the ground floor with restaurant at first floor open 7 days a week was refused for reasons relating to the amenity of nearby residential properties. (H/FUL/0440/99). A subsequent appeal was dismissed in 2000.

In December 2001 planning permission was approved for an extension to the restaurant again a condition restricted the use to a restaurant use only and the hours of operation to between the hours of 8am and midnight Mondays to Saturdays with no opening on Sundays (H/FUL/0548/01).

In September 2002 planning permission was granted for alterations and extensions to provide an enlarged restaurant. Again a condition restricted the use to a restaurant use only and the hours of operation to between the hours of 8am and midnight Mondays to Saturdays with no opening on Sundays. (H/FUL/0452/02).

In November 2002 permission to use the premises on a Sunday between 10:30 and 22:30 for private functions was granted on a temporary basis (H/FUL/0540/02). This was given a permanent permission in June 2003 (H/FUL/0290/03).

In April 2005 a temporary planning permission was granted for the general use of the restaurant on a Sunday between the hours of 10:30 to 22:30 (H/FUL/0146/05).

In September 2006 planning permission was granted to allow the restaurant to open between 12:00 to 24:00 on a Sunday on a permanent basis. (H/2006/0505)

In July 2007 planning permission to change the use of the premises from a restaurant to a mixed use of restaurant and bar was refused. (H/2007/0335). It was considered that a mixed bar and restaurant use would have a detrimental impact on the amenities of the occupiers of nearby residential accommodation by reason of noise, general disturbance and anti social behaviour.

In 2009 approval was granted for alterations, extension and part change of use to form licensed restaurant and hotel (H/2009/0421).

Most recently in June 2016, approval was granted for change of use of the other half 91 York Road to operate as a gym (H/2016/0136).

Other Relevant Appeals in the vicinity

A number of other appeals in the vicinity, relating to late night uses, are also considered of relevance to the current application.

An application to change the use of 86/88 York Road (on the opposite side of the road) to the south east of the application, to a public house on the ground floor with a restaurant on the first floor was refused in September 2004 for highway reasons and reasons relating to the amenity of the occupiers of nearby residential properties.

The applicant appealed against this decision. The Inspector did not support the highway reason for refusal. The Inspector did conclude however that the development would have a harmful effect on the living conditions of the occupants of nearby residential properties and the appeal was therefore dismissed in 2005 (appeal reference App/H0724/A/04/1165129).

Also on the opposite side of the road at 78 York Road, and on the applicant's side to the north at 87/89 York Road applications to change the use of the premises to restaurants were allowed on appeal subject to conditions restricting their use to a restaurant use. This was at a time when a restaurant fell within the same A3 use class as a public house, which meant that unless restricted by condition, the use could change between the two. (They now fall within different use classes and so planning permission is required). The imposition of these conditions reflected the Inspector's concerns in relation to residential amenity and the differing environmental impacts associated with other A3 uses which without such a condition could otherwise be established.

At 85 York Road on the same side of York Road but to the north of the application site an appeal against the refusal of permission for a hot food takeaway was also dismissed the Inspector concluding that the use would generate unacceptable disturbance and would harm the living conditions of nearby residents. Although this is not a drinking establishment a hot food take away is generally accepted to be a late night use and as such many of the considerations are similar.

APPLICATION SITE

The application site relates to part of an existing vacant restaurant with a flat above located on the edge of the Town Centre. The restaurant extends over two floors with the flat occupying part of the first and second floor. It is located on the west side of York Road. The existing restaurant is between its junctions with Alma Street and Milton Road. The application site relates to part of the building adjacent to the junction with Milton Street. There are residential properties which front on to Barbara Mann Court directly to the rear of the site.

The property is located on a largely commercial frontage with retail units including hairdressers and hot food take aways with flats above to the north and south. On the opposite side of York Road are a bingo hall and other commercial properties. To the south east are shops and offices some with flats above.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration when assessing this application are the principle of development, amenity of neighbouring properties, character of the surrounding area and highway safety.

PRINCIPLE OF DEVELOPMENT

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. Paragraph 9 of the Framework states that pursuing sustainable development involves seeking positive improvements in

the quality of the built, natural and historic environment, as well as in people's quality of life.

Local Planning Policy Com4 relates specifically to edge of centres where the application site is located. This policy details that A1, A2, A3, B1 and D1 will be permitted whereas drinking establishments, hot food take aways and general industry will be resisted in the area. The justification for this policy states that these defined uses are considered to be unacceptable by virtue of the proximity to residential properties.

Guidance 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. For decision-taking this means approving development proposals that accord with the development plan without delay. However in this instance whilst the location is considered to be sustainable, Local Plan policy Com4 seeks to resist drinking establishments in the area. Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Therefore in accordance with Local Plan policy Com4 the principle of the drinking establishment use at the property considered to be unacceptable.

AMENITY OF NEIGHBOURING PROPERTIES

The application site is located in an area designated as 'edge of centre' as such it is reasonable to expect commercial uses in the area. However as previously discussed due to the presence of residential properties in the area policy Com4 seeks to resist drinking establishments and hot food take aways. There are residential properties directly to the rear of the application site which front on to Barbara Mann Court. There are also residential flats above existing commercial properties in the immediate vicinity of the site. One of the core principles underpinning planning decisions, outlined in paragraph 17 of the NPPF, is that planning should ensure a good standard of amenity for all existing and future occupants of land and buildings. This is also required in the local planning policy Gep1 and Com4 of the Hartlepool Local Plan 2006.

An objection has been received from a resident on the basis of additional noise and disturbance that will be generated by a further late night use.

In considering the appeal at 86/88 York Road for change of use to a public house (reference number App/H0724/A/04/1165129) the inspector noted when considering the impact upon residential amenity of a further late night use that the *"living conditions would be progressively eroded by the increased activity arising from each additional food and drink use trading in the locality"*. The inspector noted at the time that there were no other A4 uses in the immediate vicinity, this has not changed since the determination of the appeal. Therefore it is considered that the proposed micro pub would potentially bring a significant increase in the amount of customers into this area of York Road who would otherwise not be in this area, particularly on an evening and late at night. As such the comings and goings of customers by foot and by vehicle together with potential congregation of customers outside the

premises would inevitably increase the current levels of noise and disturbance for this part of the street.

It is noted that the existing restaurant had a bar to serve alcohol to patrons of the restaurant however this was ancillary to the main A3 use. An A4 use, such as the one proposed is considered to operate differently and likely to generate greater numbers of patrons (in terms of patron turnover). It is reasonable to expect people having a meal in a restaurant would stay at the venue longer than people who would potentially stay only to drink in a pub. Therefore it is considered that a micropub, despite its limited size, would potentially have a far greater impact upon residential amenity in terms of noise and disturbance. Particularly as people are required to smoke outside of the property. As such by virtue of additional noise and disturbance in close proximity to residential properties it is considered that the proposed change of use would result in a detrimental impact upon the amenity of neighbouring residential properties contrary to policy Gep1 of the Hartlepool Local Plan and paragraph 17 of the NPPF.

The councils Public Protection section were consulted on the proposals and have recommended a number of conditions relating to hours restrictions, live music, deliveries to the site. However it is not considered that imposition of these conditions would sufficiently mitigate against the harm to residential amenity.

In addition to this the public protection officers have requested a condition regarding the restriction of tipping of glass bottle bins. It is considered that this condition would be difficult to enforce. Therefore it is considered that should the application be recommended for approval it would be unreasonable to include this condition.

CHARACTER OF THE SURROUNDING AREA

The proposal does not include any external alterations. As such it is not considered that the proposed change of use would result in an incongruous feature within the street scene.

Given the commercial nature of the surrounding area, and taking into account that the proposed use consists of a town centre use, it is considered that the proposal would be in keeping with the commercial character of York Road. Whilst policy Com4 seeks to resist such uses in this particular area of York Road, notwithstanding the impact upon residential amenity, taking into account that it would bring back into use a vacant building the impact upon the character of the area in itself would not warrant refusal of the application.

HIGHWAY SAFETY

The council's Traffic and Transport section were consulted and have raised no objections to the proposed change of use as the site is located close to the town centre and therefore is within walking distance of town centre car parks. Therefore it is considered that there is sufficient car parking within the vicinity of the site to serve the proposal, particularly as it is reasonable to expect the majority of visitors to a drinking establishment are unlikely to travel by private car. The application site is also well connected to public transport links with bus stops within walking distance

on York Road. Furthermore the nearby roads have restrictions in place to prevent inappropriate parking which can be enforced through legislation outside the control of the planning department. As such it is not considered that the proposed development will result in an adverse impact upon highway safety.

RESIDUAL MATTERS

In addition to noise and disturbance concerns the objection submitted also raises concerns with regard to smells generated from the micro brewery on site. Should the application have been recommended for approval a condition would have been recommended to ensure sufficient fume extraction would be provided. Furthermore this would be controlled through environmental health legislation which is outside the control of planning.

CONCLUSION

The proposed change of use is considered to be acceptable in terms of highway safety. Furthermore it is not considered that the introduction of a drinking establishment would have a significant detrimental impact upon the character of the area and this in itself would not warrant refusal of the application. However it is considered that by virtue of the introduction of an A4 use within close proximity to existing residential properties the development would, by virtue of noise and disturbance particularly on an evening, be detrimental to the amenity of neighbouring residents contrary to policy Gep1, Com4 of the Hartlepool Local Plan and Paragraph 17 of the NPPF.

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 the proposed micro pub would, by virtue of noise and disturbance at unsociable hours, result in a detrimental impact upon the amenity of neighbouring residential properties contrary to policies Gep1 and Com4 of the Hartlepool Local plan and paragraph 17 of the NPPF.

INFORMATIVE

Author of Report: Helen Heward

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

19 October 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 non-compliance with an hours of work condition at a housing development on land adjacent to Tees Road.
 2. An investigation has commenced in response to a complaint regarding the display of advertisements on an office building on Stockton Street.
 3. An investigation has commenced in response to a complaint regarding the untidy and unfinished condition of a residential property on Worset Lane.
 4. An investigation has commenced in response to a complaint regarding the operation of a dog grooming business at a light industrial unit at Usworth Road .
 5. An investigation has commenced in response to a complaint regarding the raising of ground levels and the erection of a fence at a residential property in Swanage Grove.
 6. An investigation has commenced in response to a complaint regarding the untidy and insecure condition of a former children's home in Station Lane.
 7. An investigation has commenced in response to a complaint regarding the change of use to a hot food takeaway of a bakers shop in Wynyard Road.
 8. An investigation has commenced as a result of Officer monitoring regarding the erection of a roof dormer and balcony at the rear of a residential property in Sheriff Street.

9. An investigation has commenced in response to a complaint regarding the untidy condition of an area of land between Durham Street and Throston Street.
10. An investigation has commenced as a result of a complaint regarding car repairs taking place to the front of a residential property in Groom Terrace.
11. An investigation has commenced in response to a complaint regarding the demolition and rebuilding of a front boundary wall at a residential property in Hutton Avenue. The property lies within the Grange Conservation Area and is subject to an Article 4 Direction.
12. An investigation has commenced in response to a complaint regarding car repairs taking place to the front and rear of a residential property in Gloucester Street.
13. An investigation has commenced in response to a complaint regarding the retention of shipping containers at a sports pitch complex on Rossmere Way.
14. 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 Howden Road.
15. An investigation has commenced in response to a complaint regarding the erection of an outbuilding at a residential property in Queensway.
16. An investigation has commenced in response to a complaint regarding non-compliance with a condition relating to the retention of a boundary hedge at an area of land at Burns Close.
17. An investigation has been completed in response to concerns raised in relation to the creation of an additional access point at a housing development on land to the west of Eaglesfield Road. It was found that the access point formed part of the approved development as an emergency access.
18. An investigation has been completed in response to a complaint regarding smoking and the discarding of cigarette ends at the rear of a commercial premises in York Road. The matter was redirected to the Council's Public Protection Team to action as appropriate.
19. An investigation has been completed in response to a complaint regarding the untidy condition of an area of land in Oxford Street. The complaint was addressed by the Council's Waste and Environmental Services Team.
20. An investigation has been completed in response to a complaint regarding the erection of a shed in the rear garden of a residential property in Stockton Road. Permitted developments rights applied in this case.

21. An investigation has been completed in response to a complaint regarding the operation of a cafe from a church premises on West View Road. It is considered that, as the cafe operates for only a few hours on one day per week and is not run on a separate commercial basis, there has not been a material change of use of the premises as a church.
22. An investigation has been completed in response to a complaint regarding the change of use of a former cafe to a hot food takeaway at a premises in Tower Street. A valid application seeking approval for the change of use has since been received.
23. An investigation has been completed in response to a complaint regarding the addition of cladding to the rear of flats above commercial premises at Navigation Point. A valid application seeking to regularise the addition of the cladding has subsequently been received.
24. An investigation has been completed in response to a complaint regarding renovation works at a commercial premises at The Front. A valid application seeking approval for the renovation works and change of use of the premises has subsequently been received.
25. An investigation has been completed in response to a complaint regarding the erection of a side extension and the raising of ground levels to create a patio area at a residential property in Verner Road. It was found that the erection of the side extension benefitted from permitted development rights. A valid application seeking to regularise the raising of ground levels and creation of patio area has subsequently been received.
26. An investigation has been completed in response to a complaint regarding the erection of outbuildings and the operation of a car repair business at a residential property on Stockton Road. It was found that the outbuildings benefitted from permitted development rights, and that the car repairs are low level, domestic in scale and not linked to a commercial enterprise. No further action necessary.
27. An investigation has been completed in response to a complaint regarding the operation of a business from a residential property in Worset Lane. It was found that the beauty therapy business being run at the property was of a low level and as such did not result in a material change of use of the property as a residential dwelling.
28. An investigation has been completed in response to a complaint regarding the erection of a fence to the front, and a timber outbuilding at the rear of a residential property in Kielder Road. It was found that the timber outbuilding was erected in 2009 and is therefore now immune from planning enforcement. Following helpful co-operation from the property owner the section of fence to the front of the property has now been removed.

29. An investigation has been completed in response to a complaint regarding the installation of rooflights and a satellite dish at a residential property on Town Wall. It was found that both matters fell outwith the relevant time limits for planning enforcement. No further action necessary.

2. RECOMMENDATION

- 2.1 Members note this report.

3. CONTACT OFFICER

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