

PLANNING COMMITTEE AGENDA



Wednesday 15 February 2017

at 10.00 am

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

MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Cook, Fleming, 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 18 January 2017

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

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|----------------|---|
| 1. H/2016/0487 | 25 Clifton Avenue (<i>page 1</i>) |
| 2. H/2016/0185 | North Pentagon, Wynyard Park, Billingham (<i>page 13</i>) |
| 3. H/2016/0554 | Stranton Primary School (<i>page 45</i>) |
| 4. H/2016/0510 | Sheraton West Grange Bungalow, Coal Lane, Elwick (<i>page 57</i>) |
| 5. H/2016/0533 | 24 Hutton Avenue (<i>page 69</i>) |

5. ITEMS FOR INFORMATION

5.1 Update on Current Complaints – *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT



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

EXEMPT ITEMS

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

8. ITEMS REQUIRING DECISION

- 8.1 Enforcement Action – *Assistant Director (Economic Growth and Regeneration*
(Paras 5 and 6)
- 8.2 Enforcement Action – *Assistant Director (Economic Growth and Regeneration*
(Paras 5 and 6)
- 8.3 Enforcement Action – *Assistant Director (Economic Growth and Regeneration*
(Paras 5 and 6)

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

10. 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 Wednesday 15 March 2017 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

18th January 2017

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Rob Cook, Marjorie James, Trisha Lawton, Brenda Loynes,
Ray Martin-Wells and George Morris

In accordance with Council Procedure Rule 4.2 Councillor Paul Beck was in attendance as substitute for Councillor Allan Barclay and Councillor Kaylee Sirs was in attendance as substitute for Councillor Sandra Belcher.

Also Present: Councillor Tim Fleming

Officers: Peter Devlin, Chief Solicitor
Jim Ferguson, Planning Team Leader (DC)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Hayley Martin, Constitutional and Administrative Solicitor
Fiona McCall, Planning Officer
Darren Pearson, Architectural Technician
Jo Stubbs, Democratic Services Officer

78. Apologies for Absence

Apologies were submitted by Councillors Allan Barclay and Sandra Belcher.

79. Declarations of interest by members

Councillor Ray Martin-Wells declared a personal interest in planning application H/2016/0539 (Elwick Windmill) having been lobbied by both sides.

80. Confirmation of the minutes of the meeting held on 30th November 2016

Minutes approved.

81. Confirmation of the minutes of the meeting held on 14th December 2016

Minutes approved.

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

Number:	H/2016/0539
Applicant:	MRS A HASSALL BENKNOWLE LANE ELWICK HARTLEPOOL
Agent:	SUMMERHOUSE ARCHITECTS MR DAVID MACK MILL FARM MIDDLESBROUGH ROAD GUISBOROUGH
Date received:	14/12/2016
Development:	Erection of storage building (resubmitted application)
Location:	ELWICK WINDMILL BENKNOWLE LANE ELWICK HARTLEPOOL

Mrs Hassall, the applicant, addressed the Committee to reassure them of her intentions. The building would be used to store items to be used in the restoration of the windmill on the site. She highlighted her background in archaeology, advising that the restoration would be a long-term project with the ultimate aim of her living there permanently. She had spoken to the Parish Council who had been reassured by her comments and subsequently had withdrawn their objections.

Members voted to support the application unanimously, commenting that if they had known Mrs Hassall's intentions when they had previously considered it the outcome might have been different.

Decision:	Minded to APPROVE subject to the conditions in the report, additional conditions relating to tree planting, and subject to the consideration by the Assistant Director of Economic Growth and Regeneration of any further representations received before the expiry of the publicity period
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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 (drg no S279 PL 001 Location Plan, drg no S279 PL 003 Proposed Site Plan, drg no S279 PL 005 Proposed Plan & Elevations) and details which had been received by the Local Planning Authority at the time the application was made valid on 14/12/2016.

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 building hereby approved shall only be used for purposes incidental to the use of the dwelling house (Elwick Windmill) and no trade or business shall be carried out therein. It shall not be used as a separate dwelling.

In the interest of neighbour amenity and highway safety.

5. A detailed scheme of tree 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 and indicate the proposed layout, 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 in the approved tree planting scheme 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 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.

Number:	H/2016/0443
Applicant:	MS J DEVILLE ELDON GROVE HARTLEPOOL
Agent:	Mr Darren Pearson Hartlepool Borough Council Property Service Division Civic Centre HARTLEPOOL
Date received:	21/10/2016
Development:	Erection of security fence and gates
Location:	ELDON GROVE PRIMARY SCHOOL ELDON GROVE HARTLEPOOL

An objector, Mr Hawkins, raised concerns about the impact the proposals would have on his property. In terms of the fence and gates he sought assurances that the hedge currently situated directly outside the front of the school would be retained in order to provide a more pleasant view outside his property than a steel fence would give. The Planning Team Leader acknowledged Mr Hawkins' concerns advising that the applicant had advised the hedge would be retained but possibly at a lower height than the hedge outside his property in order to provide natural light into the hall. Planning Officers were reluctant to impose a condition on the hedge height for this reason and also because the hedge could potentially wither and die.

Members voted unanimously to support the application, as it would provide security for the children attending the school.

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 application details received by the Local Planning Authority on 04/10/16 and the plan (Proposed Plans, Elevations & Location Plan Drawing No. 707/41/2001 Rev. B) received by the Local Planning Authority on 21/10/16.
For the avoidance of doubt.

Number:	H/2016/0491
Applicant:	MS J DEVILLE HEADTEACHER ELDON GROVE HARTLEPOOL
Agent:	Hartlepool Borough Council Mr Darron Pearson Property Services Civic Centre Victoria Road Hartlepool
Date received:	07/11/2016
Development:	Erection of a single storey extension
Location:	ELDON GROVE PRIMARY SCHOOL ELDON GROVE HARTLEPOOL

An objector, Mr Hawkins, raised concerns about the detrimental impact the proposed extension would have on his privacy. He expressed his regret at having to highlight this in such a formal setting but felt that having made his objection he needed to follow the process through. The Chair asked that

further dialogue take place between Mr Hawkins and the Architectural Technician. The Planning Team Leader advised that the distance between the school extension and Mr Hawkins' property would fall within the limits set for housing privacy and given the substantial hedge in Mr Hawkins front garden and the public road also between them officers felt the extension was acceptable. Member concurred with this viewpoint, voting unanimously to approve.

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 application details and the Location Plan Drawing No. 707/40/9001 received by the Local Planning Authority on 07/11/16, and the amended plan (Proposed Plans and Elevations Drawing No. 707/40/2001 Rev. A) received by the Local Planning Authority on 30/11/16.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing building(s) unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

83. Update on Current Complaints (*Director of Regeneration and Neighbourhoods*)

Members were advised of 10 ongoing issues currently being investigated.

Decision

That the report be noted

84. Appeal at 76 Church Street, Hartlepool (*Director of Regeneration and Neighbourhoods*)

Members were advised that this appeal had been allowed.

Decision

That the report be noted.

The meeting concluded at 10:35am.

CHAIR

No: 1
Number: H/2016/0487
Applicant: MR D STONEHOUSE CLIFTON AVENUE
HARTLEPOOL TS26 9QN
Agent: MR D STONEHOUSE 25 CLIFTON AVENUE
HARTLEPOOL TS26 9QN
Date valid: 01/12/2016
Development: Erection of replacement garage to side, single storey
side/rear extension, single storey rear extension,
installation of replacement windows (part retrospective)
and erection of boundary wall and replacement roof
(retrospective) (Demolition of existing garage)
Location: 25 CLIFTON AVENUE 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 Due to the nature of the proposal, the application must be considered by Members at Planning Committee.

PROPOSAL

1.3 Planning permission is sought for various alterations to the property, some of which are retrospective or part-retrospective. The proposal involves the following:

- Erection of a single storey garage to the side approx. 4.4m in width, approx. 8.4m in depth and approx. 4.4m in height;
- Erection of side kitchen extension approx. 3.5m in width, approx. 8.9m in depth and approx. 4.4m in height;
- Erection of rear utility room extension approx. 2.5m in length, approx. 3.8m in width and approx. 4.3m in height;
- Erection of front boundary wall (retrospective);
- Replacement windows and alterations to frame surrounds (part-retrospective);
- Replacement roof (retrospective).

SITE CONTEXT

1.4 The property is a two storey semi-detached late Victorian style dwelling located within the Grange Conservation Area. The property faces north towards the highway and neighbours at no's. 28 & 30 Clifton Avenue on the opposite side of the road. The adjoining neighbour at no.27 is to the east. To the south are no's 24 & 26 Stanhope Avenue. To the west is the other neighbour at no.23.

PUBLICITY

1.5 The proposal has been advertised by way of a Site Notice, Press Advert, 9 Neighbour Notification letters and 3 Councillor Notification letters. No objections or other responses have been received.

CONSULTATIONS

1.6 The following consultation replies have been received:

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

HBC Landscape (Arboriculture): From historical photographs there has been a mature Sycamore at the side of this house and planning permission was previously given for it to be pruned in 2010 but only to keep it within bounds and by no more than 30%. The stem has subsequently been cut to fence height and any visual amenity that this tree offered no longer exists. There appears to be problems associated with this tree in the past including a request to prune it in 2010 (on record) which was subsequently granted. There are also issues with the concrete driveway lifting through root activity.

There has also been privet hedges removed from the front garden but it is debateable if they contributed much to the visual amenity here and would normally not raise any concerns as they are relatively common to the area.

Given that this vegetation has now been removed and the tree was probably creating problems both above and below ground, I am not pursuing this as a contravention and with this in mind because of the tight nature of the front garden I am not insisting on any additional planting in this instance. My comments therefore are no objection to the proposal.

HBC Heritage and Countryside (Conservation): The property is located in the Grange Conservation Area and subject to an Article 4(2) Direction withdrawing permitted development rights to the front of the property.

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.'

In 2009 Planning Committee agreed a series of guidelines for replacement windows in conservation areas.

‘(i) Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)’

The application site is located in the Grange Conservation Area, recognised as a designated heritage asset. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

Considering each element of the proposal.

Windows

The application is part retrospective top hung, mock sash UPVC windows have been installed in the property. These windows are contrary to the Planning Committee guidance outlined above as the windows are not of the same design, profile or opening mechanism as those removed. They are a flatter frame than a traditional sash and do not have the fine detailing of a traditional timber window.

In this instance it is considered that these windows cause less than substantial harm to the character of the conservation area. In such cases paragraph 134 of the NPPF requires the harm to be weighed against the public benefits of the proposal. No information has been provided to suggest public benefits could be derived from this element of the works.

Front boundary wall

Low boundary walls, in red brick, with a coping stone are usually found to the front of houses within this conservation area. Traditionally these would have been topped with railings, however few of the original railing remain. The wall which has been installed is far higher than those traditionally found within this area. In addition the use of a yellow brick is out of character within an area which is predominantly red brick. Similar to the windows, the wall would cause less than substantial harm to the character of the conservation area. In such cases paragraph 134 of the NPPF requires the harm to be weighed against the public benefits of the proposal. No information has been provided to suggest public benefits could be derived from this element of the works.

Garage / Kitchen Extension

It is understood that a garage extension was located to the side of the property. It is proposed that this will be replaced with an extension in a similar location with a further extension providing additional accommodation to the kitchen.

It would be desirable to see the garage set slightly further back from the front of the property in order to provide a clear break from the front elevation however in principle there would be no objections to this element of the proposal subject to suitable materials being used.

PLANNING POLICY

1.7 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

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
HE1: Protection and Enhancement of Conservation Areas
HE2: Environmental Improvements in Conservation Areas
Hsg10: Residential Extensions

Emerging Local Plan

In line with paragraph 216 of the NPPF weight can be given to policies in an emerging Local Plan From Publication Stage according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections for relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

Considering the fact that there are no unresolved objections to relevant policies, weight can be given to the following:

HE1: Heritage Assets
HE3: Conservation Areas
Hsg11: Extensions to existing dwellings

National 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.

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*”.

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*”.

This property is located within the Grange Conservation Area, a designated heritage asset. The following paragraphs of the NPPF are relevant to this application:

PARA 002 : Primacy of Development Plan
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 : Core Planning Principles
PARA 056 : High quality and inclusive design
PARA 129 : Avoid and minimise conflict
PARA 131 : Protecting and Enhancing Heritage Assets and Conservation Areas
PARA 132 : Significance of Heritage Asset Designation
PARA 134 : Less Than Substantial Harm and Public Benefits
PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PARA 216: Weight given to policies in Emerging Local Plans

PLANNING CONSIDERATIONS

1.8 The material planning considerations in regard to the above proposal are the impacts on the designated heritage asset (Grange Conservation Area), neighbour amenity, protected trees and highway safety.

Impact on designated heritage asset – Grange Conservation Area

1.9 The property is located within the Grange Conservation Area, a designated heritage asset. It is also subject to an Article 4 (2) direction removing permitted development rights for alterations to the front of the property.

1.10 At a national level, the NPPF states in paragraph 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.”*

1.11 Paragraph 132 also states: *“When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”*

1.12 At a local level, of relevance to this proposal are Saved Policies HE1 and HE2.

1.13 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, and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.”*

1.14 HE2 states: *“The borough Council will encourage environmental improvements to enhance conservation areas.”*

1.15 Emerging Local Plan Policy HE1 states:

“Proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting will be required to:

- 1) Preserve and /or enhance its special character, distinctiveness, setting and townscape or landscape value in a manner which is appropriate to its significance;*
- 2) Be of high quality design which has a positive impact on the heritage asset.*
- 3) Ensure the sensitive and viable use of the heritage asset.”*

1.16 Emerging Local Plan Policy HE3 states:

“The Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

In determining applications within Conservation Areas particular regard will be given to the following:

- 1) The scale and nature of the development in terms of appropriateness to the character of the particular conservation area;*
- 2) The design, height, orientation, massing, means of enclosure, materials, finishes and decoration to ensure development is sympathetic to and/or complementary to the character and appearance of the conservation area;*
- 3) The retention of original features of special architectural interest such as walls, gateway entrances and architectural details;*
- 4) Retention of existing trees, hedgerows and landscape features and appropriate landscaping improvements incorporated into design proposals;*
- 5) The protection of important views and vistas and settings within and into / out of the conservation area;*
- 6) Car parking, where required, should be located, designed and landscaped in such a way as to minimise impact on the character and appearance of the heritage asset, and*
- 7) Guidance provided in relevant Conservation Area appraisals, management plans, visual assessments, design statements and supplementary planning documents.”*

1.17 Consultation was undertaken with HBC Heritage and Countryside (Conservation) with comments on each aspect of the proposal. In relation to the windows, comments stated that the windows are contrary to guidance agreed by Planning Committee in 2009 and that they would cause less than substantial harm to the character of the conservation area with no information to suggest public benefits could be derived from this element of the works. Comments in relation to the front boundary wall stated again that this would cause less than substantial harm to the character of the conservation area with no information to suggest public benefits could be derived from this element of the works. Comments relating to the side/rear extensions raised no objections in principle subject to suitable materials being used.

1.18 In relation to the replacement windows, these are noted to be of a top hung mock sash style in white uPVC. The property previously had original timber sliding sash painted white. Whilst it is recognised that the new windows have incorporated horns which would have been present on more traditional window frames, it is considered that the replacement windows are significantly different to those which were replaced in terms of materials, frame widths and proportions, and opening mechanisms. This aspect of the proposal is not considered to be consistent with the original character of the property and its period features, and would have a significant detrimental impact on the property and Grange Conservation Area.

1.19 In relation to the boundary wall, it is noted that this has replaced a low red brick wall with timber fence in front. It is also recognised that properties in the vicinity

have a variety of wall styles, varying in height and also with some incorporating iron railings. However, given the style of bricks used which contrast greatly with those used on the original property and neighbouring properties, and also considering the scale and the height of the pillars, it is considered that this aspect is not consistent with the character, appearance and period of the original dwelling and has had a significant detrimental impact on the property and the Grange Conservation Area.

1.20 In relation to the proposed extensions, the garage at the side is noted to have a relatively high mono-pitched roof at approx. 4.4m in height and also to be more than half the width of the original dwelling. However, considering the overall scale in relation to the main dwelling, it is not considered that this aspect would be significantly detrimental to the character and appearance of the property or Grange Conservation Area. The proposed kitchen and utility room extensions would each be obscured from the front by the main dwelling and side garage. Considering the scale, design and remaining amenity garden space, there is considered to be no significant visual impact or any detrimental impact on the Grange Conservation Area.

1.21 Overall, whilst the extensions are considered acceptable the replacement windows and the front boundary wall are considered to have a significant detrimental impact on the Grange Conservation Area, contrary to Saved Policies HE1 and HE2 of the Hartlepool Local Plan 2006, Policies HE1 and HE3 of the Emerging Local Plan, and in particular paragraphs 56, 129, 131, 132 and 134 of the NPPF.

Neighbour amenity

1.22 No objections have been received from any neighbouring properties. In relation to the impact on no.23 Clifton Avenue, it is noted that the proposed garage would be built close to the shared boundary. However, this would be adjacent to the neighbour's side garage and considering the current relationship, the roof which pitches away from this neighbour, and the lack of any windows facing westwards, there is considered to be no undue impact on the amenity of this neighbour in terms of any overbearing effect, overshadowing, loss of privacy or loss of outlook. In relation to the other aspects of development including boundary wall, utility room extension, windows and roof, there is considered to be minimal impact on neighbouring amenity.

1.23 In relation to the impact on no's 22 & 24 Stanhope Avenue, these properties have rear gardens adjoining the rear of the host property. Considering the separation distances, boundary treatments and overall scale/design of the proposed extensions and alterations, there is considered to be no undue impact on the amenity of these neighbours.

1.24 In relation to the impact on no.27 Clifton Avenue, the majority of the proposal would be obscured from this neighbour, with the exception of the utility room extension. Whilst it is recognised that this would add approx. 2.5m onto the rear offshoot (which in itself is two storey in height) considering the overall scale and screening from boundary treatments, there is considered to be no undue impact on the amenity of this neighbour.

1.25 In relation to the impact on no's 28 & 30 Clifton Avenue, these properties face southwards towards the host property. The proposed garage and boundary wall would therefore be visible from many of the ground and first floor windows. However, considering the separation distance and the existing relationship, there is considered to be no undue impact on amenity. The other alterations to windows and roof and rear extension are considered to have minimal impact on amenity.

1.26 Overall, there is considered to be no significant detrimental impact on neighbour amenity in terms of any overbearing effect overshadowing, loss of privacy or loss of outlook, in accordance with Saved Policies GEP1 and Hsg10 and Emerging Local Plan Policy Hsg11.

Protected trees

1.27 Consultation was undertaken with HBC Landscape (Arboriculture) with comments stating that whilst the tree and privet hedge have been removed, no replacement planting would be sought and no objection was made. It is therefore considered that the proposal would have an acceptable impact in terms of trees and landscaping, in accordance with Saved Policies GEP1, GEP12 and Hsg10.

Highway safety

1.28 Consultation was undertaken with HBC Traffic and Transport with no objections received. The proposal is therefore considered to be acceptable in relation to the impact on highway safety, in accordance with Saved Policies GEP1 and Hsg10.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.29 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.30 There are no Section 17 implications.

REASON FOR DECISION

1.31 In relation to the material planning considerations examined above, the proposal is considered to have an unacceptable impact on the Grange Conservation Area, a designated heritage asset, contrary to Saved Policies HE1 and HE2 and Emerging Local Plan Policies HE1 and HE3 and paragraphs 2, 11, 12, 13, 14, 17, 56, 129, 131, 132, 134, 196 and 197 of the NPPF. The proposal is therefore recommended for refusal.

1.32 RECOMMENDATION – REFUSE for the following reason:

1. The proposal, in particular the replacement windows and boundary wall are not in keeping with the style and design of the original property and would have a detrimental impact on the Grange Conservation Area. The proposal is contrary to Saved Policies GEP1 (General Environmental Principles), Hsg10 (Residential Extensions) and HE1 (Protection and Enhancement of

Conservation Areas) of the Hartlepool Local Plan 2006, and in particular paragraphs 17, 56, 129, 131, 132 and 134 of the NPPF.

BACKGROUND PAPERS

1.33 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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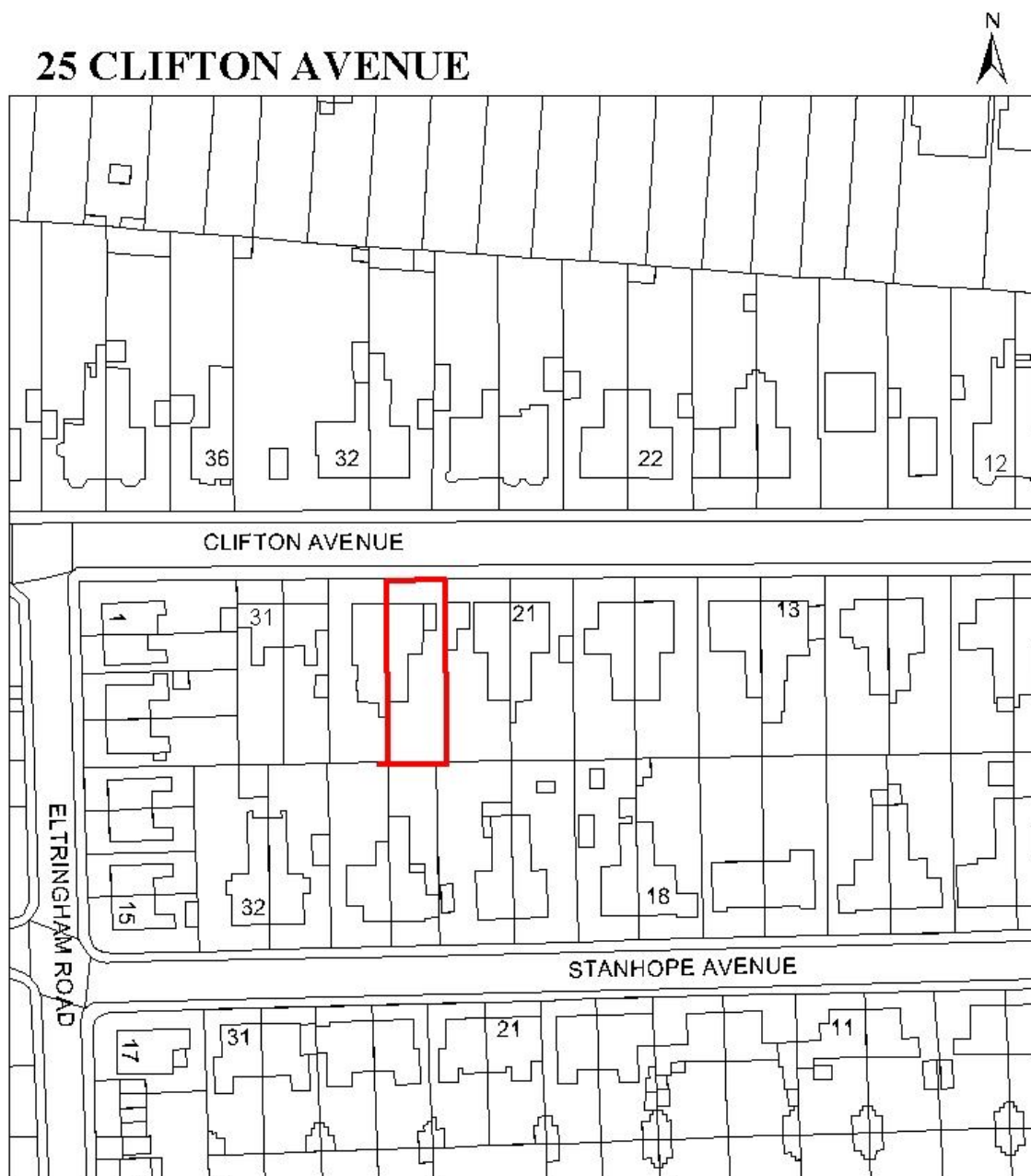
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0487	REV

No: 2
Number: H/2016/0185
Applicant: Taylor Wimpey UK Ltd & Wynyard Park Land Ltd Preston Farm Industrial Estate STOCKTON ON TEES TS18 3SH
Agent: GVA Grimley Central Square Forth Street NEWCASTLE UPON TYNE NE1 3PJ
Date valid: 06/05/2016
Development: Residential development for the erection of up to 109 dwellings with associated access, landscaping and engineering works (Amended Plans showing larger play area and alterations to proposed elevations)
Location: Land at North Pentagon Wynyard Park BILLINGHAM

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 proposes housing on land previously allocated as employment land by policy IND1 of the 2006 Hartlepool Local Plan. However, the site was previously identified within the boundary of application H/2011/0102 for residential development. Members were minded to approve this application subject to a S106 agreement securing obligations, however the applicant chose not to progress the matter. This application included the Pentagon and Areas X and Y to the south. However subsequent applications have been submitted for the 'south pentagon' and the approach road (The Meadows) for 168 dwellings (H/2012/0360) and for 28 dwellings at Manorside (H/2014/0581, H/2015/0270 and H/2016/0364) and approved. The current application is for 109 dwellings at the 'North Pentagon'. In total the number of dwellings across this western part of the Wynyard Park site is now proposed to be 355. In the current emerging plan the land has been de-allocated as employment land and is allocated for residential development.

2.3 The application site is an area of land, approximately 8.4 hectares, which is relatively clear, located to the north of the A689 with access proposed through the existing 'south Pentagon' directly to the south of the development. It is bounded by dense woodland to the north, east and west.

2.4 The site forms part of the overall development of Wynyard Park, therefore whilst no services are provided within the application site it is envisaged that such provision will be delivered across the wider development.

2.5 The application requires committee consideration as the Parish Council has objected.

2.6 One letter of objection has also been received from the Wynyard Residents Association and a letter of concern has been received however following clarification regarding the finishing materials of woodland walkways these concerns were addressed.

PROPOSAL

2.7 Approval is sought on the site for 109 dwellings with associated access, landscaping and engineering works.

2.8 The proposed housing mix consists of 10 three bed homes, 64 four bed homes and 36 five bedroom homes. The proposed house types vary in terms of design however are generally of a traditional design with pitched roofs, the majority are two storey however there are some 3 storey townhouse dwellings. Each of the properties include car parking to the front, a single or double detached garage with an enclosed rear garden. The house types are similar to those previously approved under the South Pentagon development.

2.9 An area of landscaped greenspace is proposed centrally within the development, this is proposed to provide a play area which will accommodate children's and teenage play facilities. Details of this element will be secured through condition.

2.10 The application site would be accessed from the existing roundabout from the A689 which currently provides access to the south pentagon and other residential developments on Wynyard Park, access to the north pentagon is proposed through the existing estate road network approved to serve the South Pentagon under application H/2012/0360.

2.11 During the course of the application amended layout plans have been submitted to demonstrate a buffer zone between the boundaries of the proposed dwellings and the surrounding woodland. The amended layout plan also accommodates a larger play area as the proposed play area will serve the current application proposals and also the previously approved South Pentagon development, this was secured through a condition attached to the previous application.

SITE CONTEXT

2.12 The application site is a parcel of land measuring some 8.4 hectares which is located to the north of the A689 immediately adjacent to a previously approved residential development known as the South Pentagon. The site has previously been identified under the 2006 Local Plan as employment land however since then the land has had approval for residential development and is sought to be allocated for residential development through the emerging Local Plan.

2.13 The site itself is relatively flat and is currently open although it is bounded to the north, east and west by mature woodland. Land to the south has received permission for residential development which is currently under construction. Beyond this further to the south is an approved development for self-build developments known as Manorside (phases 1 and 2) which are also currently under construction.

2.14 As detailed in the planning history there are also a number of outstanding planning applications and some which have received consent for other residential development within Wynyard Park.

PLANNING HISTORY

Pentagon, Area X and Area Y

2.15 **H/2012/0360** Residential development comprising 168 residential units with associated roads, footpaths and infrastructure.

2.16 This application site lies to the south of the current application site. The planning permission was granted in June 2013 and is subject to obligations secured through a section s106 Agreement.

2.17 The development of the South Pentagon site is currently under construction. The linear development of approximately 30 dwellings (known as The Meadows/Area Y) has been completed.

Manorside (self-build plots)

2.18 **H/2014/0581** Outline application for the erection of 15 dwellings with some matters reserved (Manorside Phase 1). Planning permission was granted on 11 January 2016 and is subject to obligations secured through a Section 106 agreement. An application has subsequently been received to subdivide plot 1 to create an additional plot (H/2016/0364). This application is approved subject to the variation of the Section 106 Agreement.

2.19 **H/2015/0270** Outline planning permission with some matters reserved for residential development comprising 12 dwellings (Manorside Phase 2). Planning permission was granted on 11 January 2016 and is subject to obligations secured through a Section 106 agreement.

2.20 Both sites are situated to the south of the current application site, beyond the south pentagon and are in effect 'contained' by the surrounding woodland.

Relevant Applications In the surrounding area

2.21 A number of relevant applications have also been approved on in the vicinity of the site and these are listed below.

2.22 **H/2009/0335** Outline application for a hospital development with associated landscaping, access and ancillary uses including on-site car parking and energy centre.

2.23 In October 2010 outline planning permission for a hospital development on a site to the east of the current application site was granted planning permission subject to the completion of a legal agreement. This application was not implemented and has since lapsed.

2.24 **H/2013/0479** Outline application with some matters reserved for new hospital development with associated landscaping, access and ancillary uses including car parking and energy centre (renewal). The application was minded for approval by committee in February 2014 subject to the completion of a section 106 agreement. The application has been withdrawn.

2.25 **H/2011/0102** Outline application for the erection of 200 dwellings with full planning permission sought in part for roads, footpaths and related infrastructure of the core highway network.

2.26 This application for outline planning permission for the erection of 200 dwellings on a site towards the south-east of the current application site was minded to approve by Planning Committee subject to the completion of a legal agreement. The applicant has not progressed the section 106 agreement and the application has to a large part been superseded by other applications.

Historical applications on/adjacent to application site

2.27 **H/OUT/0583/96** Outline application for Business Park. Approved 21st April 1997.

2.28 **H/FUL/0006/00** Variation of condition on outline planning permission H/OUT/0583/96 for business park to allow a longer period for the submission of reserved matters (10 years). Approved 28th April 2000.

2.29 **H/2007/0182** Reserved matters submission pursuant to previously approved outline planning application H/VAR/0006/00 for a business park including details of siting and storey heights to accommodate 275205 sq m of business (B1) floor space and part submission of landscaping framework under condition 03 of outline planning permission H/OUT/0583/96.

2.30 This application for reserved matters approval for a larger Wynyard Park site, incorporating in part the current application site was subsequently effectively superseded by the application approved below;

2.31 **H/2009/0494** Reserved matters application pursuant to outline planning permission granted under H/VAR/0006/00 for a Business Park to the North of the A689 Wynyard Park to accommodate 275,205m² of B1 floor space, 12,469m² of B2 floor space and 26,504m² of B8 floor space together with submission of landscaping framework under condition 3 of outline planning permission H/OUT/0583/96. Approved 4th October 2010.

Pending applications

2.32 **H/2013/0033** – In 2013 a planning application (H/2013/0033) was submitted for 603 dwellings on the land within Wynyard Park. As the application progressed it was deemed that there was not enough highway capacity and thus the northern element of the original application was omitted and the proposal changed with dwelling numbers reduced to up to 200 dwellings. The application was considered by

planning committee and was minded for approval subject to the signing of a section 106 agreement. The applicant has not progressed the legal agreement.

2.33 The following applications are currently being considered and are within Wynyard Park to the east of the current application site, primarily within the site boundary of application H/2013/0033.

2.34 **H/2015/0372** – Outline planning application for up to 14 dwellings, known as 'Site A' – currently pending consideration.

2.35 **H/2015/0332** – Outline planning application for up to 383 dwellings on the land to the north of the minded to approve 200 dwellings under application H/2013/0033 – currently pending consideration.

2.36 **H/2015/0374** - Outline application for the development of up to 12 No. residential dwellings (Use Class C3) with associated landscaping, highways and infrastructure works with all matters reserved on land known as 'site C' – currently pending consideration

2.37 **H/2015/0048** Outline application for the erection of up to 23 residential dwellings with all matters reserved except access. This application for a site known as Rose Garden situated further to the south east of the application site (which is allocated as employment land) and is currently under consideration.

2.38 The following application was recently approved on 14.10.2016 and is subject to obligations secured through a Section 106 agreement.

2.39 **H/2015/0373** – Outline planning application for up to 30 dwellings, known as 'Site B'.

PUBLICITY

2.40 The application has been advertised by way of neighbour letters (5), press notice and site notice. To date, there has been one letter of objection. This is on the grounds that due to the lack of public transport and high level of car ownership, the incutillage car parking provision should be higher.

2.41 Concerns were also raised regarding the consultation regarding the application, letters were sent to properties adjacent (although not all adjacent properties were significantly completed) a number of site notices were posted. Due to the length of time the application has been considered further site notices were posted and additional letters were sent to properties which had been constructed during the planning process.

2.42 A further letter of concern was raised regarding the finishing materials for woodland footpaths and cycle links. It has been clarified by the Council's Countryside access officer that appropriate finishing materials would be used. The gentleman raising concerns was satisfied with this clarification.

2.43 The period for publicity has expired.

2.44 Copy letters E

CONSULTATIONS

2.45 The following consultation replies have been received:

HBC Public Protection: No Objections

HBC Ecology: Buffering of Ancient Woodland priority habitat and Local Wildlife Sites with woodland components, in respect of a series of Wynyard Park housing applications.

I am comfortable with a consistent approach of a 10m buffer from the woodland edge (usually an obvious boundary between the open field and the trees) and the back garden fences of new properties AND a 5m 'No Permitted Development' buffer at the end of each garden. The 10m buffer should be planted with native tree species to create an edge of younger/ smaller trees and to form a barrier against easy access by people and domestic animals.

I am therefore happy for you to proceed on this basis.

Reason: Ancient Woodland is a 'Priority Habitat' and this follows Natural England and Forestry Commission standing guidance – see standing guidance web page for justification: <https://www.gov.uk/guidance/ancient-woodland-and-veteran-trees-protection-surveys-licences>

Reason: Local Wildlife Sites, while not having statutory designation, are important wildlife sites in a local context. They are covered by a specific draft Local Plan policy which aims to protect and enhance them. They also form part of the Hartlepool green infrastructure network (covered by draft policy). Woodland cover in the borough is well below the English and Tees Valley averages and woodland sites should be protected in terms of area and quality.

Reason: Under its NERC Act 2006 biodiversity duty and under NPPF, Hartlepool BC needs to ensure that biodiversity is conserved and enhanced now and into the future. I would like more detail on the planting and would be happy to accept the following:

Tree species: I am happy that the species used are predominantly thorny ones in order to discourage access through the trees and into the woodland beyond. However, I would like to see a little more variety in terms of the native broad-leaved species used and recommend that while 80% could be hawthorn, there should also be 20% made up of blackthorn, buckthorn, alder buckthorn, native holly, hazel and field maple. These species are all relatively small trees when mature and should not overshadow gardens. NB: Blackthorn tends to sucker and spread, but would be constrained by the woodland edge and fence. NB: buckthorn and alder buckthorn at this location would be just north of their current natural range, however, it is the food plant of the brimstone butterfly and as this species spreads northwards due to climate change, it will utilise this tree species if available.

Planting: I recommend that the trees are planted in two off-set lines at 1m spacing to form a hedge which will grow to form a physical barrier. Trees should be planted in line with industry standards, including being staked and planted in tree tubes. There needs to be a three year maintenance agreement whereby trees are kept weed free and dead and damaged trees are replaced. A tree planting and maintenance specification should be submitted and accepted by Hartlepool BC as a condition.

Location within the 10m corridor: I recommend that the trees are planted either side of a line 4m out from the woodland edge in order for them to mature to their full canopy spread which will be approximately 5m.

HBC Building Control: Building Regulations would be required for the proposal

HBC Engineers: Surface Water- I acknowledge that the applicant is intending to discharge into the nearby watercourse at a rate not exceeding the existing Greenfield run off. At this stage this approach seems acceptable but I would require some further detailed drainage plans in order to confirm this. For this reason could I please request a Surface Water drainage condition to ensure that the flood risk (both existing and potential new) are mitigated as required. It would be beneficial if a condition survey of the watercourse was undertaken at the same time as the detailed design to identify any maintenance/ upgrade works that may be required.

Contaminated Land- Having reviewed the Site Investigation report submitted I note that the report recommends further detailed site wide ground and laboratory investigations. Upon review the document appears to cover the site in question. Could the applicant confirm if indeed the FULL proposed site is covered by this report? If it is not then I would require the additional testing but this could be dealt with by means of a Contaminated Land condition.

HBC Countryside Access: As with previous planning applications to develop this area on the north side of the A689; I am conscious that there is a great need to improve the countryside access with existing public and permissive rights of way, walkways and National Cycle Routes (NCR).

I would like to see contributions made for the creation of a direct link to the Castle Eden Walkway to the west of this proposed development. This NCR is also a nationally recognised Walkway and is well used by pedestrians, cyclists and on occasions, horse riders.

A direct link on the north side of the A689 would make it possible for the future residents of this and other close by developments to access it safely, without having to cross the A689.

It is very important for the residents to gain access to the wider countryside than just what is close to their houses. Studies have shown that the health benefits when walking, running, cycling and on occasions (where possible) horse riding improve when a greater provision of countryside access is made available, opening up wider choice for recreational enjoyment.

It was subsequently agreed that a contribution to improve links between the North and South Pentagon would be acceptable.

HBC Landscape: The submitted landscape proposals as shown in drawing 2659/1 Revision B provide an overview of the landscape intentions for the site without providing any specific details in terms of plant species, stock size, planting densities, etc. The overview landscape proposals are appropriate for the site context and the use of hedge planting as a boundary to much of the main distributor road is welcomed as is the tree planting to the main 'green' area which continues around the verge of the main distributor road. Both help to soften views along the highway. Landscape conditions requiring detailed planting proposals will be required.

HBC Traffic & Transport: Having now met with colleagues at Stockton Borough Council to confirm the extent of the traffic modelling for the Wynyard area it has been confirmed that the traffic likely to be generated by this development was included within the model and that, as the outcomes have been accepted as being acceptable on the strategic road network with the agreed mitigation measures on the A689 roundabouts, I would have no objections on highway grounds to this application being approved. I would point out that the existing traffic model has been based on a total of 559 individual residential properties within Hartlepool's boundary and that existing approvals reduce the residual capacity to 230 properties, before addition modelling/mitigation will be required. On this basis and upon approval of this application and taking into account my recent recommendation of approval for H/2015/0373- Site B, Land at Wynyard Park, Hartlepool for 30 properties, the remaining capacity within Hartlepool Borough Council's boundary in the Wynyard area will be 91 properties.

Highways England: No objection We understand that the permitted development on the Pentagon site is around 200 dwellings, of which around 160 have been constructed. The increased number of dwellings on the site over that which is permitted will therefore be in the region of 69 dwellings. This level of additional development is unlikely to result in a severe impact on the A19 at the junction with the A689. However, as part of a wider series of developments in the Wynyard area, we would highlight that the development is likely to contribute to an impact which may be severe without the provision of appropriate infrastructure improvements.

We are aware of and party to the ongoing discussions between Hartlepool Borough Council, Stockton Borough Council and Wynyard Park regarding the impact of development sites currently in the planning process on the A689, including the junction with the A19. Therefore, while we would not object to the development, we would recommend that consideration and weight is given to its impact when considered alongside other developments in the Wynyard area. This may need to include a contribution to the wider mitigation identified as necessary.

Health and Safety Executive: HSE has no interest in the site

Sport England: The application does not fall within our remit for comment

Natural England: No objections

Northumbrian Water: No objections subject to foul and surface water condition.

Hartlepool Water: No objections

Ramblers Association: 2 The D&A states there is a potential to create new pedestrian linkages through woodland to existing public footpaths and the following measures are proposed:

- Internal road layout designed to ensure reduced traffic speeds
- Layout includes a full network of footpaths promoting permeability throughout the site
- Attention will be paid to surface quality and sufficient „overlook“ of footpath routes and connections to provide a sense of safety and security and will limit the potential for anti-social behaviour

3 The Travel Plan adds at Section 3.3 Longer Term Pedestrian Strategy:

The proposed wider development of Wynyard Park will provide a comprehensive network of pedestrian and cycle routes permeating the development area and linking to existing and proposed routes in adjacent development areas. The wider development of Wynyard Park will see the construction of the spine road linking the Hanzard Drive and The Wynd roundabouts on the A689. This will also incorporate pedestrian and cycle facilities along its length, improving connectivity and accessibility to public transport services throughout the development.

As the wider Wynyard Park site is developed, pedestrian routes between the various elements of the development will be incorporated into the site design to facilitate ease of pedestrian movements internally. The accompanying Travel Plan identifies mechanisms to encourage travel on foot.

As part of the wider Wynyard Park development proposals the proposed highway mitigation for the roundabout at the western end of The Wynd incorporates signal controlled crossing facilities for both cyclists and pedestrians to the east of the existing roundabout. A further link across the A689 will be provided to the west of the Hanzard Drive roundabout.

We welcome the developers acceptance of the principles outlined in Section 8 'Promoting healthy communities' of the National Planning Policy Framework and trust the developer will heed Paragraph 004 Reference ID: 37-004-20140306 of the companion Planning Policy Guide:

'Public rights of way form an important component of sustainable transport links and should be protected or enhanced. The Defra Rights of Way Circular (1/09) gives advice to local authorities on recording, managing and maintaining, protecting and changing public rights of way. It also contains guidance on the consideration of rights of way in association with development. The Circular also covers the statutory procedures for diversion or extinguishment of a public right of way.'

The Defra circular is available at <https://www.gov.uk/government/publications/rights-of-way-circular-1-09> . Section 7 'Planning permission and public rights of way' gives useful advice to developers and councils.

We ask, if the council be minded to grant permission for the development, that it be conditional on the creation of new pedestrian linkages through woodland to existing public footpaths.

Tees Archaeology The developer has provided a heritage statement that includes a copy of an archaeological trial trenching report from 2008, supplemented with a newly commissioned geomagnetic survey date December 2015. I have read these documents and confirm that they meet the information requirements of the NPPF regarding heritage assets of archaeological interest (NPPF para. 128).

The 2008 trial trenching identified a segment of a circular feature, consistent with a drip gully from a roundhouse. An adjacent ditch produced pottery sherds of the Iron Age, suggesting a small agricultural settlement or similar of the period. The geophysical survey has defined the ditch feature which shows as a strong anomaly. The possible roundhouse has not shown clearly, nor have any other archaeological features.

The heritage statement recommends a further archaeological mitigation response to investigate and record the known archaeological features and any as yet unidentified features in the vicinity. I support this recommendation which is in line with the advice given in the NPPF regarding heritage assets of local significance (NPPF para 141). The archaeological mitigation should take the form of a strip, map and record exercise over the known archaeological features. This can be achieved by means of a planning condition,

Grindon Parish Council: The Parish Council objects to this application on the following grounds: The lack of allocated car parking spaces due to the anticipated high level of associated traffic due to the lack of public transport.

PLANNING POLICY

2.46 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

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

2.48 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

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
Ind 1	Wynyard Business Park
Hsg5	Management of Housing Land Supply
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Tra20	Travel Plans
GN5	Tree Planting
Rur2	Wynyard Development Limits

2.49 Further information relating to the level of compliance that each policy has with the NPPF can be viewed on the Council's web site at:

https://www.hartlepool.gov.uk/downloads/file/375/hbc_policy_framework_-_november_2015_update.

ADOPTED TEES VALLEY MINERALS AND WASTE DPD

2.50 The Tees Valley Minerals DPDs (TVMW) form part of the Development Plan and includes policies that need to be considered for all major applications, not just those relating to minerals and/or waste developments.

The following policies in the TVMW are relevant to this application:

Policy	Subject	Compliance
MWP1	Waste Audits	No

2.51 To comply with policy MWP1 the applicant should submit a waste audit. This is particularly important given the detached nature of Wynyard from Hartlepool where most of the waste facilities are located.

Emerging Local Plan

2.52 The Council's emerging Local Plan is currently at Publication Stage and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

2.53 In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

SUS1: Presumption in favour of sustainable development

LS1: Locational Strategy

HSG1: New housing Provision

HSG2: Overall Housing Mix

HSG6: Wynyard Housing Development

HSG9: Affordable Housing

QP1: Planning Obligations

CC1: Minimising and adapting to Climate Change

INF2: Improving connectivity
INF4: Community Facilities

Allocation within the Hartlepool emerging plan

2.54 The 2015 Employment Land review states that within the borough there is a realistic employment land supply of 257.9 hectares over 23 sites, the forecasted demand of employment land over the next 15 years for the borough is for 19.58 - 65.78 hectares and thus there is a surplus of 192.12 - 238.32 hectares.

2.55 The above figures consider that at Wynyard Business Park, only 57.6% of the land (54.2 ha), remains in employment use at the time of the study. The remaining 39.9 ha of land at Wynyard Three is either proposed for alternative uses (housing and a local centre, subject to the signing of a Section 106 application for application H/2013/0033) or considered undevelopable and appropriate for de-allocation and thus the 39.9 hectares of land has not been included in the employment land supply.

2.56 No employment uses have yet been delivered at Wynyard Three (area within Hartlepool). Having regard to the above and NPPF paragraph 22 it is considered that the loss of this site would not prejudice the delivery of a mixed use employment site to the north of the A689 at Wynyard and that there will still be land available to meet the employment needs within the Wynyard area. It is the intention of the emerging Local Plan that the land would be de-allocated for employment uses and would be allocated for residential use.

National Policy

2.57 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.

2.58 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

2.59 The following paragraphs in the NPPF are relevant to this outline planning 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
9	Pursuing sustainable development
11	Determination of applications
12	Statutory status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
22	Prospect of employment land coming forward
30	Reducing greenhouse gas emissions and reducing congestion
32	Transport statement or transport assessment
34	Minimising the need to travel by car
36	Travel Plan
47	Boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
50	Sustainable , inclusive and mixed communities
54	Respond to local circumstances and needs
55	Sustainable development in rural areas
56	Design of the built environment and its contribution to sustainable development.
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
69	Social interaction and healthy, inclusive communities
70	Social, recreation and cultural facilities
72	School Places
93	Planning and climate change.
96	Minimise energy consumption
109	Contribute to and enhance the natural and local environment
118	Conserving and enhancing biodiversity
150	Determination in accordance with the development plan
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203-205	Planning Obligations
206	Planning Conditions

PLANNING CONSIDERATIONS

2.60 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, Planning Obligations), impact on highway and

pedestrian safety, impact upon the character and appearance of the area, impact on the privacy and amenity of neighbouring land users, ecology and nature conservation, archaeology, flooding and drainage and any other material planning considerations.

POLICY CONTEXT, PRINCIPLE OF DEVELOPMENT AND THE SUPPLY OF HOUSING

2.61 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that any application for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. The development plan for the area consists of the saved policies of the local plan, which was adopted in 2006.

Hartlepool Local Plan (2006)

2.62 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies within the Wynyard Limit to Development (saved Policy Rur2) of the adopted Hartlepool Local Plan 2006. The site is also allocated as employment land in the adopted local plan (saved Policy Ind1).

2.63 With respect to the emerging local plan, preferred options were published for consultation in May 2016 which seeks to allocate the site for residential use, within the urban fence/limits to development. Based on the evidence base and other material considerations including that the site was previously identified within the boundary of application H/2011/0102 for a total of 200 dwellings. This included the Pentagon and Areas X and Y, the emerging Local Plan (2017), if adopted, will formally de-allocate this element of the site from employment use. At the time of writing, this plan is currently at publication stage, therefore some weight can be attributed to the emerging Local Plan.

2.64 Having regard to the above Planning Policy comments and NPPF paragraph 22, it is considered that the loss of this site would not prejudice the delivery of a mixed use employment site to the north of the A689 at Wynyard and that there will still be land available to meet the employment needs within the Wynyard area.

2.65 The Council's Planning Policy section have concluded that allowing for an alternative to employment uses would not prejudice the overall delivery of Wynyard Business Park and an element was deemed to be an appropriate site within the endorsed Strategic Housing Land Availability Assessment.

Supply of housing land

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

2.67 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 cannot currently demonstrate a five year supply of deliverable housing sites and thus the housing policies and those relating to the limits of development within the 2006 Local Plan are deemed to be out of date. Where policies are out of date, the proposal must be assessed in relation to the presumption in favour of sustainable development and the tests set out in NPPF paragraph 14, namely that the application should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF as a whole.

Sustainable Development

2.68 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority 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. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

2.69 Within a recent appeal decision within the Borough for residential development on employment land (appeal ref APP/H0724/W/15/3005751, decision dated 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

“The considerations that can contribute to sustainable development, within the meaning of the Framework, go far beyond the narrow meanings of environmental and locational sustainability. As portrayed, sustainable development is thus a multi-faceted, broad based concept. The factors involved are not always positive and it is often necessary to weigh relevant attributes against one another in order to arrive at a balanced position”.

2.70 Critically, the NPPF states (paragraph 14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

2.71 Benefits

- Boost to the supply of housing (economic)
- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)

- The financial contribution towards the provision of affordable would contribute to reducing the annual net shortfall of affordable housing at a time when the NPPF urges local authorities to boost the supply of housing (economic + social)
- A contribution to the executive housing offer in the Tees Valley (economic + social)
- It will potentially deliver beneficial ecological impacts (environmental)
- The application would improve accessibility by securing a contribution towards a cycle link connecting the site towards the urban fringe of Hartlepool (environmental)
- The development would secure obligations for the developer to provide on-site facilities for play and sports creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance.
- Potential New Homes Bonus and increased Council Tax (economic)

2.72 Adverse Effects

- It will result in the loss of part of the allocated and permitted business park (and their potential to provide jobs) which is Hartlepool's premier employment land allocation (economic and social)
- It will not provide a completely self sustaining community in terms of comprehensive health and community facilities (in isolation as an application) (social)
- Potential adverse ecological impacts (environmental)
- Loss of agricultural land

Planning Obligations

2.73 Saved Policies GEP9 and Rec2 of the adopted Local Plan and policy QP1 of the emerging Local Plan relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

2.74 Mindful of the recent planning approvals for residential development and those applications currently being considered, the Local Planning Authority has sought to secure planning obligations through either financial contributions or by securing the requirement/obligation for the applicant/developer to provide the facilities.

2.75 The applicant is willing to enter into a Section 106 Agreement to provide the following contributions and obligations;

- A) £1,050,869.96 off site affordable housing contribution
- B) £210 585 towards improving secondary education provision at Manor College
- C) An obligation to ensure that a primary school is provided at Wynyard (within the boundary of Stockton Borough Council) within 5 years of the first occupation of the development

- D) £35,000 to provide a walking link which will link the North Pentagon to the South Pentagon link and existing Public Rights of Way beyond and its implementation.
- E) £108,128.00 towards the provision of a cycle link between Hartlepool and Wynyard, specifically section (7) linking Dalton Back Lane to Claxton House Farm.
- F) An obligation relating to the provision maintenance of Playing Pitches/built sports
- G) £6,215.18 to be directed towards tennis court facilities at Greatham Village which is the nearest facility.
- H) An obligation relating to securing a training and employment charter/local labour agreement;
- I) The maintenance of open space/landscaping;
- J) Maintenance of play area

2.76 In accordance with paragraph 96 of the NPPF, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. With regard to the requirement for the development to generate on site renewable energy a condition is recommended in this regard.

Sustainability (and Principle of Development) conclusion

2.77 The NPPF is clear, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits.

2.78 It is acknowledged that the proposal taken in isolation has its shortcomings including the loss of allocated employment land.

2.79 Significant weight is required to be placed on the need to support economic growth through the planning system. In light of the lack of a five year housing land supply, the Local Planning Authority's policies for the supply of housing cannot be considered as up-to-date. Consideration is also given to the site's location, immediately adjacent to the existing housing to the south where the site is considered to result in an unobtrusive extension to residential development in Wynyard (for the reasons set out below).

2.80 Taking into account the considerations set out in the report, it is considered that the proposed development would overall positively benefit each of the threads of economic, social and environmental sustainability and would deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

2.81 It is considered that in this instance, none of the identified impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and that the principle of

development is therefore accepted in this instance subject to satisfying other material planning considerations as detailed below.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

2.82 As set out in above, following detailed highways modelling, it was considered that 1100 new dwellings within the Wynyard area (both Stockton's and Hartlepool's areas) would be acceptable in highway terms (subject to the provision of the upgrade works/roundabouts to the A689). The 1100 dwellings were historically made up of applications for 500 + 400 dwellings within Stockton with 200 dwellings in Hartlepool albeit on an adjacent site.

2.83 It has been confirmed that the traffic likely to be generated by this development has been accounted for within the model and that, as the outcomes have been accepted as being acceptable on the strategic road network with the agreed mitigation measures on the A689 roundabouts, the Council's Traffic and Transport section would have no objections on highway grounds to this application being approved.

2.84 Highways England were consulted on the proposal and have commented that it is unlikely to result in a severe impact on the A19 at the junction with the A689. Therefore, while Highways England do not object to the development, it is recommended that consideration and weight is given to its impact when considered alongside other developments in the Wynyard area. This may need to include a contribution to the wider mitigation identified as necessary.

2.85 It has also been confirmed by both HBC Traffic and Transport and Stockton's highway section, that a signed s106 Agreement for a residential development within the Stockton area of Wynyard has secured the required contributions to pay back the Local Growth Fund (which funds the roundabout mitigation works) and therefore there is no requirement for a planning condition or trigger within a s106 Agreement for the current application.

2.86 In terms of the proposed layout the Council's Traffic and Transport Section have confirmed that the layout and car parking provision is acceptable however as the roads are proposed to be adopted they should be constructed to adoptable standard. A condition is recommended accordingly in this regard.

2.87 A condition is also recommended to ensure the submitted travel plan which supports the application is implemented on first occupation.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

2.88 The application is a full application with detailed layout and house type plans.

2.89 Both the Council's Landscape Architect and Arboricultural Officer have assessed the proposal and their detailed comments are set out in full in the consultation section of this report.

2.90 The National Planning Policy Framework 2012 (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

2.91 The Hartlepool Local Plan 2006 advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Saved Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development relationships with the surrounding area, visual intrusion and loss of privacy. All new development should be designed to take into account a density that is reflective of the surrounding area.

2.92 The house builder is the same as that building the South Pentagon therefore the design, scale and appearance of the proposed dwellings is considered to be in keeping with the residential development on adjacent land.

2.93 It is considered that the density of the site is acceptable and is reflective of the surrounding area (taking into account both approved and current applications for residential development). Also the separation distances proposed between plots accord with and in many instances exceed the guidance set out in the Hartlepool Local Plan 2006.

2.94 Overall it is not considered that the proposal would result in a detrimental impact upon the character and appearance of the area. The north pentagon site will largely be screened from view to the north, east and west by the existing surrounding woodland and to the south by the approved residential development at the South Pentagon. Given that the proposed layout and design of dwellings are considered to be in keeping with the house types approved on the South Pentagon the proposed development is considered to be acceptable in terms of visual amenity. Therefore it is not considered that the proposals would result in a detrimental impact upon the character and appearance of the surrounding area.

LANDSCAPING

2.95 The submitted landscape proposals provide an overview of the landscape intentions for the site without providing any specific details in terms of plant species, stock size, planting densities, etc. The Council's Landscape Architect and Arborist consider that the overview landscape proposals are appropriate for the site context and the use of hedge planting as a boundary to much of the main distributor road is welcomed as is the tree planting to the main 'green' area which continues around the verge of the main distributor road. Both these elements are considered to help to soften views along the highway.

2.96 The Council's Planning Obligations SPD states that a green infrastructure contribution will be required however in this instance an enhanced landscaping scheme will be provided on site. Therefore a green infrastructure contribution will not be required in this instance. Landscape conditions requiring detailed planting proposals are recommended accordingly.

AMENITY OF NEIGHBOURING LAND USERS

2.97 There are existing properties adjacent to the southern boundary of the application site (within the South Pentagon) which are currently under construction. There is an apartment block which was approved under the approval at the South Pentagon which will be located adjacent to the open space within the current application site. This open space will provide a large separation distance between properties within the South Pentagon (some of which are occupied) and the proposed dwellings within the North Pentagon site. There are also internal roads (cul de sacs) which will separate the existing houses within the South Pentagon and the proposed dwellings.

2.98 Guidance within Supplementary Guidance Note 4 of the Hartlepool Local Plan requires 20 metres between principle elevations and 10 metres between gable walls and principle elevations. Due to the relative low density and generous gardens proposed to serve the proposed dwellings, the required separation distance is accommodated and often exceeded between the dwellings. As such it is considered that satisfactory levels of amenity and privacy can be achieved for both existing and future occupiers of neighbouring properties.

2.99 In view of the above, the proposal is not considered to result in an unacceptable impact on the amenity and privacy of neighbouring properties.

ECOLOGY

2.100 The application site is adjacent to ancient woodland which is priority habitat. An amended plan has been submitted which demonstrates a 10 metre buffer zone adjacent to the boundaries of the site with the woodland edge. The Council's ecologist was consulted on this and has commented that this is a consistent approach that has been taken at other developments at Wynyard with regard to the woodland edge (usually an obvious boundary between the open field and the trees) and the back garden fences of new properties with a 5m 'No Permitted Development' buffer at the end of each garden. However in this instance there is a 10 metre buffer outside the rear boundaries of properties where it is adjacent to the woodland. The Council's ecologist has commented that the buffer should be planted with native tree species to create an edge of younger/ smaller trees and to form a barrier against easy access by people and domestic animals.

2.101 With regard to tree species the Council's ecologist has commented that he is happy that the species used are predominantly thorny ones in order to discourage access through the trees and into the woodland beyond. However it should include a little more variety in terms of the native broad-leaved species used and recommend that while 80% could be hawthorn, there should also be 20% made up of blackthorn, buckthorn, alder buckthorn, native holly, hazel and field maple. These species are all relatively small trees and it is considered that when mature they should not significantly overshadow gardens. It is recommended that the trees are planted in two off-set lines at 1m spacing to form a hedge which will grow to form a physical barrier. It is also recommended that the trees are planted either side of a line 4m out from the woodland edge in order for them to mature to their full canopy spread which will be approximately 5m.

2.102 The agent has agreed to this approach and a condition is recommended accordingly.

2.103 In light of this a condition is recommended accordingly. Subject to this condition the proposal is considered to be acceptable in ecological terms and therefore accords with the provisions of the NPPF.

ARCHAEOLOGY

2.104 Tees Archaeology have considered the submitted information, in addition to a previous archaeological investigation that formed part of a wider trial trenching programme in this area which showed that there were no finds or features of archaeological interest within the current application site. As such, Tees Archaeology raises no objection to the proposal which is therefore considered to satisfy the provisions of paragraph 128 of the NPPF.

FLOODING AND DRAINAGE

2.105 The application site is located within Flood Zone 1 and as such falls outside of flood Zones 2 and 3.

2.106 The applicant is intending to discharge surface water into the nearby watercourse at a rate not exceeding the existing Greenfield run off. At this stage the Council's engineers have commented that this approach seems acceptable. However drainage details would be required to be secured through condition. As such a surface water condition is recommended to ensure that any flood risk is mitigated as required.

2.107 Northumbrian Water has requested that details of surface water and foul drainage are secured by a planning condition.

2.108 In view of the above considerations and subject to the identified conditions, it is considered that the scheme is satisfactory in terms of flooding and drainage related matters.

RESIDUAL PLANNING MATTERS

Education

2.109 As indicated above, the development would secure through a planning obligation, a contribution towards secondary education in the main urban area of Hartlepool. A planning obligation would also be required to ensure the delivery of a primary school(s) within the Wynyard area of Stockton within 5 years from the date of occupation. It is reasonably expected that this school will be delivered as the planning application approval within the Stockton Council boundary will shortly be issued. The Council's Child and Adult Services Department has raised no objections to this approach.

Contaminated land

2.110 The Council's Environmental Engineering section have confirmed that any unexpected land contamination should be addressed by a planning condition which is considered to be acceptable and a condition is recommended accordingly.

Public Right of way

2.111 The Council's Countryside Access Officer has commented that the Wynyard Development Area creates a unique opportunity to look at improving the access, within the development sites, to the surrounding countryside. It also is a chance to create new links to the neighbouring public and permissive rights of way that surround the location.

2.112 Following discussions with the agent it is agreed that £35,000 will be secured through the section 106 agreement to link the application site (North Pentagon) with the South Pentagon footpath links through the woodland adjacent to the site and the network of public rights of way beyond.

Cycle Link

2.113 The agent has agreed to contribute £108,128.00 towards providing part of a cycle link to link Wynyard to Hartlepool. The Council's Sustainable Transport Officer has confirmed that the contribution will go towards the section of the proposed cycle link between Dalton Back Lane to Claxton House Farm junction as this is the next logical section of the link that will be delivered.

2.114 The NPPF defines the best and most versatile agricultural land as being Grades 1, 2 and 3a. Based on Natural England/Defra's Agricultural Land Classification' map, the application site is rated as 'good to moderate'. Whilst the proposed development would result in the loss of agricultural land from production, the loss is not considered to be significant enough to warrant refusal on this ground alone.

CONCLUSION

2.115 The proposal would result in the loss of allocated employment land and such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. However the guidance in the NPPF makes clear that the Local Planning Authority's existing housing delivery policies cannot be considered as up to date as it cannot demonstrate a five year supply of deliverable housing sites. Also housing applications are to be considered in the context of the presumption in favour of sustainable development. It is also the case of that in the emerging local plan the land would be deallocated as employment land in favour of an allocation for residential development.

2.116 Whilst there would be a loss of employment land under the current policy allocation, the site's location has clear economic, social and environmental benefits as detailed above. In this context, overall it is considered that the site is a sustainable location for new development.

2.117 It is considered that there are important material benefits arising from the proposed development and there are no adverse impacts from the proposed development that would significantly or demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole. Consequently in a situation where some of the local plan housing policies are not up to date, any harm to the local plan as a whole is outweighed.

2.118 The scheme is also considered to be acceptable in respect of other material considerations set out above.

2.119 The application must be considered in accordance with the NPPF guidance in the context of the presumption in favour of sustainable development and delivery and therefore the application is accordingly recommended for approval.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.120 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.121 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.

2.122 There are no Section 17 implications.

REASON FOR DECISION

2.123 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 a section 106 agreement to secure:

- A) £1,050,869.96 offsite affordable housing contribution;
- B) £210,585 towards improving secondary education provision at Manor College;
- C) An obligation to ensure that a primary school is provided at Wynyard (within the boundary of Stockton Borough Council) within 5 years of the first occupation of the development;
- D) £35,000 to provide a walking link which will link the north Pentagon to the South Pentagon and existing Public Rights of Way beyond and its implementation;
- E) £108,128.00 towards the provision of part of a cycle link between Hartlepool and Wynyard, specifically section (7) linking Dalton Back Lane to Claxton House Farm;
- F) An obligation relating to the provision/maintenance of Playing Pitches/built sports;
- G) £6,215.18 to be directed towards tennis court facilities at Greatham Village which is the nearest facility;

- H) An obligation relating to securing a training and employment charter/local labour agreement;
- I) The maintenance of open space/landscaping;
- J) Maintenance of play area.

And the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with
Site Location Plan WP:LPES
Site Location Plan WP:LPNP
Boundary Treatment Details WP:BTD01
received by the Local Planning Authority 29 April 2016
Single Garage General arrangement GAR/01/02 A
Double Garage General Arrangement GAR/02/02B
President Elevations PS/4/PL2 B
President Plans PS/4/PL1
Frampton Elevations FR/4/PL2 B
Frampton Plans FR/4/PL1
Cavendish Elevations CA/4/PL2 B
Cavendish Plans CA/4/PL1
Shelford Elevations PA48/6/PL2
Shelford Plans PA48/6/PL1
Mappleton Elevations MP/4/PL2B
Mappleton Plans MP/4/PL1
Langdale Elevations PT43/4/PL2B
Langdale Plans PT43/4/PL1
Ashbourne Elevations ASH/4/PL2B
Ashbourne Plans ASH/4/PL1
Eynsham Elevations PD410/4/PL2A
Eynsham Plans PD410/4/PL1
Heydon Elevations HY/4/PL2B
Heydon Plans HY/4/PL1
Lavenham Elevations PD51/4/PL2A
Lavenham Plans PD51/4/PL1
Haddenham Elevations PD411/4/PL2A
Haddenham Plans PD411/4/PL1
received by the Local Planning Authority 4 November 2016
Boundary treatment Layout NP:WY:01 Rev C
Planning Layout NP:WY:00 Rev C
Surface Treatment Layout NP: WY:02 Rev C
received by the Local Planning Authority on 04 November 2016.
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of

the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.

4. A detailed scheme of enhanced landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
6. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details. To prevent the increased risk of flooding from any sources in accordance with the NPPF.
7. 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 submission shall include a condition survey of the watercourse to identify any maintenance/upgrade works that may be required. The scheme shall also include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the 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 management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any 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.

8. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots. Development shall be carried out in accordance with the approved details. To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.
9. Details of all walls, fences, gates and other means of boundary enclosure to be constructed up to the individual plots shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter prior to any individual plots being developed details of boundary enclosures shall be provided on a plot by plot basis. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity and the amenity of the occupiers of the site.
10. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site including individual plots shall accord with the requirements of the agreed Construction Management Plan. To avoid excessive noise and disturbance to the occupants of nearby properties.
11. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority. In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
12. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall 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 Waste Audit shall 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.

To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.

13. 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 dwellinghouse is occupied the energy saving measures for that dwellinghouse, detailed in the report shall be installed.
In the interests of promoting sustainable development.
14. 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 dwellinghouse is occupied the renewable energy equipment for that dwellinghouse, detailed in the report, shall be installed.
In the interests of promoting sustainable development.
15. No development shall take place until a scheme for the provision of bat and bird roosting features within at least 10% of the buildings and bird and bat boxes throughout the site and in the adjacent woodland, 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.
16. Prior to the commencement of development a scheme detailing tree planting, including maintenance specification shall be submitted to and agreed in writing by the Local Planning Authority. The scheme shall include a ten metre (10m) wide landscape buffer adjacent to the woodland edge (as shown in green on planning Layout NP:WY:00 Rev C received by the Local Planning Authority 04 November 2016). The scheme shall include a timetable for its implementation and show that the trees shall be planted either side of a line 4m out from the woodland edge in order for them to mature to their full canopy spread. The scheme shall then be implemented and shall be retained and adhered to at all times, to the satisfaction of the Local Planning Authority.
In the interests of safeguarding the Ancient Woodland.
17. The roads, footpaths and cycleways and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.
In order to ensure the roads are constructed and maintained to an acceptable standard

18. In the event that contamination is found at any time when carrying out the approved development, works must be halted on that part of the site affected by the unexpected contamination and it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken to the extent specified by the Local Planning Authority and works shall not be resumed until a remediation scheme to deal with contamination on the site has been carried out in accordance with details first submitted to and approved in writing by the Local Planning Authority. This scheme shall identify and evaluate options for remedial treatment based on risk management objectives. Works shall not resume until the measures approved in the remediation scheme have been implemented on site, following which, a validation report shall be submitted to and approved in writing by the Local Planning Authority. The validation report shall include programmes of monitoring and maintenance, which will be carried out in accordance with the requirements of the report.
To ensure any site contamination is satisfactorily addressed.
19. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In order to avoid harm to birds.
20. No construction/building works or deliveries shall be carried out except between the hours of 07.30 am and 07.00 pm on Mondays to Fridays and between 07.30 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 9, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the visual amenity of the surrounding area.
22. No development shall take place until a scheme for the protection during construction works of all trees to be retained on and adjacent to the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', including foundation treatments and method statements for buildings and infrastructure in critical locations and measures to ameliorate any dangers from windthrow, has been submitted to

and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

23. Prior to the occupation of the 1st dwelling, details for the provision of a children's play area including the provision of teenage play (the broad location of which is shown on drawing reference NP:WY:00 Rev C (Planning Layout) received at the Local Planning Authority on 4th November 2016, including its detailed location, design and details of equipment, enclosures, landscaping and surfacing shall be submitted to the Local Planning Authority for its approval in writing. The approved details shall thereafter be implemented as approved in full prior to the occupation of the 36th dwelling at the site. The play area shall thereafter be retained for lifetime of the development unless some variation is otherwise approved in writing by the Local Planning Authority.
- In the interests of the health, safety and amenity of future residents of the site.
24. A) No demolition/development shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

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

C) The development shall not be occupied until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
25. The Residential Travel Plan submitted with the application (Proposed Residential Development, Wynyard - Travel Plan - AECOM November 2015) shall be implemented on first occupation of the development including the requirements for baseline surveys, monitoring and review. Baseline surveys

shall be carried out within 6 months of first residential occupation of any part of the site. A Final Travel Plan shall be submitted to and approved in writing by the Local Planning Authority within 12 months of the first residential occupation of the site and shall thereafter operate as approved for the life time of the development unless some variation is otherwise agreed in writing by the Local Planning Authority. Monitoring reports shall be submitted to the Local Planning Authority for at least 1 year following approval of the Final Travel Plan.

In order to encourage sustainable methods of travel.

BACKGROUND PAPERS

2.124 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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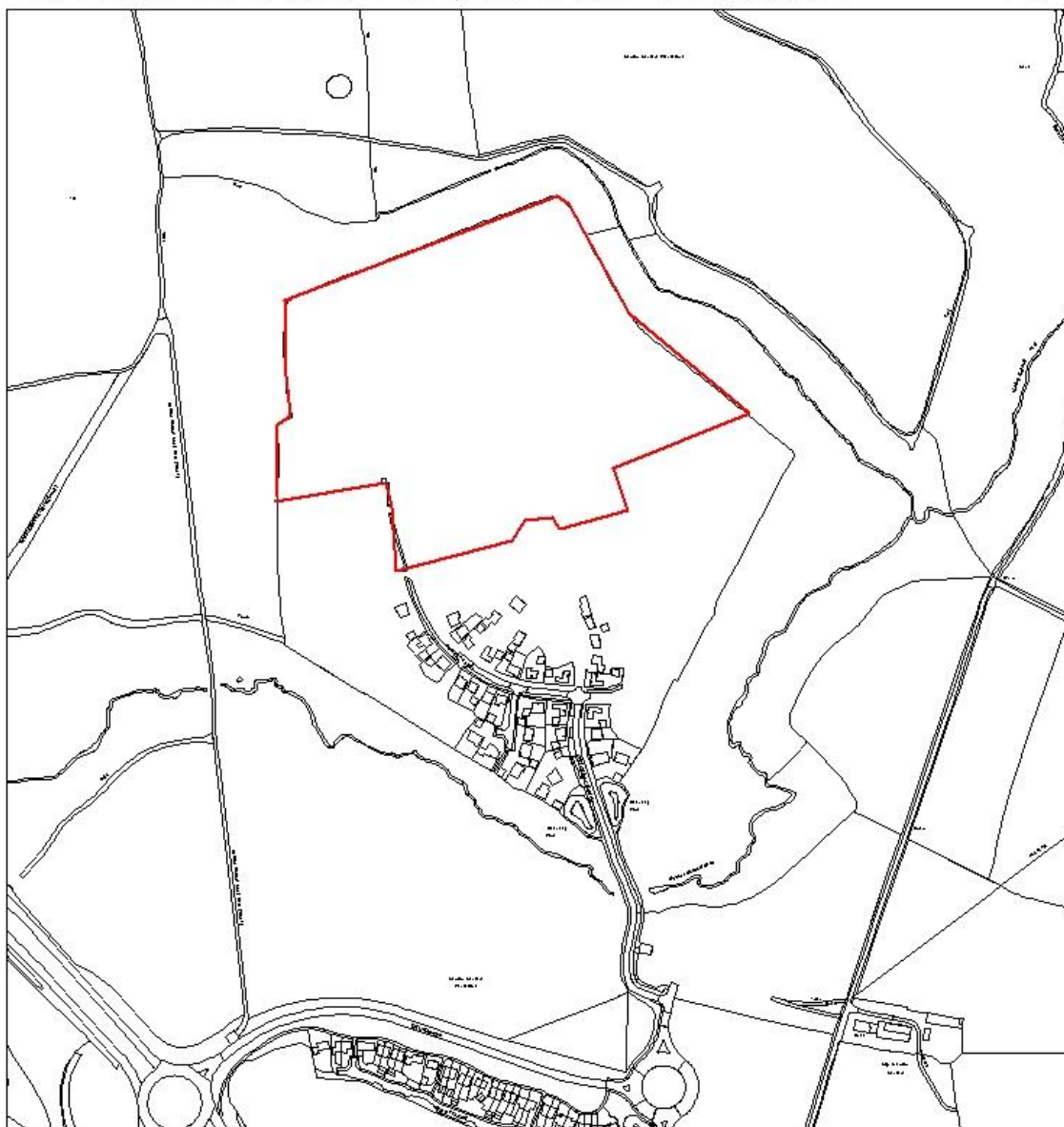
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NORTH PENTAGON, WYNYARD PARK



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0185	REV

No: 3
Number: H/2016/0554
Applicant: STRANTON ACADEMY TRUST SOUTHBURN
TERRACE HARTLEPOOL TS25 1SQ
Agent: Hartlepool Borough Council Mr Steve Wilkie Civic Centre
Victoria Road Hartlepool TS24 8AY
Date valid: 20/12/2016
Development: Extension of car park including new access road and
alterations to existing access arrangements. Alterations
to existing car park including re-surfacing works, drainage
works, erection of fencing, lighting, and associated
landscaping works
Location: STRANTON PRIMARY SCHOOL 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 The application has received one response raising concerns regarding the proposal. The application must therefore be considered by Members at Planning Committee.

PROPOSAL

3.3 Planning permission is sought for the alteration and extension of the car park at Stranton Primary School, Hartlepool. The proposal would involve rationalisation of the existing car parking area with laying of hard surfacing and gravel, creation of zebra crossing and the addition of raised kerbs. The car park extension would be added to the south adjacent to the eastern boundary. This would involve laying a new access road hard surface, marked parking bays, raised kerbs, and alterations to the existing gated access to the south. A new approx. 1.8m high twin-mesh fence would also be erected along the western edge of the new car park area, with some additional landscaping works also undertaken including reinstatement of grassed areas.

SITE CONTEXT

3.4 The application site is Stranton Primary School, Hartlepool. The site is approx. 0.38ha and contains generally single storey educational buildings, car parking, access roads, hard and soft play areas and a number of trees. The boundary is typically an approx. 2m high green fence. Vehicular access is taken via an access road to the north from Westmoreland Street. To the north are residential properties along Westmoreland Street. To the south are residential properties along Cumbria

Walk. To the east are residential properties along Southburn Terrace and South Parade. To the west are residential properties along Stockton Road.

PUBLICITY

3.5 The proposal has been advertised by way of a Site Notice, 68 Neighbour Notification letters and 3 Councillor Notification letters. One response has been received with concerns raised regarding:

- Reduction in size of the playing field
- Exacerbation of congestion due to parking in Southburn Terrace and narrow road
- Disruption to sleep due to construction vehicles

3.6 Copy Letters **B**

CONSULTATIONS

3.7 The following consultation replies have been received:

HBC Traffic and Transport: The proposed car park extension would be welcomed and would help with the longstanding parking issue for teachers and visitors to Stranton School. The access onto Southburn Terrace would be acceptable and meets HBC Design Guide requirements.

HBC Public Protection: Not object.

HBC Landscape (Arboriculture): I am familiar with the tree layout on this site having done a risk assessment some years earlier and been involved with previous alterations to this car park. There is one tree that is to be removed but this would have been the case irrespective of this application as the tree (Norway Maple) has structural faults with the stem. The main roadway will be constructed on a geocell matrix to dissipate the load bearing on the ground and any surface scrape will be limited to approximately 100mm. The two large Poplar trees shown on the cover of the “Design and Access Statement” have now been removed as one had collapsed onto the road and the other was in a similar condition.

Close on site monitoring will need to be in place during construction within the root zone of these trees but as the scheme stands and providing that the construction methods described are used, I have no objections to make on this application.

HBC Engineering: No comments.

Sport England: Thank you for consulting Sport England on the above application.

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in light of the National Planning Policy Framework (particularly Para 74) and Sport England's Playing Fields Policy, which is presented within its Planning Policy Statement titled 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all/part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The proposed development results in a minor encroachment onto the playing field. However, having considered the nature of the playing field and its ability to accommodate a range of pitches, it is not considered that the development would reduce the sporting capability of the site. As such, Sport England is satisfied that the proposed development broadly meets the intention of the following Sport England Policy exception:

E3 The proposed development affects only land incapable of forming, or forming part of, a playing pitch, and does not result in the loss of, or inability to make use of any playing pitch (including the maintenance of adequate safety margins), a reduction in the size of the playing area of any playing pitch or the loss of any other sporting/ancillary facility on the site.

This being the case, Sport England does not wish to raise an objection to this application.

PLANNING POLICY

3.8 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

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

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
GEP12: Trees, Hedgerows and Development
Rec4: Protection of Outdoor Playing Space

Emerging Local Plan

3.10 In line with paragraph 216 of the NPPF weight can be given to policies in an emerging Local Plan from Publication Stage according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections for relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the framework, the greater the weight that may be given).

Given that there are no (or limited) unresolved objections, the following policies in the Emerging Local Plan (Publication Draft – December 2016) are relevant to the determination of this application and can be attributed some weight:

LS1: Locational Strategy

NE5: Playing Fields

QP3: Location, Accessibility, Highway Safety and Parking

QP6: Technical matters

SUS1: The Presumption in Favour of Sustainable Development

National Policy

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

PARA 002: Primacy of Development Plan

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: Core Planning Principles

PARA 056: Ensuring Good Design

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development

PARA 216: Weight given to policies in emerging Local Plans

PLANNING CONSIDERATIONS

3.12 The material planning considerations in regard to the above proposal are the principle of development in relation to National and Local Planning Policy, and the impacts on visual amenity, protected trees, highway safety and neighbour amenity.

Principle of Development

3.13 The school site is located to the south of the town centre and includes a large area of green play space to the south of the main educational buildings. Of relevance to this application are Saved Policies GEP1, GEP2, GEP3 and Rec4. Also of relevance are Emerging Local Plan Policies LS1, NE5, QP3, QP6, and SUS1.

3.14 Saved Policy Rec4 states:

“The Borough Council will seek to protect existing areas of outdoor playing space (including children’s play areas, playing fields, tennis courts and bowling greens). Their loss will be acceptable only in the following circumstances:

- i. Where they are replaced by new provision which is at least comparable in terms of facilities, amenity and location, or
- ii. Where they can best be retained and enhanced through the redevelopment of a small part of the site, or
- iii. Where the Local Plan/Sports Pitch Strategy shows an excess of provision of playing fields or their re-location achieves a better dispersal of pitches, or
- iv. Where school expansion or re-building takes place and the loss of some playing field land does not prejudice its overall integrity through adversely affecting the quantity, quality or use of the pitches.

Where outdoor playing space is lost to development, the Borough Council will seek a planning obligation to secure its replacement or the enhancement of such land remaining.”

3.15 Also of relevance is Emerging Local Plan Policy NE5 which states:

“The Borough Council will protect existing playing fields, tennis courts and bowling greens. Loss of these facilities will only be acceptable in the following circumstances:

- 1) where they are replaced by new provision which is at least comparable in terms of facilities, amenity and location, or
- 2) where they can best be retained and enhanced through the redevelopment of a small part of the site, or
- 3) where there is up to date, robust evidence (through for example an Open Space/Recreation Assessment that demonstrates an excess of provision of playing fields, or their re-location achieves a better dispersal of provision which meets the requirements of users and the local community, or
- 4) where school expansion or re-building takes place and the loss of some playing fields does not adversely affect the quantity, quality or use of those playing fields.

Where playing fields, tennis courts and bowling greens are lost to development, the Borough Council will seek a planning obligation or condition to secure replacement or enhancement of such land remaining. When additional facilities are required to serve new housing developments and/or to meet an increase in demand for an activity, they should be concentrated together as a hub to ensure effective use by clubs and organisations as well as the wider community.”

3.16 Consultation was undertaken with HBC Planning Policy with comments stating that the proposal is contrary to Local Plan Policy (Rec4) however this may be outweighed by the potential safety improvements as a result of the works. Consultation was also undertaken with Sport England with comments stating that the proposal would broadly meet Sport England’s policy exception E3 and on this basis no objection was made to the proposal.

3.17 It is recognised that the development would result in partial loss of the eastern edge of the playing field of Stranton Primary School. In principle the loss of any play space should be resisted unless appropriate mitigation measures are put in place. This is defined under Saved Policy Rec4 which seeks to mitigate against the effects of loss of play space through securing a developer contribution to either replace the play space lost through development, or to improve the remaining play space.

3.18 In this instance, it is recognised that the overall size of the play area that would be lost through the development is relatively minor. There are also noted to be benefits of the scheme including increased parking provision for staff and visitors, issues of safety through improved pedestrian movement areas, and also by reducing demand for on-street parking normally reserved for the surrounding residential properties. In addition, considering the amount of play space which would remain for use by the school and only minor changes by the erection of a new boundary fence to segregate the car park, it is not considered that the development would significantly impact upon the overall quantity, quality or use of the playground area for sports and/or recreational activities, or in terms of the character and function of the school itself. It is also not considered that a developer contribution would be required in this instance for improvements to the remaining playground area given the overall size and standard of this.

3.19 Overall, whilst the proposal does not fully accord with Saved Policy Rec4 or Emerging Policy NE5, it is considered that the benefits of the scheme outweigh this. Subject to a full assessment of the relevant material planning considerations, the principle of development is considered to be acceptable, in accordance with Saved Policies GEP1, GEP2, GEP3 and Rec4, and Emerging Local Plan Policies LS1, NE5 and SUS1.

Visual amenity

3.20 The proposal would involve alterations to the existing car park and the addition of an extension to the car park along the eastern boundary of the school site, with associated tree removal, erection of fencing and laying of hard surfacing. Given the generally flat nature of the site and the layout of the surrounding residential properties, the alterations would be visible from the street scene.

3.21 It is recognised that the proposal would have some visual impact given that the development would take place in a linear layout adjacent to the eastern boundary. There would be some loss of visual amenity and change to the character of the area due to part of the currently green playground being covered by a hard surface. In addition, the parked cars would result in some additional visual impact by partially obscuring the playground from neighbouring streets.

3.22 Whilst the contribution to visual amenity of the playground is noted, the use of the playground is restricted to Stranton School and therefore does not represent publically accessible open space. In addition, the proposed car park would be approx. 13.5m at the widest point which, when compared to the overall playground width of approx. 145m, does not constitute a significant loss of playground space. The protected trees close to the north eastern corner would all be retained, contributing to visual amenity in the area.

3.23 Overall, the proposal is not considered to be significantly detrimental to the overall character and appearance of the area. Subject to a condition to agree final details of the road surface, the impact on visual amenity is considered to be acceptable, in accordance with Saved Policies GEP1 and GEP12, and Emerging Local Plan Policies QP3 and SUS1.

Protected trees

3.24 The eastern edge of the site contains a number of trees protected under Tree Preservation Orders. An Arboricultural Impact Assessment was submitted in support of the application with techniques including appropriate stand-off distances for construction vehicles and the use of a cellular confinement system within root protection areas. A tree will need to be removed and some additional pruning would also be carried out.

3.25 Consultation was undertaken with HBC Landscape (Arboriculture). No objections were received however comments stated that it would be necessary to closely monitor the development of the site to ensure the tree protection methods as described in the supporting report are employed during the construction works.

3.26 Given that the tree to be removed is currently in a poor condition, and that the proposal would employ methods to ensure minimal damage to the remaining trees, it is considered that the proposal is acceptable in relation to protected trees subject to a condition to ensure the works are carried out in accordance with the Arboricultural Impact Assessment. The impact on protected trees is considered acceptable in accordance with Saved Policies GEP1 and GEP12 and Emerging Local Plan Policy QP6.

Highway safety

3.27 Consultation was undertaken with HBC Traffic and Transport with no objections received and comments stating that the proposal would improve the parking arrangements for staff and visitors to the school. It is therefore considered that the proposal would not adversely affect highway safety, in accordance with Saved Policy

GEP1 and Emerging Local Plan Policy QP3.

Neighbour amenity

3.28 One neighbour response has been received with the concerns raised detailed above. In relation to the impact on this neighbour, it is noted that Southburn Terrace and South Parade are relatively narrow streets. However, as the proposal would provide additional allocated parking within the school, it is considered that this would ease pressure on the existing on-street parking spaces outside the school boundary. In addition, consultation with HBC Traffic and Transport raised no objections to the development. There is considered to be no significant detrimental impact on the amenity of this neighbour.

3.29 In relation to the impact on neighbouring properties to the north (no's 47-65 Stockton Road, no's 1-16 Moyne Gardens) some of these properties have rear gardens adjoining the school site with a metal rail forming the boundary and providing minimal screening. It is noted that part of the new access road to the car park would be created close to the rear gardens of no's 1-10 Moyne Gardens. However, this area is already used for staff/visitor parking with traffic coming and going limited to school opening hours (and potentially some after school activities). Other neighbours at no's 11-16 Moyne Gardens and no's 47-65 Stockton Road are considered to be separated significantly from the site with minimal impact on amenity. Given the existing relationship with adjoining (and nearby) properties, the proposed layout of the access road and car park, and the fact that all the trees would be retained, there is considered to be minimal impact on the amenity of these neighbours in particular regarding general disruption, privacy and outlook.

3.30 In relation to the impact on neighbouring properties to the south at no.10 Cumbria Walk and no.11 Nottingham Walk, these properties are noted to be close to the south eastern corner of the school playground. They would therefore be in fairly close proximity to the new access road and the exit onto South Parade. However, given the existing relationship and the overall loss of green play area, there is considered to be minimal impact on the amenity of these neighbours particularly in relation to general disturbance, outlook and privacy.

3.31 In relation to the impact on neighbouring properties to the east (odd no's 21-61 Southburn Terrace, no'1 Northampton Walk and no.1 Nottingham Walk) it is noted that some of these properties face westward towards the school site, in particular those on Southburn Terrace. They are also noted to be separated by the generally narrow highway. Given the existing wire fence along the school boundary, there is limited screening of the playing field. It is recognised that the new access road and car parking areas would be visible from these properties with some increase in general disturbance as a result of vehicular movement. However, considering the overall size and capacity of this parking area to be created, the fact that disturbance would generally be limited to school opening hours, and the fact that the existing protected trees would be retained along this eastern side, there is not considered to be any significant impact on amenity, in particular in terms of general disturbance, outlook or privacy.

3.32 No objections have been received from HBC Public Protection, overall, whilst there is noted to be some increase in noise and general disturbance as a result of the construction works, the proposal as a whole is not considered to significantly impact upon the amenity of any neighbouring properties, in particular on outlook and privacy. The impact on amenity is considered to be acceptable in accordance with Saved Policy GEP1 and Emerging Local Plan Policy QP3.

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 There are no Section 17 implications.

REASON FOR DECISION

3.35 In relation to the material planning considerations examined above, it is considered that the principle of development is acceptable and that there would be no significant detrimental impact in terms of visual amenity, protected trees, highway safety, or neighbour amenity. The proposal is therefore recommended for approval subject to the conditions below.

RECOMMENDATION - APPROVE

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the application details and the plans (Stranton Academy Car Park Location Plan Drawing No. 731-53-L004, Stranton Academy Car Park Safety Improvements Proposed fencing Drawing No. 731-53-L003 and Stranton Academy Car Park Safety Improvements Drawing No. 731-53-L001) received by the Local Planning Authority on 20/12/16.
For the avoidance of doubt.
3. Where work is to be carried out around any trees, the development hereby approved shall be carried out in accordance with the Elliot Consultancy Ltd Arboricultural Impact Assessment Ref: ARB/CP/1413 received by the Local Planning Authority on 20/12/16. All tree works shall also comply with BS 3998:2010 'Tree work - Recommendations', paying particular regard to section 7 'Pruning and related work'.
In the interests of the health and appearance of the preserved trees and in the interests of visual amenity.
4. Details of all surfacing 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 and to ensure a satisfactory form of development.

BACKGROUND PAPERS

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

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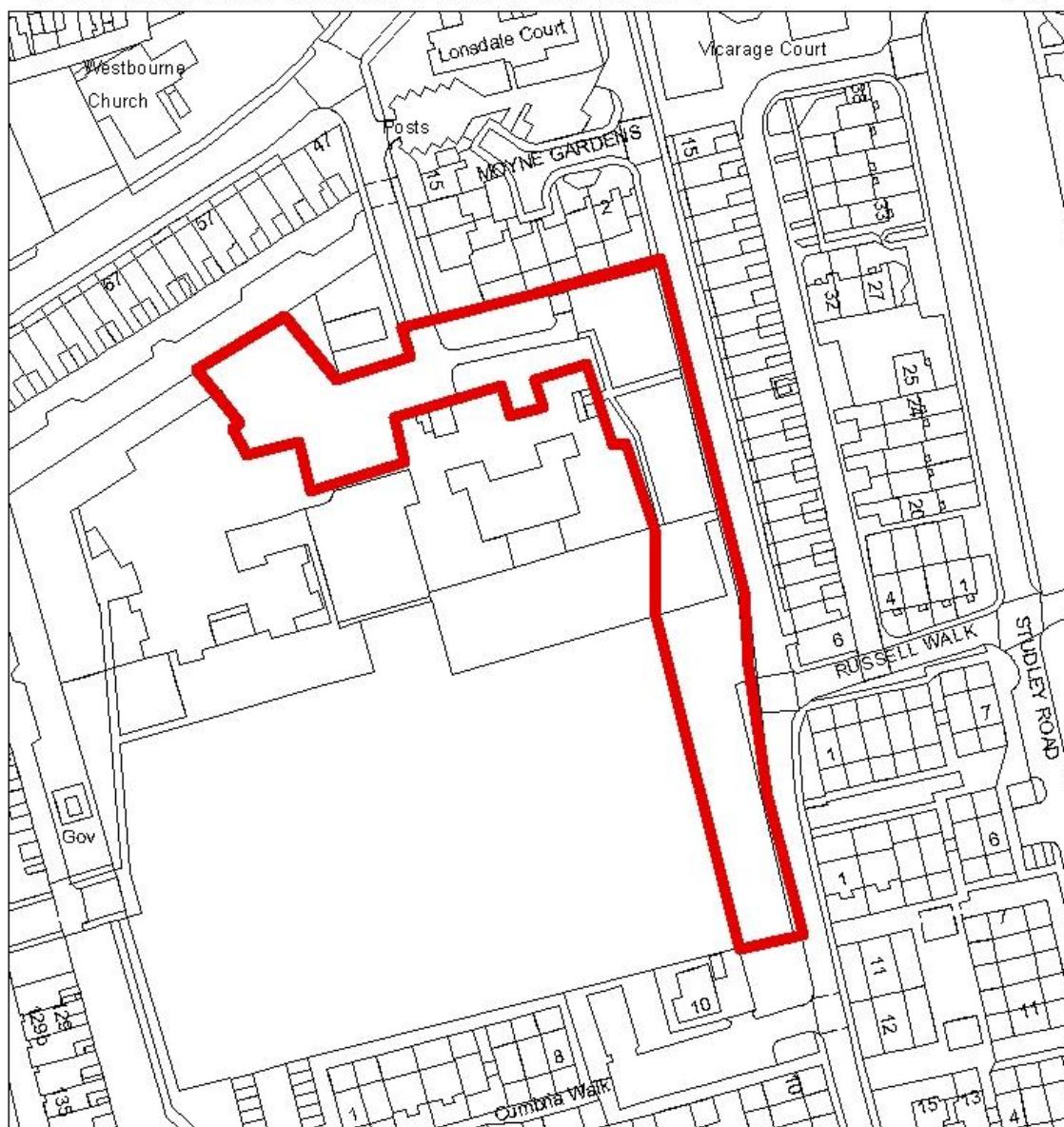
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STRANTON PRIMARY SCHOOL

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:1250	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0554	REV

No: 4
Number: H/2016/0510
Applicant: Care of Agent
Agent: Prism Planning Ltd 1st Floor 11 High Row
 DARLINGTON DL3 7QQ
Date valid: 22/11/2016
Development: Application for the removal of Agricultural Occupancy
 Condition (attached to approval CA35733) (resubmitted
 application)
Location: Sheraton West Grange Bungalow Coal Lane Elwick
 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/RELEVANT PLANNING HISTORY

4.2 The following applications are considered to be relevant to the current application site;

CA35733 - Original approval for 2 workers bungalows, approved 07.07.1965 relating to Sheraton West Grange Farm, Elwick. The approval was subject to the following condition;

“That the occupation of the bungalows shall be limited to persons whose employment is in agriculture or forestry or in an industry mainly dependent upon agriculture and including also the dependents of such persons aforesaid.

Reason; The site is situated in the countryside where, in the interests of amenity and good planning, it is desirable that only buildings in connection with the use of the land for agriculture or forestry are permitted”.

H/FUL/0127/91 – An application for the removal of the above referenced occupancy condition at the bungalow (known as ‘Viewlands’) that is adjacent to the current application site (known as The Bungalow or Sheraton West Grange Bungalow) was approved 30.04.1991. It is understood from the Officers Report notes that the owners/applicants had been in breach of the condition for a prolonged period (more than 25 years). It is unclear as to why a Lawful Development Certificate application was not sought or submitted.

H/FUL/0120/97 – An application for the removal of the above referenced agricultural worker’s occupancy condition for Sheraton West Grange Bungalow, submitted in March 1997 at the same site as the current application.

It is noted from the correspondence on file that it was considered by the Local Planning Authority that it was important to establish if there was any need for the agricultural property to serve the general area as a whole rather than solely the original farm holding and therefore it requested marketing be carried out in relation to the property at a price that reflected the occupancy condition. The application was subsequently withdrawn.

H/2016/0004 – An application submitted by Prism Planning (acting on behalf of the executors for the estate of the late Miss Hutchinson of Sheraton Grange Bungalow). for the removal of Agricultural Occupancy Condition (attached to approval CA35733) was refused by the Local Planning Authority (LPA) on 03.03.2016.

The supporting information contended that the occupancy condition was/is no longer required for the following reasons;

- All farmland associated with the original farm holding has been sold off and amalgamated within existing local farms
- The occupier lived in breach of the planning condition from 1997 up to her death in 2015 representing a period of more than 10 years of continuous breach
- Sheraton West Grange Farm (that the 2 bungalows were approved for) has been converted and sub-divided (as set out above this site falls within DCC) and therefore such permission indicates that the farm has moved away from its original use
- The original condition did not make any requirement for the occupant to be employed in the locality in agriculture. The agent contends that this “indicates the council did not believe it to be necessary for the property to be kept available for any local need”.
- The condition would therefore not meet the tests of the NPPF and is not in accordance with the model occupancy condition of the retained Appendix A to Circular 11/95 (the remainder of the Circular has been cancelled and replaced by [new national planning practice guidance](#) (NPPG)).

Following discussions between the case officer and the acting agents regarding the submission of a Lawful Development Certificate (LDC) application in respect of a continued breach of condition, it was concluded that a LDC application would be hampered in this instance as there had been a break, albeit an involuntary one, in the breach of the occupancy condition towards the end of 2014/beginning of 2015 and the subsequent vacancy of the property since Miss Hutchinson’s death. Case Law clearly indicates that a break in the breach, whether by involuntary means or not, means that such LDC applications are not eligible in such instances/could not be justified in planning terms. This view was also supported by the Council’s Chief Solicitor and Monitoring Officer.

Whilst the LPA acknowledged the above position in respect of the original condition wording and that the original farm that the bungalow related to no longer exists, and

that the original condition would not accord with the model condition of Circular 11/95 (which in itself is not unexpected as it predates such guidance), the LPA considered that marketing of the property (for a minimum period of 6 months taking into account the other justifying circumstances in support of the application) should be undertaken to explore whether there is a need in the wider area for such a property.

The applicant's acting agent disagreed with and did not consider that there was a requirement for such marketing to be undertaken (at that time). Consequently, the application was refused by the LPA for the following reason;

In the opinion of the Local Planning Authority the applicant has failed to demonstrate an absence of need in the locality for accommodation for someone whose employment is in agriculture, forestry or an industry dependent upon agricultural, contrary to the provisions of the NPPF (para. 55) and saved Policy Rur7 of the adopted Local Plan.

H/2016/0521 - A Lawful Development Certificate (LDC) application was submitted by prospective purchasers of the property Mr and Mrs Pearson (as set out in the 'Publicity' section of the report below) to seek to demonstrate that their proposed occupancy of the property would be lawful for planning purposes under [section 192 of the Town and Country Planning Act 1990](#). In particular, this Lawful Development Certificate application sought to demonstrate the applicant's compliance with the requirements of the restrictive occupancy condition on the above referenced planning approval CA35733.

Following an assessment of the submitted application and relevant planning case law, the application was refused by the Local Planning Authority on 10.01.2017 for the following reason;

- 1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate that their occupation of the property would comply with the requirements of the agricultural occupancy condition and therefore their occupancy of the property would constitute a breach of planning condition, contrary to the provisions of the NPPF (para. 55) and saved Policy Rur7 of the adopted Local Plan.*

PROPOSAL

4.3 This resubmitted application (submitted by Prism Planning acting on behalf of the executors for the estate of the late Miss Hutchinson of Sheraton Grange Bungalow) seeks planning permission for the removal of the Agricultural Occupancy Condition (attached to approval CA35733) on the property known as Sheraton Grange Bungalow.

4.4 The background to the refused original application (H/2016/0004) is detailed in the 'background' section above.

4.5 The submitted application is accompanied by details of the marketing of the property (over a 6 month period) with a supporting letter from the estate agent/surveyors who have marketed the property (with the agricultural occupancy

restriction on it). The market value of the property for this (reflecting the restrictive occupancy condition) had been agreed previously by the estate agent/surveyor and the Council's Estates section.

4.6 The application has been referred to Planning Committee as an objection has been received from a statutory consultee (Elwick Parish Council).

SITE CONTEXT

4.7 The application site relates to a detached bungalow known as Sheraton West Grange Bungalow (or 'The Bungalow') located off Coal Lane, Elwick, Hartlepool. The property lies adjacent to another bungalow (Viewlands) as detailed above. Both properties are served by an access track from Coal Lane (west) which is also understood to serve the converted Sheraton Grange Farm to the north east of the site (which falls within Durham County Council's jurisdiction). Further properties and farm buildings are present to the west of Coal Lane. Open fields are present to the north, south and east of the application site.

PUBLICITY

4.8 The application was advertised by way of neighbour letters and a site notice.

4.9 To date an objection(s) has been received from Mr and Mrs Pearson the prospective purchasers of the property who indicate that they are interested buyers of the property in question (having made an offer(s) for the property) and have submitted a Lawful Development Certificate (LDC) application to the Local Planning Authority to seek to demonstrate that their proposed occupancy of the property would be lawful for planning purposes. The objection also seeks to rebut comments within the current application's supporting information (on marketing) to state that they consider that they would comply with the occupancy condition, hence the submission of their LDC application.

4.10 The objectors LDC application (reference H/2016/0521) was submitted in December 2016 and was refused on 10.01.2017. This is set out in the 'background' section above.

4.11 One letter of no objection has been received from the adjacent property, known as 'Viewlands'.

4.12 Copy Letters **A**

4.13 The period for publicity has expired.

CONSULTATIONS

4.14 The following consultation replies have been received:

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

HBC Countryside Access Officer; An unrecorded public footpath runs from Coal lane, eastwards along the farm track to the north of the red outlined property and meets a recorded public footpath, at the borough boundary and carries on eastwards towards Sheraton West Grange Farm.

The application to remove the Agricultural Occupancy Condition should not affect these public rights of way or their use by walkers. However any new occupant of the property needs to be aware of the existence of these public footpaths. All vehicular traffic using the farm track will also need to be made aware of the status of these public rights of way.

Walkers using the track and therefore the public footpaths will have precedence over the vehicular traffic as they have a public right under law, whilst vehicular traffic will only have a private or permissive right to use the said track.

Whoever does occupy this property may wish to contact me on 01429 523524 or email me at rightsofway@hartlepool.gov.uk

Elwick Parish Council; Elwick Parish Council does not wish to see the Agricultural Occupancy Condition removed from Sheraton West Grange Bungalow, as this would contravene the policies in the Rural Neighbourhood Plan. Also, Councillors are aware that there is at least one person interested in purchasing this property who would fulfil the requirements for Agricultural Occupancy.

PLANNING POLICY

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

Planning Policy

4.16 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. 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 14 : Presumption in favour of sustainable development

PARA 28 : Rural economic growth

PARA 55: Isolated Homes in the Countryside

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

PARA 216: Weight to relevant policies in emerging plans

Relevant 'Saved' Adopted Local Plan Policies (2006)

GEP1: General Environmental Principles

GEP2: Access for All

Rur7: Development in the Countryside

Rur12: New housing in the open countryside

Emerging Local Plan – Publication Stage (December 2016)

4.17 The Council's emerging Local Plan is currently at Publication Stage and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

4.18 Emerging policy RUR2 (New Dwellings Outside of Development Limits) was largely supported through the Preferred Options public consultation stage. Emerging policy RUR2 seeks to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification and, in line with 2006 Local Plan policy, it can be demonstrated that the development is necessary for the function of an established and financially sound rural enterprise or the development would represent the best viable use or secure the future of a heritage asset. Emerging policy RUR2 also permits new dwellings outside of development limits in exceptional circumstances in instances of outstanding, groundbreaking and innovative design, in line with paragraph 55 of the NPPF. Further detail with respect to this can be found within the Council's adopted New Dwellings Outside of Development Limits SPD.

4.19 Other emerging policies which seeks to avoid isolated development in the countryside and prevent coalescence of the primary urban area of the town and surrounding rural villages include emerging policy LS1 (Locational Strategy) and CC1 (Minimising and adapting to Climate Change).

PLANNING CONSIDERATIONS

4.20 The main consideration of this application relates to the principle of development and whether the removal of the occupancy condition is acceptable in planning terms. Other considerations include the impact on the visual amenity of the area, the amenity of neighbouring land users and highway safety.

PRINCIPLE OF DEVELOPMENT

National Policy Context

4.21 Guidance contained in the National Planning Policy Framework states "*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside....*".

4.22 In respect of the use of restrictive planning conditions to a particular person or group of people, National Planning Practice Guidance (online) paragraph 15 states

"There may be exceptional occasions where granting planning permission for development that would not normally be permitted on the site could be justified on planning grounds because of who would benefit from the permission. For example, conditions limiting benefits to a particular class of people, such as new residential accommodation in the open countryside for agricultural or forestry workers, may be justified on the grounds that an applicant has successfully demonstrated an exceptional need".

Local Policy Context

4.23 The site lies outside the limits of development and is also therefore subject to saved Policies Rur7 and Rur12 (New Housing in the Open Countryside), although at the time of writing Rur12 is considered out of date as a 5 year housing land supply cannot be demonstrated.

4.24 Saved Policy Rur7 seeks to resist residential development in these locations unless there is strong justification for a dwelling for agricultural, or forestry or other appropriate countryside use which would justify harm to the character or appearance of the countryside.

4.25 The Council has adopted a Supplementary Planning Document – New Dwellings outside of Development Limits (August 2015) which provides a methodology and criteria against which the essential need for a rural worker to live permanently at or near their place of work in the countryside will be assessed. This is consistent with the approach of paragraph 55 of the NPPF. Policy RUR2 of the emerging Local Plan is also afforded weight in this instance.

4.26 It is acknowledged that the principle of a dwelling in this location, without the justified essential need for a rural worker, is unlikely to have been supported and would be likely to constitute unsustainable development.

4.27 The supporting information maintains that the occupancy condition is no longer required for the reasons set out in the 'background' section of this report under the original refused application reference H/2016/0004.

4.28 The revised application is now accompanied by details of the marketing of the property over a period of 6 months (from May 2016 to November 2016) that has been undertaken on the property including details of interested parties, an assessment (by the estate agent/surveyor) of whether they consider that the interested party were able to comply with the occupancy condition and if an offer was made. The information details that an offer was made however following informal advice from the LPA, the interested party was advised that it was unlikely that he would satisfy the occupancy condition requirements but would ultimately need to submit a LDC application to seek to demonstrate their case. No such application has been received to date.

4.29 As set out in the 'background' section of this report, it is understood that offers have also been made from another party Mr and Mrs Pearson, however the LPA considered that they had failed to demonstrate that their occupancy of the property would be lawful in planning terms and their LDC application (H/2016/0521) was therefore refused on 10.01.2017.

4.30 Whilst the active/formal marketing period finished in November, the acting planning agent has advised that the estate agents/surveyor have continued to consider any interest/enquiries in the property, of which no further offers have been made (as of late January 2017).

4.31 On balance, it is considered that in this specific instance, that a satisfactory level of marketing has been undertaken, and that despite the offers that have been made for the property, that no prospective buyer and occupier would satisfy the agricultural occupancy condition.

4.32 In view of the above considerations (in respect of marketing) and the material considerations set out in the 'background' section of the report namely i) all farmland associated with the original farm holding has been sold off and amalgamated within existing local farms; ii) the occupier (Miss Hutchinson) lived in breach of the planning condition from 1997 up to her death in 2015 representing a period of more than 10 years of continuous breach; and iii) Sheraton West Grange Farm (that the 2 bungalows were approved for) has been converted and sub-divided (as set out above this site falls within Durham County Council) and therefore such permission indicates that the farm has moved away from its original use, it is considered that in this instance that the application has satisfactorily demonstrated justification for the removal of the agricultural workers occupancy condition. As such, it is considered that these circumstances would outweigh the relevant policies of constraint for development in such locations, namely paragraph 55 of NPPF, saved Policy RUR7 and emerging local plan Policy RUR2.

Other material planning considerations

4.33 In view of the established siting of the bungalow and that no external alterations are proposed as a result of the removal of occupancy condition, it is considered that

the proposal would not result in an adverse effect on the visual amenity of the surrounding area or loss of amenity and privacy for neighbouring land users.

4.34 The Council's Traffic and Transportation section have been consulted and have raised no highway objections. The proposal is considered to be acceptable in this respect.

4.35 Furthermore, it is not the purpose of the current application to seek to impose conditions retrospectively to make a development acceptable.

4.36 The Council's Countryside and Access Officer has raised no objections to the scheme commenting that the proposal would not affect the function or integrity of the public right of way that runs from Coal Lane, along the farm track to the north of the application site. Advice is provided by the officer which can be passed onto the applicant by means of an informative.

Other matters

4.37 An objection has been received from Elwick Parish Council which does not support the proposed removal of the condition (in the context that there was interest from Mr and Mrs Pearson, and that the proposal is contrary to the Hartlepool Rural Plan). The Rural Plan is currently at a draft stage (no formal consultations have been undertaken) and as such it can only be afforded limited weight.

Notwithstanding the above, it is considered that there are material planning considerations that would warrant the approval of the application for the reasons detailed above.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.38 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

4.40 There are no Section 17 implications.

REASON FOR DECISION

4.41 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

4.42 There are no planning conditions in this instance.

BACKGROUND PAPERS

4.43 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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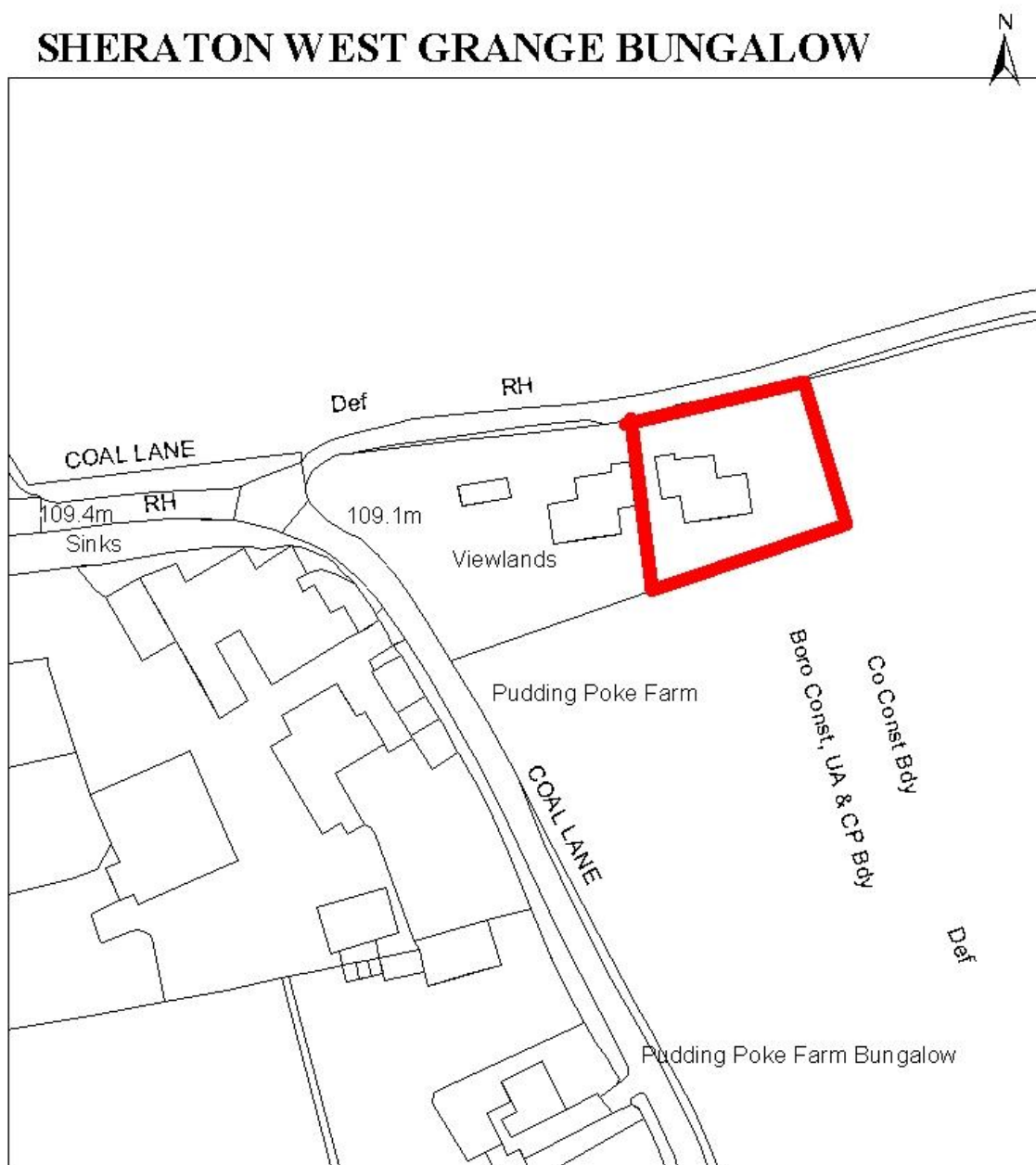
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SHERATON WEST GRANGE BUNGALOW



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0510	REV

No: 5
Number: H/2016/0533
Applicant: MR ABDUL KHALIQ HUTTON AVENUE HARTLEPOOL
 TS26 9PN
Agent: MR ABDUL KHALIQ 24 HUTTON AVENUE
 HARTLEPOOL TS26 9PN
Date valid: 09/01/2017
Development: Installation of replacement windows and front door
 (retrospective application)
Location: 24 HUTTON AVENUE 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.

PROPOSAL

5.2 Retrospective approval is sought for the installation of replacement windows and front door within the front elevation of the property. Ten timber sliding sash windows, within the main front elevation have been replaced at ground and first floor level with UPVC top opening windows. The front door has been replaced by a Georgian style solid panel door.

SITE CONTEXT

5.3 The application site is a Victorian style semi detached dwelling located within Grange Conservation Area which is a designated heritage asset. The surrounding area is predominantly residential consisting of traditional Victorian semi detached properties however there is a modern block of flats adjacent to the west of the application site.

5.4 The front garden is enclosed by a brick wall with wrought iron railings above. There is a driveway adjacent to the west of the site and hardstanding to the front which provides car parking for the dwelling.

PUBLICITY

5.5 The application has been advertised by way of neighbour letters (13) and site notice and press notice. To date no representations have been received. (consultation expires 09/02/2017)

CONSULTATIONS

5.6 The following consultation replies have been received:

HBC CONSERVATION: The property is located in the Grange Conservation Area and subject to an Article 4(2) Direction withdrawing permitted development rights to the front of the property.

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'.

In 2009 Planning Committee agreed a series of guidelines for replacement windows in conservation areas.

'(i) Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)'

The application site is located in the Grange Conservation Area, recognised as a designated heritage asset. It is a predominantly residential area located to the west of the town centre. The area is characterised by large Victorian properties in generous gardens providing a spacious feel to the area. The houses are not uniform in design however the common characteristics such as the large bay windows, panelled doors, and slate roofs link them together to give the area a homogenous feel. A small row of commercial properties on Victoria Road links this residential area to the main town centre

The application is retrospective with top hung, mock sash UPVC windows installed in the property. The windows replace timber sliding sash windows in all but the ground floor bay window where fixed, single windows were installed.

These windows are contrary to the Planning Committee guidance outlined above as the windows are not of the same the design, profile or opening mechanism as those removed. They are a flatter frame than a traditional sash and do not have the fine detailing of a traditional timber window.

In this instance it is considered that these windows cause less than substantial harm to the character of the conservation area. In such cases paragraph 134 of the NPPF requires the harm to be weighed against the public benefits of the proposal. No information has been provided to suggest public benefits could be derived from this element of the works.

The front door of the property has been changed for one of a 'Georgian style'. The area developed in the Victorian era and features a great variety of doors, with both solid panelled doors and some which are partly glazed. Within the vicinity of this property the majority of the houses in the street have doors which have the upper half glazed and the lower door is a solid timber panel; this appears to be the arrangement on the adjoining property to this semi. In light of this whilst the door may have been changed it is fair to assume that it would have had a similar arrangement. It is therefore considered that the door causes less than substantial harm to the significance of the Grange Conservation Area, as with the windows, no evidence has been presented to demonstrate this harm would be outweighed by the public benefits of the proposal.

To conclude it is considered that the proposals are contrary to policy 134 of the NPPF and HE1 of the Local Plan.

CIVIC SOCIETY: The plans for this retrospective application have been examined. In this type of property in a Conservation Area with an Article 4 Direction – the timber framed sash windows should be replaced 'like for like' - ie timber instead of the modern section plastic which has been used.

Similarly, the sash windows have been replaced with casement windows - detracting from an original feature of this property.

This retrospective application therefore, should be refused.

PLANNING POLICY

5.7 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

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

GEP1 – General Environmental Principles

HE1 – Protection and Enhancement of Conservation Areas

HE2 – Environmental Improvements in Conservation Areas

Emerging Local Plan – Publication Stage (December 2016)

5.9 The Council's emerging Local Plan is currently at Publication Stage and as such weight can also be given to policies within this document, with more or less weight

apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

In this context, it is considered that the following policies can be afforded a degree of weight in the decision-making process;

SUS1- Presumption in Favour of sustainable development

LS1- Locational Strategy

HE1- Heritage Assets

HE3 – Conservation Areas

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. The following paragraphs are relevant to this application:

Paragraph 126 – A Positive Strategy for the Historic Environment

Paragraph 131 – Viable Uses Consistent with Conservation

Paragraph 132 – Weight Given to Assets Conservation

Paragraph 134 – Harm to Heritage Asset

Paragraph 137 – Opportunities for new development

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.11 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity and the Grange Conservation Area.

5.12 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).

5.13 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.

5.14 In 2009 Planning Committee agreed a series of guidelines for replacement windows in conservation areas which states;

“Any planning application for replacement or alteration of traditional windows on the building on front, side and rear elevations which is not of a type appropriate to the age and character of the building (in terms of design and detailing) and the character and appearance of the conservation area should be denied consent. The use of traditional materials will be encouraged, however the use of modern material will be accepted provided that the window is of design (i.e. pattern of glazing bars, horns etc), profile (including that of the frame, the opening element and the positioning within the aperture) and opening mechanism matching those of the original traditional window (i.e., hinged or sliding)”.

5.15 The Council’s Heritage and Countryside Manager was consulted on the application and has commented that the application is retrospective with top hung, mock sash UPVC windows installed in the property. The windows replace timber sliding sash windows in all but the ground floor bay window where fixed, single windows were installed.

5.16 These windows are considered to be contrary to the Planning Committee guidance outlined above as the windows are not of the same the design, profile or opening mechanism as those removed. They are a flatter frame than a traditional sash and do not have the fine detailing of a traditional timber window.

5.17 In this instance it is considered that these windows cause less than substantial harm to the character of the conservation area. In such cases paragraph 134 of the NPPF requires the harm to be weighed against the public benefits of the proposal. However no supporting information has been provided to suggest public benefits could be derived from this element of the works.

5.18 The Conservation manager has also commented that the front door of the property has been changed for one of a ‘Georgian style’. The area developed in the Victorian era and features a great variety of doors, with both solid panelled doors and some which are partly glazed. Within the vicinity of this property the majority of the houses in the street have doors which have the upper half glazed and the lower door is a solid timer panel; this appears to be the arrangement on the adjoining property to this semi. Archive photographs show a half glazed timber door. It is therefore considered that the door causes less than substantial harm to the significance of the Grange Conservation Area, as with the windows, similarly no

evidence has been presented to demonstrate this harm would be outweighed by the public benefits of the proposal.

5.19 Therefore the Council's Conservation manager concludes that the installation of replacement windows and front door are considered to be contrary to paragraph 134 of the NPPF and policy HE1 of the Local Plan 2006.

5.20 It is not considered the works affect the amenity of any neighbours.

CONCLUSION

5.21 The Local Planning Authority considers that, by virtue of the design and profile of the windows and front door, the proposal would cause less than substantial harm to the Grange Conservation Area, a designated heritage asset. No justification has been submitted in terms of public benefits of the scheme. The proposed has a detrimental impact on the character and appearance of the Conservation Area. Therefore the scheme is considered to be contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.22 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

5.24 There are no Section 17 implications.

REASON FOR DECISION

5.25 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

1. By virtue of the detailing, profile and design of the windows and the design of the replacement front door the Local Planning Authority considers that the proposal would cause less than substantial harm to the Grange Conservation Area to the detriment of the character and appearance of the Conservation Area, a designated heritage asset. As such it is considered to be contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

BACKGROUND PAPERS

5.26 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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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0533	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

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

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

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

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

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

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

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

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

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.

Rur12 (New Housing in the Countryside) - States that isolated new dwellings in the countryside will not be permitted unless essential for the efficient functioning of viable agricultural, forestry, or other approved or established uses in the countryside and subject to appropriate siting, design, scale and materials in relation to the functional requirement and the rural environment. Replacement dwellings will only be permitted where existing accommodation no longer meets modern standards and the scale of the development is similar to the original. Infrastructure including sewage disposal must be adequate.

EMERGING LOCAL PLAN – PUBLICATION STAGE (DECEMBER 2016)

The Council's emerging Local Plan is currently at Publication Stage and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of objection received to date in relation to those policies, identified through the public consultation process.

Emerging Policy CC1 (Minimising and adapting to Climate Change): The Borough Council will work with partner organisations, developers and the community to help minimise and adapt to climate change.

Emerging Policy HE1 (Heritage Assets): The Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

Emerging Policy HE3 (Conservation Areas): The Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

Emerging Policy HSG11 (Extensions and alterations to Existing Dwellings): The Borough Council supports opportunities for homeowners to improve their homes.

Emerging Policy LS1 (Locational Strategy): The development of Hartlepool will be based on a strategy of balanced urban growth with expansion being concentrated in areas adjoining the existing built up area and adjacent to areas of strong economic growth but ensuring growth occurs in a controlled way and is delivered alongside local and strategic infrastructure improvements which allow Hartlepool to grow in sustainable manner.

Emerging Policy NE5 (Playing Fields, Tennis Courts and Bowling Greens): The Borough Council will protect existing playing fields, tennis courts and bowling greens.

Emerging Policy QP3 (Location, Accessibility, Highway Safety and Parking): The Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

Emerging Policy QP6 (Technical Matters): The Borough Council expects development to be incorporated into the Borough with minimal impact. On site constraints and external influences can often halt development. The Borough Council will work with developers to overcome such issues.

Emerging Policy RUR2 (New Dwellings Outside of Development Limits): The Borough Council will seek to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification.

Emerging Policy SUS1 (The Presumption in Favour of Sustainable Development): When considering development proposals the Borough Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

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.

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

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

55 states that Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- a) The essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- b) Where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- c) Where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- d) The exceptional quality or innovative nature of the design of the dwelling.

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.

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.

216. From the day of publication, decision-takers may also give weight⁴⁰ to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

PLANNING COMMITTEE

15 February 2017



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding the erection of a rear extension not being carried out in accordance with the approved plans at a residential property in Ocean Road.
2. An investigation has commenced in response to a complaint regarding the running of a car repair business from a residential property in Spenser Grove.
3. An investigation has commenced in response to concerns raised by the Council's Planning Policy section in relation to the siting of buildings and caravans at land at the rear of Stanmore Grove.
4. An investigation has commenced in response to a complaint regarding the running of a car repair business at a residential property in Pinero Grove.
5. An investigation has commenced in response to a complaint regarding the erection of a fence at a residential property in Thetford Road.
6. An investigation has commenced in response to a complaint regarding the running of a seafood business at a residential property in Brunel Close.
7. An investigation has commenced in response to concerns raised by the Council's Building Control section regarding the installation of dormer windows at a residential property in Owton Manor Lane.
8. An investigation has been completed in response to a complaint regarding the untidy condition of an area of land at the corner of Young Street and Raby Road. As a result of the prompt and helpful co-operation of the site

owner, the appearance of the site has now been brought to an acceptable standard.

9. An investigation has been completed in response to a complaint regarding the provision of outdoor seating at a licensed premises on Croft Terrace. A valid application for a Lawful Development Certificate has since been received.
10. An investigation has been completed in response to a complaint regarding the installation of uPVC windows at a residential property in Hutton Avenue. The property is located within the Grange Conservation Area and is also protected by an Article 4 Direction. A valid application seeking to regularise the installation of the uPVC windows has since been received.
11. An investigation has been completed in response to a complaint regarding non-compliance with a condition relating to the erection of an acoustic fence at a residential development off Seaton Lane. The investigation found that the breach of planning control occurred in excess of ten years ago and is therefore immune from enforcement action. This view was arrived at in conjunction with advice from Council's Legal section. Efforts to secure compliance with the relevant condition on a voluntary basis have continued, unfortunately however these efforts have proved unsuccessful.
12. An investigation has been completed in response to a complaint regarding the erection of an outbuilding in the rear garden of a residential property in Westbrooke Avenue. Permitted development rights apply in this case.
13. An investigation has been completed in response to a complaint regarding an untidy site compound at Daley Close. It was found that works on site were not yet complete and that the site compound was still in use. On completion of site works the compound is to be removed and the area landscaped in accordance with the approved plans.
14. An investigation has been completed in response to a complaint regarding non-compliance with conditions relating to the provision of wheel wash facilities, and hours of work restrictions, at a housing development site at Tunstall Farm. As a result of the helpful co-operation of the site managers, the works are now being carried out in accordance with the approved construction method statement. Continuing problems relating to mud deposits on surrounding public roads are being redirected to the Council's highways section for action as appropriate.

2. RECOMMENDATION

- 2.1 Members note this report.

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