

PLANNING COMMITTEE AGENDA



Wednesday 15 March 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 15 February 2017 (to follow)

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Director of Regeneration and Neighbourhoods*

- | | |
|----------------|---|
| 1. H/2016/0529 | Moorhouse Equestrian, Moorhouse Farm, Dalton Back Lane (page 1) |
| 2. H/2016/0532 | Land at Brenda Road (page 15) |
| 3. H/2016/0393 | 53 Sandbanks Drive (page 47) |
| 4. H/2016/0520 | The White House, Wooler Road (page 59) |
| 5. H/2017/0045 | Former Schooner Public House, Warrior Drive (page 67) |

5. ITEMS FOR INFORMATION

- 5.1 Extension to the Teesmouth and Cleveland Coast Special Protection Area, the Tees Estuary Partnership and its Memorandum of Understanding – *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Appeal at 8 Hutton Avenue, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*



- 5.3 Appeal at Crescent House, South Crescent, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 5.4 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

7. FOR INFORMATION

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting.

The next scheduled meeting of the Committee will take place on Wednesday 12 April 2017 commencing at 10.00 am in the Civic Centre, Hartlepool.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15th February 2017

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

Present:

Councillor: Stephen Akers-Belcher (In the Chair)

Councillors: Allan Barclay, Sandra Belcher, Rob Cook, Tim Fleming,
Marjorie James, Trisha Lawton, Brenda Loynes,
Ray Martin-Wells and Jean Robinson

Officers: Peter Devlin, Chief Solicitor
Mike Blair, Technical Services Manager
Adrian Hurst, Environmental Health Manager (Environmental
Protection)
Helen Heward, Senior Planning Officer
Daniel James, Senior Planning Officer
Fiona Riley, Senior Planning Policy Officer
Kieran Bostock, Principal Engineer (Environmental
Engineering)
Jo Stubbs, Democratic Services Officer

85. Apologies for Absence

None

86. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest in planning application H/2016/0185 (North Pentagon, Wynyard Park, Billingham).

Councillor Stephen Akers-Belcher declared a personal interest in planning application H/2016/0554 (Stranton Primary School)

Councillor Sandra Belcher declared a personal interest in planning application H/2016/0554 (Stranton Primary School)

87. Confirmation of the minutes of the meeting held on 18th January 2017

Confirmed

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

Number: H/2016/0487

Applicant: MR D STONEHOUSE CLIFTON AVENUE HARTLEPOOL

Agent: MR D STONEHOUSE 25 CLIFTON AVENUE
HARTLEPOOL

Date received: 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

The applicant, Mr Stonehouse, urged the Committee to approve the retrospective application. He acknowledged that the bricks used on the new boundary wall were of a slightly different shade of red but an exact replica had been difficult to source. He felt that the changes had enhanced the appearance of the property with little effect on its status as a conservation area. A member requested that a site visit be undertaken but this was rejected by members. Members were happy to approve the application as they felt that the replacement windows were virtually identical to those previously in situ and the boundary wall was in keeping with other houses in the area. However dissatisfaction was expressed regarding the retrospective status of the application.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

1. The development hereby permitted shall be carried out in accordance with the following plans and details; location plan at a scale of 1;250 (title number DU32109) and 'garden wall measurements' plan, both date received by the Local Planning Authority on 3rd November 2016 and plan 'proposed garage + side extension' drawing at 1;100 scale, date received by the Local Planning Authority on 1st December 2016. For the avoidance of doubt.
2. 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 .

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells left the meeting during consideration of the following item.

Number: H/2016/0185

Applicant: Taylor Wimpey UK Ltd & Wynyard Park Land Ltd
Preston Farm Industrial Estate STOCKTON ON
TEES

Agent: GVA Grimley Central Square Forth Street
NEWCASTLE UPON TYNE

Date received: 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

A member expressed confusion as to the reason for objections by Wynyard residents. The Senior Planning Officer directed the member to the comments within the report, noting that the highways department had expressed no reservations. A member queried whether there were any plans to install a pedestrian crossing over the A689. The Senior Planning Officer confirmed that as part of their planning application Stockton Borough Council would be securing funding for a pedestrian bridge.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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:BT01

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 and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
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 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.

15. Prior to the commencement of development a scheme detailing tree planting, including maintenance specification 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. In addition a five metre (5m) wide 'no build zone' within plots adjacent to the woodland edge shall also be included. 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.
16. 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.
17. 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.
18. 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.

19. 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.

20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification) 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.

21. 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).

22. 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.

23. Recording of a heritage asset through a programme of archaeological works

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 condition (A).

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

24. 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.

25. 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 the development is occupied the renewable energy equipment, detailed in the report, shall be installed.
In the interest in promoting sustainable development.
-

Councillor Ray Martin-Wells returned to the meeting

Number: H/2016/0510

Applicant: The executors for the Estate Of Miss L Hutchinson
Care of Agent

Agent: Prism Planning Ltd 1st Floor 11 High Row
DARLINGTON

Date received: 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

Jonathan Helm of Prism Planning urged members to support the application. He referred to unsuccessful attempts to market the property which he felt showed a lack of interest in the dwelling with an agricultural occupancy condition attached to it.

Members approved the application unanimously.

Decision: Variation Approved

The Committee considered representations in relation to this matter.

Number: H/2016/0554

Applicant: STRANTON ACADEMY TRUST SOUTHBURN
TERRACE HARTLEPOOL

Agent: Hartlepool Borough Council Mr Steve Wilkie Civic
Centre Victoria Road Hartlepool

Date received: 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

A member queried whether consideration had been given to the implementation of double yellow lines along the car park side of Southburn Terrace. The Chair advised that he had already asked for the whole issue of parking in this area to be referred to Neighbourhood Services Committee. He felt it would be preferable for the proposed scheme to be implemented first in order that any problems resulting from it could be identified.

Members approved the application unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS OR REASONS FOR REFUSAL

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.

Number: H/2016/0533

Applicant: MR ABDUL KHALIQ HUTTON AVENUE
HARTLEPOOL

Agent: MR ABDUL KHALIQ 24 HUTTON AVENUE
HARTLEPOOL

Date received: 09/01/2017

Development: Installation of replacement windows (retrospective application)

Location: 24 HUTTON AVENUE HARTLEPOOL

Members noted that this was another retrospective application but expressed sympathy with homeowners who might feel this was their only option. They felt that the windows, despite technically going against the rules set out in the Council's conservation policy, were perfectly in keeping with other windows in the street and therefore decided to approve the application. Members felt it was time to reassess the current conservation policy in light of the number of retrospective applications being approved by members against officer recommendations. The Chair asked that a report be brought back to Planning Committee in the new municipal year.

Members approved the application unanimously.

Decision: Planning Permission Approved

89. Update on Current Complaints (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised of 14 ongoing issues currently under investigation.

Decision

That the report be noted.

90. Local Government (Access to Information) (Variation Order) 2006

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

Minute 91 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

Minute 92 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

Minute 93 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

- 91. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

Decision

That the report be withdrawn.

- 92. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under

any enactment.

Decision

That the report be withdrawn

- 93. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes to give under any enactment a notice under or by virtue of which requirements are imposed on a person or to make an order or direction under any enactment.

Members were asked to authorise the issuing of an Enforcement Notice. Further details are provided in the closed minutes.

Decision

Detailed within the closed minutes.

The meeting concluded at 10:45am.

CHAIR

No: 1
Number: H/2016/0529
Applicant: Mr Terence Bates Westbourne Road HARTLEPOOL
TS25 5RE
Agent: Mr Terence Bates 24 Westbourne Road HARTLEPOOL
TS25 5RE
Date valid: 10/01/2017
Development: Retrospective application for the change of use of
agricultural land to equestrian use with associated
retention of stables and residential caravan, and
retrospective application for the erection of kennels (for
private use)
Location: MOORHOUSE EQUESTRIAN MOORHOUSE FARM
DALTON BACK LANE 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.

RELEVANT PLANNING HISTORY/BACKGROUND

1.2 In February 2013 planning permission was granted for the change of use of agricultural land to equestrian use, erection of stables and siting of caravan (H/2012/0537). The application was approved subject to a number of planning conditions including the requirement for the caravan to be removed from the site within three years from the date of the planning permission.

1.3 An application was received in September 2016 (H/2016/0377) for a new workers dwelling. Following the case officer's site visit in October 2016 as part of the application assessment, it was considered that the original planning permission (H/2012/0537) had not been implemented correctly when compared to the approved plans for the following reasons;

1. The stable block appeared to be larger than approved; in view of the approved plans, the western elevation was meant to be an enclosure (fence/wall) allowing gated access to the 'schooling arena' and 'equestrian arena'. Instead further stables have been built to form an enclosed rectangular shaped set of stables. The overall design appears to differ to the approved stable block design.
2. The 'schooling arena' and 'equestrian arena' have not been provided or laid out as approved.
3. The car parking has not been laid out as per the agreed layout and the requirements of condition 04 of the approval.
4. The caravan has not been sited in the approved location towards the north east corner of the site.

5. The caravan should have been removed by 04.02.2016 and at the time, no retrospective application had been submitted to seek to regularise this;
6. An area of hard standing/rubble has been laid to the rear/south of the stable block on land previously indicated as 'grazing land'.
7. The external appearance of the stable block had not been completed with the indicated render finish and is currently a breeze block finish.
8. The tack room and store (to be positioned centrally within the stable block and which was understood to provide toilets) has not been built.
9. The site vehicular entrance has been positioned in the wrong location/not in accordance with the approved plans.
10. None of the relevant planning conditions (some of which were pre-commencement) had been formally discharged, namely conditions 03 (foul drainage), 04 (vehicle parking), 05 (soft landscaping) and 07 (external finishing materials).

1.4 It was noted that no further permissions had been granted to allow for the above amendments, which are considered to be significant material changes to the approved scheme. The case officer advised the applicant that it would therefore be difficult to consider application H/2016/0377 for a proposed equestrian workers dwelling based on a development that was considered to be unauthorised. It was therefore recommended that the application be withdrawn and that an application be submitted to regularise the unauthorised use/development in the first instance. The applicant did not wish to withdraw the application, and therefore the application was considered based on the submitted information. The aforementioned proposed equestrian workers dwelling application (H/2016/0377) was therefore refused.

PROPOSAL

1.5 This application seeks retrospective planning permission for the the change of use of agricultural land to equestrian use with the associated retention of stables and residential caravan, and retrospective application for the erection of kennels (for private use).

1.6 As detailed above, the application has been submitted to seek to regularise the unauthorised development at the site (primarily associated with planning approval H/2012/0537).

1.7 The main changes from the previously approved scheme can be summarised as follows;

- change to design of stable block from 'U' shaped building to rectangular shaped building with an entrance on the north elevation. The building provides for 16 stables
- re-positioning of site access further west from original approved access
- loss of previously proposed 'schooling arena' and 'equestrian arena'.
- change to car parking layout
- removal of previously proposed tack store

1.8 Following the case officer's recent site visit it was noted that the external finishing appearance of the building was still not completed as originally approved (i.e. it was to be rendered). The applicant has confirmed that current block work/breeze block appearance material can be painted.

1.9 The existing caravan that is present on site also forms part of this application for retention (planning approval H/2012/0537 required it to be removed by 04.02.2016). The applicant's agent has provided supporting information which indicates that the applicant's son and daughter in law (and their 2 children) reside at the existing caravan on site and that the caravan is 'essential' to carry out the equestrian business. The information states that 'day to day running' of the equestrian business is undertaken by the applicant (Mr Bates) and his son. The submitted information states that the equestrian business offers *"a tailor made livery service which is based around what the owner requires which includes 24 hour supervision...private tuition, mucking out and riding service. We also re-school ex racehorses"*. The information also states that the business offers racehorses rehabilitation after injury.

1.10 The submitted application has been accompanied by company accounts.

1.11 The application also seeks retrospective planning permission for the erection of a kennels block for "family pets" and not for commercial purposes. The building is primarily finished in a galvanized steel frame with a wooden shelter area and measures approximately 11.4m x 5m x 2.5m in height. The kennels were occupied by several dogs at the time of the case officer's site visit.

1.12 The application has been referred to the Committee following an objection from Greatham Parish Council.

SITE CONTEXT

1.13 The application site relates to 'Brierton Moorhouse Farm' located in open countryside on the west side of Dalton Back Lane, Hartlepool.

1.14 As set out above, permission was granted in February 2013 for the change of use of agricultural land to equestrian use and the erection of stables and siting of caravan (H/2012/0537); at present the site consists of a rectangular shaped stable block with a caravan to the front (north) and it is considered that the development has not been carried out in accordance with the approved scheme. A number of unauthorised structures are also present on site (along the northern site boundary) including kennels and a small stable block building.

1.15 The site is accessed from the north, albeit this is not the originally approved access position with the main access road taken from the east, connecting to Dalton Back Lane. To the south of the stable block is an area that has been laid with hard standing/rubble with an enclosed field beyond. An unoccupied holiday accommodation building is present beyond the field boundary to the east with Crow's Meadow Farm beyond.

PUBLICITY

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

To date, 1 letter of objection has been received from Hartlepool Civic Society on the grounds that there has been non-compliance to the detriment of the open countryside and the application should therefore be refused.

1.17 Copy Letters **B**

1.18 The period for publicity has expired.

CONSULTATIONS

1.19 The following consultation replies have been received:

HBC Arboricultural Officer; As this is a retrospective application there are still some outstanding landscaping conditions that need to be addressed from previous applications on this site. These are mentioned within H/2012/0537 (see the Design and Access statement 'Section 6 'Proposed landscaping and hedge planting to the eastern boundary of the site to provide screening from the highway and the adjacent building. Proposed landscaping and hedge planting to match existing')

This was also conditioned on the decision notice under Condition 5 'A detailed scheme of landscaping etc' granted on the 4/2/2013.

On a recent site visit this appears to have only been carried out in part and evidence suggests what had been planted had failed.

My only comments on the current application is that this condition needs to be visited again and details need to be made available of exactly where the proposed tree planting is to go and its aim which is to offset the dominance of the new building in the landscape from the adjacent property and views from Dalton Back Lane. This is also to address Policy Rur7 'Development in the Countryside'.

The applicant subsequently provided a proposed landscaping plan and has confirmed that such landscaping has recently been planted. This information has been considered by the Council's Arboricultural Officer, who also visited the site on 01.03.2017 to confirm that the planting has been implemented. The Arboricultural Officer has subsequently confirmed that the planting has been carried out and has commented that the "the mix is as described and some will develop into small trees. The quality of the stock is good and should quickly make height within a three year period. He has spiraguards to put on these to protect them from rabbits if necessary".

HBC Traffic and Transport; I have no highway or traffic concerns with this application.

HBC Public Protection; No comments received.

HBC Engineering Consultancy; No objection.

HBC Ecology; I have no ecology concerns.

Northumbrian Water; No comments to make on this one, there are no NW assets close to the development and no new connections are proposed.

Greatham Parish Council; The council expresses their deep concerns at what is actually built on the site shows little resemblance to what was on the accepted plans. The work is surely overseen and this situation spotted in the early days. The council also notes that despite the issue being constantly raised by them, there seems very little evidence of the landscaping and screening being in place.

Further comments received;

As we objected to the original application and have been presented with a less attractive development which has ignored previous planning conditions especially with regard appearance and landscaping the Parish Council's submission can be regarded as an objection.

Tees Archaeology; I have checked the HER and can confirm that the development should not have had a significant impact on any known heritage assets.

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

To the south of this property lies West Pastures Farm. Within that farm are located various public footpaths that are not affected by this application.

The Ramblers Association; No rights of way are affected by this proposal.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 Rur7: Development in the Countryside
 Rur12: New housing in the open countryside

Emerging Local Plan – Publication Stage (December 2016)

1.22 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;

Policy LS1 – Development Limits
 Policy SUS1 – The Presumption in Favour of Sustainable Development
 Policy QP4 - Layout and Design of Development
 Policy RUR2 - New Dwellings Outside of Development Limits
 Policy LS1 - Locational Strategy
 Policy CC1 - Minimising and adapting to Climate Change
 Policy RUR3 – Farm Diversification
 Policy RUR4 – Equestrian Development
National Policy

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

PARA 001 : Apply Policy
 PARA 002 : Primacy of Development Plan
 PARA 007 : 3 dimensions of sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 28 : Rural economic growth
 PARA 55: Isolated Homes in the Countryside
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 196 : Primacy of the Development Plan
 PARA 197 : Presumption in favour of sustainable development.
 PARA 216: Weight to relevant policies in emerging plans

PLANNING CONSIDERATIONS

1.24 The main planning considerations with respect to this application are the principle of development and whether the proposal accords with national and local planning policies, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land, the impact on highway safety and drainage. These and any other planning matters are set out in the report below.

Principle of Development

1.25 In terms of the principle of the use of the land for an equestrian business, including the stable block, this is considered to be acceptable, having been established through the previous approval (H/2012/0537). The principle of equestrian development in the rural area is also supported by emerging Local Plan policies RUR3 (Farm Diversification) and RUR4 (Equestrian Development).

1.26 With respect to the residential element of the proposal (retention of caravan), 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...*".

1.27 It was accepted through the previous approval that there is likely to be a functional need for a dwellinghouse on the site, and as such a temporary caravan was granted planning permission for a 3 year period to allow the opportunity for the business to establish itself and to demonstrate its viability over a three year period, which is standard planning practice for such proposals. The Local Planning Authority anticipated that a further application for a permanent dwelling house on the site might then be considered, in light of experience.

1.28 Notwithstanding the above, it was found through a recent application for a new dwelling (H/2016/0377) at the site, that the applicant failed to justify the functional need for a permanent new dwelling outside the development limits to support the rural enterprise, in part due to the development (equestrian use and stable block) being unauthorised and also the failure to entirely satisfy the financial test criteria (in that instance).

1.29 Saved Policy Rur12 (New Housing in the Open Countryside) and emerging Local Plan Policy RUR2 (New Dwellings Outside of Development Limits) allow for new dwellings outside of development limits provided there is clear justification, including identification of functional need and provided the Borough Council is satisfied that the rural enterprise is and is likely to remain financially sound. It is noted that the applicant has submitted financial accounts with respect to this retrospective application to satisfy the relevant policy requirements. The same accounts were submitted as part of the refused workers dwelling application to which a number of concerns/queries raised by the case officer with respect to the accounts, namely;

- i) The accounts did not make any reference to salaries or wages for employees, taken from the business;

- ii) the applicant had not provided an updated business case/plan with respect to the business having a clear prospect of remaining financially sound, taking into account the costs to build a new dwelling.
- iii) No details of how the dwelling would be funded given that the profit margins of the submitted accounts did not appear to suggest that the profits of the business would support a house of the scale proposed.

1.30 Notwithstanding the above concerns, the accounts do show that the equestrian business has made a gross profit in each of the past three years. It is also understood that the applicant has invested their own capital into the business to show that it is clearly being invested in.

1.31 In view of the previous planning approval and the submitted information for the current application, which in effect seeks to regularise the current unauthorised position at the site, and without prejudice to the assessment and consideration of any revised agricultural workers dwelling application on the site (which would need to be considered against further criteria), it is considered that the retention of the caravan is acceptable in principle subject to it being permitted for a temporary period due to the nature of the accommodation. In this instance, it is considered that a further 12 months for retention would be reasonable and can be secured by a planning condition.

1.32 With respect to the kennels block which the applicant states are for private/domestic purposes, it is considered that the principle of development is acceptable in this instance subject to the kennels also being limited to the same 12 month temporary permission given that the kennels would not be ancillary to a domestic use following the requisite removal of the caravan after 12 months. Appropriate planning conditions can ensure that the kennels are used for domestic purposes only and are not extended or altered in any way to allow the Local Planning Authority to retain control over such development.

IMPACT ON THE CHARACTER AND APPEARANCE OF SURROUNDING AREA

1.33 As set out above, the application site is located within the open countryside where national and local planning policies seek to strictly control development. A material consideration is the previous planning approval for the stable block and temporary caravan. Overall, it is considered that the amended scale and design of the stable block is acceptable in the open countryside setting and would not adversely affect the character and appearance of the surrounding area.

1.34 Notwithstanding this, it is considered that the current external finishing materials and appearance of the building is not satisfactory with breeze block/block work finish (which was meant to have been rendered as per the original approval). It is considered necessary for the block work to be painted an appropriate colour and in view of the retrospective nature of the application it is considered appropriate for the colour scheme to be agreed within 1 month from the date of the decision notice and implemented within 3 months from the date of materials being agreed in writing by the Local Planning Authority (LPA).

1.35 As part of the requirements of the original planning approval, a scheme for soft landscaping and in effect screen planting was to be agreed with the LPA and implemented thereafter. Whilst the applicant never agreed such details, it was apparent from the case officer's site visit in February 2017 that some landscape screening was planted however this has clearly failed (as confirmed on site by the Council's Arboricultural Officer). It was therefore considered necessary for a new landscaping scheme to be agreed to provide a degree of screening and softening of the development along the eastern and southern boundaries (where views can be achieved from Dalton Back Lane).

1.36 The applicant has now provided details of such a scheme and has confirmed that the planting is in place. The Council's Arboricultural Officer has visited the site to confirm the implemented landscaping scheme and has raised no objections from a landscape and visual perspective. A planning condition can ensure that the planting can be protected for a minimum of 5 years should the planting die or fail.

1.37 Given that the caravan is to be limited to a temporary timescale (1 year) and given the previous approval for the caravan, it is considered that the retained siting for a further year will not adversely affect the long term character and appearance of the open countryside.

1.38 Whilst the scale of the kennels is notable, the kennel's siting adjacent to hedge planting to the north with additional landscaping required to the eastern and southern boundaries will assist in offering screening to the building.

1.39 Overall it is considered that on balance the development does not result in a significant adverse intrusion into the open countryside or adverse loss of visual amenity for the surrounding area such as to warrant a reason for the refusal of the application.

AMENITY

1.40 In view of the principle of development (stables and equestrian use) being established by the original planning permission and whilst the development is likely to result in an increase in activity within the site, the stable block, kennels and temporary caravan are considered to be satisfactorily sited in respect of separation distances and relationships to neighbouring properties. It is therefore considered that the development will not result in an adverse loss of privacy or amenity for surrounding properties including noise disturbance. Furthermore the Council's Public Protection team has raised no objections to the scheme.

HIGHWAY SAFETY

1.41 No objections have been received from the Council's Traffic and Transport section. The development is considered to be acceptable in this respect.

DRAINAGE

1.42 The application site lies outside of Flood Zones 2 and 3 and below the threshold for requiring a Flood Risk Assessment.

1.43 The submitted application forms indicate that the stable block is connected to a septic tank of which details of percolation tests and feasibility of mains sewer connections have been provided. Both the Council's Engineering Design section and Northumbrian Water have raised no objections. The scheme is therefore considered to be acceptable in this respect.

OTHER PLANNING MATTERS

1.44 No objections have been received from technical consultees in relation to matters of archaeology, ecology and any effect on public rights of way.

1.45 The provision of the caravan, which is only considered to be suitable for a temporary period, falls below the threshold for requiring/securing any planning obligations.

1.46 Whilst the concerns of Greatham Parish Council and the received objection (from the Civic Society) regarding the retrospective nature of the application are acknowledged, and whilst the LPA does not condone such applications, the applicant has sought to regularise the existing situation through the current application which is considered to be acceptable for the reasons given above. With respect to a number of other unauthorised structures at the application site, these matters have been referred to the Planning Enforcement section to investigate.

EQUALITY AND DIVERSITY CONSIDERATIONS

1.47 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

1.49 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development hereby permitted shall be carried out in accordance with plans; dog kennels plan at 1:100 scale, stable block plan at 1:200 scale (internal elevations drawing) and stable block elevation and floor plan drawing at 1:200 scale, all plans received by the Local Planning Authority on 14.12.2016; location plan at 1:5,000 scale (Area Edged Red Application Site) and location plan at 1:10,000 scale (Red Area Application Site) both plans

- received by the Local Planning Authority on 19.12.2016; proposed block plan at 1:500 scale (Plan showing stables -wagon- car parking at Moorhouse Farm) received by the Local Planning Authority on 10.01.2017 and amended landscaping plan at 1:500 scale (New screening of native mixed varieties at points A-B and A-D) received by the Local Planning Authority on 28.02.2017. For the avoidance of doubt.
2. Notwithstanding the submitted details, within one month from the date of the decision notice, the external finishing materials of the stable block building hereby approved shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter, the development shall be completed in accordance with the agreed details within three months from the written agreement of the Local Planning Authority.
In the interests of the visual amenity of the open countryside.
 3. The development hereby approved shall be carried out in accordance with the agreed landscaping plan at 1:500 scale (New screening of native mixed varieties at points A-B and A-D) date received 28.02.2017, in respect of the agreed scheme for soft landscaping. Any trees plants or shrubs which within a period of 5 years from the date of the decision notice, 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 and to provide long term tree cover for the future of the site in accordance with saved Policies GEP12 and Rur7 of the adopted Local Plan.
 4. The caravan hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of 12 months from the date of this permission, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.
The building is not considered suitable for permanent retention on the site.
 5. The kennels hereby approved shall be removed from the site and the land restored to its former condition on or before the expiry of 12 months from the date of this permission, in accordance with a scheme of work to be submitted to and approved in writing by the Local Planning Authority.
The building is not considered suitable for permanent retention on the site.
 6. The occupation of the caravan shall be limited to a person solely or mainly employed in the equestrian business operating from the unit (Brierton Moorhouse Farm identified by the areas shaded red and enclosed blue on the 1:10,000 plan submitted to the Local Planning Authority on 19th December 2016), together with any resident dependents.
To ensure that the caravan is not used as general residential accommodation.
 7. The kennel block hereby approved shall only be used for purposes incidental to the use of the caravan and shall not be used for living accommodation and no trade or business shall be carried out therein.
For the avoidance of doubt.
 8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the stable block and kennels hereby approved shall not be converted, extended, sub-divided or altered in any way without the written approval 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.

9. No riding lessons, competitions, gymkhanas or events which would encourage visiting members of the general public to the site shall be held at any time at the site without prior planning permission.
To ensure that the site operates in a way which will not be detrimental to the amenities of the area and highway safety.
10. No fixed jumps shall be erected at the site.
In the interests of the visual amenity of the area.
11. No floodlight(s) of any type shall be used or erected at the site unless in accordance with details first agreed in writing by the Local Planning Authority.
In the interests of the amenities of the area.
12. No Tannoy of any type shall be used or erected at the site.
In the interests of the amenities of the area.
13. Details of the siting of any temporary jumps to be used in the exercising of horses kept at the site shall be first agreed in writing by the Local Planning Authority. Temporary jumps shall thereafter only be sited in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
In the interests of the visual amenities of the area.

BACKGROUND PAPERS

1.51 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

1.52 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

1.53 Daniel James
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 284319

E-mail: daniel.james@hartlepool.gov.uk

BRIERTON MOORHOUSE FARM

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24.02.17
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0529	REV

No: 2
Number: H/2016/0532
Applicant: Brenda Road Holdings Ltd Nelson House (First floor)
 David Place St Helier JERSEY JE2 4TD
Agent: Mr Pramod Kumar 15 ST Albans Grove Kensington
 LONDON W8 5BP
Date valid: 20/12/2016
Development: Outline application with access (all other matters reserved) for the demolition of buildings on the site and redevelopment to provide a 70 bed care home (C2 Use Class) 50 one bed apartments for persons aged over 55 (C2 Use Class), 250 two bed apartments for persons aged over 55 (C2 Use Class); 70 one bed apartments (Use Class C3); 60 two bedroom apartments (Use Class C3); 80 townhouses (Use Class C3); 930 sqm community centre (use class D1), 200 sqm retail use A1, 3095 sqm workshop and offices (use B1), a bandstand and 641 parking spaces and associated works
Location: Land at Brenda Road HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 The application site has previously had permission under application H/2014/0177 for a residential care home (70 bed) 300 residential apartments with care for persons aged 55 and over, 50 residential apartments, 80 key worker apartments and 80 homes with a community centre, retail unit and workshop and offices, a bandstand and 641 car parking spaces.

2.3 That application was recommended for approval however was refused by planning committee. This decision was subsequently allowed at appeal (appeal reference APP/H0724/W/15/3005751) subject to a number of conditions and a S106 agreement. Condition number 2 attached to the appeal required application for the approval of the reserved matters to be made to the Local Planning Authority within one year from the date of the appeal decision. This essentially gave the applicant until 20th March 2017 to submit reserved matters. This timescale has not been achieved as none of the reserved matters have been submitted. Therefore this application is a resubmission of the outline.

2.4 The application does differ somewhat to the previous application in that the previous application included a cafe (A3 use) and a doctors surgery. In considering the appeal the inspector found that although these elements were included on the

previous plan they were not included in the description on which consultation took place. Therefore in allowing the appeal he did not allow the cafe or doctors surgery. The resubmitted plans have been amended to demonstrate that the A3 cafe and doctor's surgery do not form part of the current application. Other than that the layout and quantum of development as considered by the inspector is the same as approved.

PROPOSAL

2.5 Outline approval, with all matters reserved apart from access is sought for the demolition of buildings on the site and redevelopment to provide a 70 bed care home (C2 Use Class) 50 one bed apartments for persons aged over 55 (C2 Use Class), 250 two bed apartments for persons aged over 55 (C2 Use Class); It is envisaged that the proposed C2 apartments will offer an alternative to residential care for older people to allow self contained living with the provision of care services.

2.6 The application also includes 70 one bed apartments (Use Class C3); 60 two bedroom apartments (Use Class C3); 80 townhouses (Use Class C3); 930 sqm community centre (use class D1), 200 sqm retail use A1, 3095 sqm workshop and offices (use B1), a bandstand and 641 parking spaces and associated works.

2.7 An indicative plan has been submitted to demonstrate that the quantum of development can be accommodated on site however the scale, design and landscaping details would be secured through the submission of reserved matters applications.

2.8 Access is proposed by way of 3 junctions at the site, one located on Seaton Lane and two on Brenda Road approximately 200 metres apart. The Seaton Lane entrance will take the form of a T junction. The two junctions proposed from Brenda Road will be designed with right turning lanes.

2.9 It is not proposed to allow access through the site from Brenda Road to Seaton Lane. As such there will be no vehicular movements between the two halves of the development. It is envisaged that pedestrian and cycle linkages will provide foot and cycle links between the two halves of development, there will also be a facility to allow emergency access.

2.10 The indicative masterplan indicates car parking in accordance with Hartlepool Local Plan 2006 standards and cycle parking will also be provided.

2.11 Landscaping will be subject to a reserved matters application however it is envisaged that the development will include a permanent water feature for attenuation of drainage flows but also to create a new habitat for wildlife and wild meadow and shrubbery planting (to be agreed) in the open areas of the site.

2.12 Within the application documents the applicant has set out that a proportion of the C3 Use Class accommodation would be for veterans. There is no agreement in place with the Ministry of Defence (MOD) to provide such accommodation in Hartlepool. It is not possible to either condition or enter into a legal agreement with

the applicant to provide accommodation for the sole occupation by veterans and their families.

SITE CONTEXT

2.13 The application site constitutes land at Brenda Road and is allocated for industrial/commercial use by local plan policy IND5 of the adopted Hartlepool Borough Council Local Plan 2006. Under the emerging Local Plan, which is currently not adopted but is at publication stage and as such does carry some weight the, site would be de-allocated for employment land and is identified as white land under the emerging local planning policy.

2.14 The site is bounded to the north by Seaton Lane, to the west by Brenda Road, and to the east by the Middlesbrough/Hartlepool railway line. There is currently no development to the south of the application site. The application site occupies an area of approximately 11.8ha.

2.15 There are a number of existing buildings located within the northwest area of the site and a single warehouse located in the southeast. These buildings are to be demolished, number 31 Seaton Lane, a residential dwelling, also forms part of the application site, it would be demolished for access. The overall site is under occupied by industrial/commercial uses with the following buildings on site being utilised:

- A large warehouse building is leased by The Fitness Connection, Car Clinic, Trailer and Towbar Centre.
- Two smaller warehouse buildings to the south, consisting of Abbotts Engineering and JJ Hardy's Engineering.

PUBLICITY

2.16 The application has been advertised by way of neighbour letters (223), a press notice and three site notices. Nine objections and one letter of concern have been received raising the following objections;

- Concerns regarding flooding and drainage
- Impact upon the security of existing properties
- Impact upon the privacy of existing properties
- Impact upon existing properties in terms of overlooking
- Overdevelopment of the plot resulting in an out of keeping development
- Creation of additional traffic in an already congested area
- Lack of detail regarding proposed uses
- Outdated Flood Risk Assessment in light of environmental changes
- Insufficient services to serve a development of this scale (road network/local shops/school places/bus routes/dental practice/Doctor practices and other community health services) to deal with this level of people
- Impact upon wildlife
- Impact upon view
- Overshadowing

- Increase in crime levels
- Loss of employment land which should be retained to support local jobs and innovation
- Impact upon services such as sewers and gas supply
- Lack of detail of landscaping
- Increased noise pollution
- Increased air pollution
- Affordable housing is not required
- Loss of open space/countryside
- The site is approximately 375 metres from Tata steel, noise generated from existing industrial uses will result in complaints from residents of the proposed development

2.17 One representation of no objection has been received.

2.18 Copy Letters **C**

2.19 The period for publicity has expired.

CONSULTATIONS

2.20 The following consultation replies have been received:

HBC TRAFFIC & TRANSPORT: I have examined the Transport Assessment submitted by the developer and have the following comments to make.

The TA has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2018. The analysis already shows that Owton Manor Lane / A689 / Seaton lane junction would operate above capacity in 2018 without the proposed development in place. Adding the traffic predicted to be associated with the proposed development would cause the junction to operate further over capacity, although the impact is relatively minimal. The over capacity issues affect the Owton Manor Lane leg of the junction during the morning peak hour period (8.00am - 9.00am) and only exists for a short duration. All other junctions analysed would operate well within capacity.

In general, I consider the Travel Plan Framework, contained within the Transport Assessment (TA) is sufficient at this stage. A condition should be attached to any approval to ensure that a Final Travel Plan is in place ready for implementation as and when the site is occupied. The hard measures described in the TA such as good walking / cycling permeability, use of manual for streets in the design and so on are to be welcomed (although further measures could be considered as discussed below). The soft measures set out within the Travel Plan appear to be relevant and suitable for the nature and scale of the development. I agree with the TA in the sense that the development is in a relatively sustainable location and that having a Travel Plan in place would help enhance this. However, I do though consider that there should be a commitment sought to enhancing sustainable access still further by seeking funding from the developer to upgrade the rights of way (particularly the one on the eastern boundary of the site which already has permissive cycle rights) to

provide a suitable surface and that it is tied into the development. This would significantly enhance sustainable access as it would provide direct and more convenient access to Seaton Carew Railway station and bus stops on Station Lane (as well as to the existing shops / services on Station Lane). Upgrading this cycle route would also help with the strategic cycle network development and link in with some LGF proposals and potential other future schemes.

Seaton Lane

The access onto Seaton lane would be acceptable. A pedestrian refuge island will require relocation, this should be done at the expense of the developer. Details on the relocation would be required prior to construction works commencing, and relocated prior to first occupation.

Brenda Road

Brenda Road forms the western boundary to the site, this section of road has a 50 mph speed limit. A high percentage of commercial and HGV's use this road. The location of the existing school and proposed retail provision will generate a large number of pedestrian trips. In order to promote walking as opposed to vehicular trips a light controlled crossing should be provided on Brenda Road in the vicinity of the school and the existing 30mph extended to cover the extent of the site. A condition should be applied which requires the developer to provide a £60,000 contribution, this sum would cover the cost of both the crossing installation and the speed limit works. These should be implemented on first occupation.

The provision of the proposed ghost islands and right turn lanes on Brenda Road are acceptable. These should be implemented on first occupation.

The location of the 3 main access points into the site from Brenda Road are acceptable.

The overall provision of parking for this area would be acceptable. The longitudinal parking bays are 5 metres long, these should be a minimum 6 metres. This will reduce the overall provision. Sufficient parking has been provided for the Housing and Care Home element of the scheme, it is however important that the C2 element is conditioned to remain C2, otherwise extra parking would need to be found within the site for the change in use. If all properties are C3 there would be a shortfall of 190 car parking spaces.

The developers intend for the site to remain private this would be acceptable however all roads, paving's and street lighting should be constructed to an adoptable standard using the advanced payment code method.

HBC PUBLIC PROTECTION: I would have no objections to this application subject to the following conditions; delivery hours restrictions, scheme for noise protection for proposed dwellings, acoustic fencing, construction management plan.

HBC LANDSCAPING: The proposed development will clearly have an impact on the landscape character of the site and wider area due to the scale of the proposals although the general nature of the immediate area is unlikely to be significantly adversely affected due to the wide variation in semi-industrial/business park type

development that currently exists. Given the nature of some of the target users of the facility (i.e. including the elderly and persons with potential stress disorders, for example), the positive benefits of good quality landscape should be a key element of the proposals and the applicant appears to have responded to this, incorporating both informal and informal hard and soft landscape within the masterplan (drawing USP-106 202 Rev05). The references to issues such as use of diverse paving materials and street furniture is also welcomed, though greater scrutiny will be required from a maintenance perspective should any of these areas be intended for future local authority adoption. It is recommended that details are provided of material specifications and proposed construction for any such areas.

A fully detailed soft landscaping plan should also be provided for the site, detailing the intended plant species, stock size, planting density and maintenance arrangements (a five year plan is referenced in the Design and Access Statement), etc. It is noted that ash is referenced as a potential tree species; the applicant should check the current situation regarding 'ash dieback' (chalara). It is also noted that the applicant references the potential use of the local authority owned land to the south of the site for landscaping uses, though this appears to include the disposal of spoil material from the site excavation works. Further information would be required on this element of the proposal.

The retention of a landscaped buffer to the south and east of the site (Council owned land and the railway embankment area) should be prioritized to protect existing habitat/green corridor areas and to visually contain the development.

The scale of the development means that the building design and associated visual impact will be key issues for the site, although it is acknowledged that the existing site character is unlikely to be significantly adversely affected. Given the intended creation of a 'community' environment the buildings and landscape should integrate well with each other and the retained landscape buffers to the south and east. The sample images of building types shown on page 53 of the Design and Access Statement are useful towards understanding the intentions of the developer though full elevations of each type are expected.

It is anticipated that drainage and flooding issues will be commented on by HBC Engineering, however, the landscape proposals should be designed in order to accommodate any anticipated flood storage or flood relief areas.

There are no objections to this application based on the information provided.

HBC ARBOCULTURAL OFFICER: The associated landscape design is complementary to the building layout and makes reference to habitat corridors to be integrated into the design and also suggests that it may be possible to incorporate white land to the South of the site to be used for a public park although this is currently owned by Hartlepool Borough Council. There are a mixture of trees and shrubs (details to be submitted) that are shown distributed throughout the site and the layout supports connectivity between the various areas of incidental open space.

The adjoining railway corridor also provides periphery tree cover but lies outside the development area. This consists mainly of semi-mature Alder, Sycamore, Hazel and Crack Willow together with Ash and Hawthorn.

There will be a positive gain on the landscape and green infrastructure cover and I look forward to seeing further details and schedules relating to the proposed planting detail which will need to be made a condition of this application. No objections

HBC ENGINEERS: In terms of Land Contamination can I please request a Phase 1 Land Contamination Assessment/ Preliminary Risk Assessment (PRA) to establish the previous uses of the land under consideration or land nearby or adjacent to it, and to identify potential sources of contamination, receptors and pathways. In order to facilitate this further site investigation and potential follow on remedial work, please could I request the land contamination condition is imposed on any approval.

The FRA report for the site indicates that the site currently falls within a Flood Zone 3a and that the site has a high probability of flooding from the Stell watercourse which runs directly underneath the site. This issue has also been highlighted in the Hartlepool Strategic Flood Risk Assessment and the Hartlepool Surface Water Management Plan.

The FRA makes reference to the existing flooding problem being as a result of the undersized culvert under the site at the point where the watercourse runs under Brenda Road. At this stage, I welcome the developer's intentions to provide a remedial scheme targeting the existing flood issues associated with the culvert by providing 2x 1050mm diameter culverts to replace the existing smaller triple barrel culvert that has been long attributed to flooding problems on Brenda Road.

In terms of the proposed storm drainage, I accept that in theory flows can be discharged into the existing culverted watercourse running under the site subject to the upsizing work as detailed in the FRA and a reduction in existing site run off rate which will all be subject to detailed design. In this respect I acknowledge that the site development through the reengineering and opening of the existing culvert can provide a suitable surface water storage area and will help provide betterment in the run off rate when compared to the existing situation and I note that the developer intends to situate property away from the attenuation ponds thus ensuring there will be no risk to property flooding.

In terms of the Council's new responsibilities and duties under the Floods and Waters Management Act, we are currently awaiting Schedule 3 to be enacted. Schedule 3 will give each Lead Local Flood Authority the responsibility of setting up and managing a SuDS Approval Body (SAB). In terms of future development, SuDS will be key to managing surface waters. With this in mind, I welcome the applicant's proposal to incorporate SuDS into the development as part of the site surface water management.

After considering the FRA provided, please I request land drainage condition is imposed on any approval.

Further comments following submission of FRA Addendum: No further comments on this, I am satisfied that a scheme has been presented that subject to detailed design will be acceptable.

HBC ECONOMIC DEVELOPMENT: We have received the above planning application and would like to object to the application for residential development within Hartlepool's main industrial corridor.

The Brenda Road site is adjacent to heavy industry including TATA Steel of which there is significant numbers of employees from the town. These businesses are an important part of the local economy and due to the nature of their operations do at times create a significant amount of noise pollution.

The future scenario would be that the residents of this proposed development will lodge noise complaints with a real potential to affect the operation of businesses and ultimately reduce their efficiency and competitiveness within a very competitive global marketplace. This could lead to businesses closing and relocating elsewhere in the UK or indeed abroad which would be disastrous for the local economy and would also send a highly negative message to other local businesses and potential future inward investors.

There are also wider concerns about impacts on other businesses including COMAH sites, the potential negative impact on the development of a new nuclear power station and the loss of employment land to the town. On current estimates Hartlepool is short of around 3,000 jobs in the local economy and therefore needs to achieve significant business growth, much of which will come from the Brenda Road area. It is therefore imperative that industry in the area is protected from major barriers to growth and this proposal certainly represents a more than significant impediment to achieving economic prosperity.

Ideally the development should be located in an appropriate residential location.

HBC ECOLOGY: I am satisfied that the ecology section from the previous report is still appropriate. In terms of the impact on Ecology, I consider the proposals acceptable, subject to conditions.

HBC COUNTRYSIDE ACCESS: Having looked at this new application and also having read the existing s106 signed agreement for this site would like to make comments regarding access and its importance to this application.

The existing site is bounded on the east and southern boundaries by a permissive bridleway and public footpath respectively.

To assist in my comments, I have attached a plan that shows where and what is provided at this time, in relation to access.

Public Footpath No.5, Seaton runs from beyond Brenda Road eastwards to and over Seaton Walkway and joins up with Public footpath No.4, Seaton, on the eastern side of the neighbouring railway. It is located along the southern boundary of the site.

Seaton Walkway, Permissive Bridleway runs in a north south orientation to the east of the site and is elevated.

Also close to the site are two other public footpaths: Public Footpath No.42, Hartlepool to the north and on the north side of Seaton Lane and Public Footpath No.4, Seaton, which lies parallel to Seaton Walkway, on the eastern side of the railway.

As seen on the attached plan; the development site is well served by existing well used paths and this is mentioned within the Design and Access Statement. Page 38 displays a plan showing the existing Seaton 5 and the proposed footpath to be created within the development centre. Page 41 looks at this plan in more detail. Page 45 discusses the green spaces aspect of the landscaping, stating “- site will be built around use by pedestrians/cyclists.”

This discussion, planning and information strongly suggests that the applicant is aware of the existing access and wants to enhance this with new access to provide greater linkage for residents. I am fully in favour of this approach and would like to see some minor but important improvements to the existing access so that mobility does not become an issue and access for all is adopted for the many and not the few.

On the plan Point B, at the northern end of Seaton Walkway, is a slope approach to the Walkway and provides good access to a wide range of users with differing mobility issues. As it is designated as a bridleway; cyclists as well as pedestrians already have full access along its whole length, from Seaton Lane to Brenda Road. Point A, of the plan, shows the connection point of both the Walkway and Seaton 5. At present Seaton 5 climbs up the western side of the embankment, via steps, to meet and cross the Walkway before it descends down the other side to cross the railway and join with Seaton 4.

To provide the best possible opportunity for the future residents, who I understand will be a mix of young and old as well as ambulant and less ambulant people, I would like to see some improvements made to the link between Seaton 5 and the Walkway at Point A. If a graded slope was provided then a greater number of people of all abilities could access long and short routes, in the area, and enjoy better the access facilities provided.

With this in mind; I would like to discuss further this provision and also discuss what the applicants are considering, in more detail, with regards to their Green Infrastructure Scheme. What are the implications of the GI Scheme in relation to the existing and new access links, to and from the site? The potential for very good and simple linkage from the site to the paths can be achieved easily.

The Equality Act 2010 looks for the better and improved provision for access in this type of situation. Such an improvement would be regarded as reasonable and would enhance the development and provide better access to the majority of the future residents, of all ages and abilities.

HBC HEALTH IMPROVEMENT: No objections

HIGHWAYS AGENCY: Although extra traffic will be added to the A689 road by this development, the traffic arriving on the Strategic Road Network [SRN] at the A19/A689 Wolviston junction is not likely to be severe. Highways England no longer require any additional work for the Transport Assessment and raise no objection

NORTHUMBRIAN WATER: No objections subject to a condition regarding foul and surface water.

HSE: The site does not currently lie within the consultation distance of a major hazard site or a major accident hazard pipeline therefore the HSE does not need to be consulted on the development at the site.

ENVIRONMENT AGENCY: Following submission of Additional Flood Risk information no objections are raised providing that the permission is carried out in accordance with the approved Flood Risk Assessment dated April 2014 and Addendum dates 31 January 2014 and mitigation measures proposed.

EMERGENCY PLANNING: The site is outside Nuclear Power Station Detailed Emergency Planning Zone but is within the extendibility zone which details what to do should there be a beyond design basis incident on the plant. As a result of this I have no concerns or objections.

RAMBLERS ASSOCIATION: 1 FP Seaton 05, mentioned in the Transport Assessment, runs just outside the southern boundary of the site over land owned by the council. It links with FPs 04 & 03 and together they provide an almost traffic free course from the Owton Manor district to the west, to the sands and a National Trail, The England Coastal Path. We ask that:

precautions be taken to ensure the public have safe passage on foot over Seaton 05 at all times;

links be provided to Seaton 05 footpath for residents of the proposed dwellings (the mobile total population of the site could rise to well over 700); and

consideration be given to improving the surface and gradients of Seaton 05 to encourage usage by residents and others.

Tees Archaeology: No objection

PLANNING POLICY

2.21 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

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Frontages of Main Approaches
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
Ind5	Industrial Areas
Hsg9	New Residential Layout
Hsg12	Homes and Hostels
Tra11	Strategic Road Improvements
Tra16	Car Parking Standards
Tra20	Travel Plans
Rec 2	Provision for Play in New Housing Areas
GN3	Protection of Key Green Spaces

Emerging Local Plan – Publication Stage (December 2016)

2.23 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.

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

CC1: Minimising and adapting to Climate Change

CC2: Reducing and Mitigating Flood Risk

HSG1: New Housing Provision

HSG9: Affordable Housing

LS1: Locational Strategy

NE2: Green Infrastructure

SUS1: Contribute to the achievement of sustainable development

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP1: Planning Obligations

National Policy

2.25 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social

and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve 'core principles' that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
36	Travel Plan requirement
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
96	Minimise energy consumption
100	Inappropriate development in areas at risk of flooding should be avoided
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 206	Planning Obligations

PLANNING CONSIDERATIONS

2.26 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, planning obligations, amenity of neighbouring properties, character of the surrounding area, noise, highway safety, drainage, archaeology, ecology and other residual matters.

Principle of Development

2.27 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF. In applying the presumption and in viewing the Government agenda to build more homes due regard must be had to the requirement to provide homes that meet the needs of the community and that are in the right location.

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

2.29 This application is a re-submission of an application which was granted on appeal at the site (H/2014/0177). However, this does not mean that the application should automatically be approved as current material considerations must be taken into account at this point in time. Under the adopted Hartlepool Local Plan 2006, the application site is allocated for industrial/employment development by virtue of Policy IND5 of the Hartlepool Borough Council Local Plan (2006). The site contains a number of operational businesses at the moment; however the site is significantly under developed for industrial/employment uses.

2.30 Previously para49 of the NPPF (in terms of a 5 year supply) was used to justify the development on an employment site. As the emerging Local Plan has been through Publication Stage, the authority can now demonstrate a five year supply of sites, even when 20% is frontloaded from the back end of the plan period.

2.31 The NPPF guards against the long term retention of employment sites with no realistic prospect of them being delivered and also paragraph 47 requires authorities to significantly boost housing supply which would both be in favour of the development however there are a number of other elements of the NPPF which need to be given careful consideration in the determination of this application.

2.32 It is considered that due to the advanced stage of the emerging Local Plan (it has been through Publication) therefore holds some weight under para 216 of the NPPF where there are not unresolved objections. In the emerging Local Plan the site is proposed to be de-allocated from employment land and is shown as white land on the Proposals map. The removal of the employment allocation reflected the permission which was granted on appeal for the site. There is therefore no specific policy related to the development of the site for housing which would set out a number of dwellings which was acceptable. However, it is also noted that the emerging Local Plan does not identify specific areas for care homes etc and that with an ageing population windfall developments of that nature will be important over the plan period.

2.33 However, whilst the site is shown as white land on the emerging allocations plan, the site is still designated as employment land in the 2006 Local Plan and is not identified for de-allocation through the Employment Land Review. The site was proposed as white land in the emerging plan as at the time of going to Publication it benefitted from planning permission and did therefore not need an allocation attaching to it.

2.34 In this instance there are a number of conflicting factors which need to be carefully considered in the determination of this application. The Council's Economic Development section have objected to the proposal (as with the previous application). This is on the grounds that the application site is not appropriate for residential use. This is on the basis that site is adjacent to heavy industry including TATA Steel which has a significant numbers of employees from the town. These businesses are an important part of the local economy and due to the nature of their operations do at times create a significant amount of noise pollution.

2.35 The concerns raised by Economic Development are echoed in the submitted objection from Tata steel. These are largely that the future scenario would be that the residents of this proposed development will lodge noise complaints with a real potential to affect the operation of businesses and ultimately reduce their efficiency and competitiveness within a very competitive global marketplace. Therefore the concern is the impact of the proposed development upon constraining the existing industrial operation and the subsequent impact upon the local economy.

2.36 There are also wider concerns about impacts on other businesses including COMAH sites, the potential negative impact on the development of a new nuclear power station and the loss of employment land to the town. On current estimates Hartlepool is short of around 3,000 jobs in the local economy and therefore needs to achieve significant business growth. HBC Economic Development state much of this will come from the Brenda Road area. They suggest it is therefore imperative that industry in the area is protected from major barriers to growth. The objection from Economic Development raises concerns that the proposal represents a more than significant impediment to achieving economic prosperity. The applicant has however considered this scenario and has set out appropriate mitigation measures for noise abatement in order to protect residents from noise. These mitigation measures have been agreed as acceptable by the Council's Public Protection section, who have not objected to the proposal. The same arguments were also brought forward in the allowed appeal. It would therefore be difficult to sustain an objection on the basis that the development will constrain neighbouring businesses.

2.37 Furthermore while the scheme seeks to demolish buildings in existing employment use, the applicant anticipates that there will be a net gain in employment. This will include jobs created during the construction period and jobs on site when the development is operational.

2.38 In allowing the previous appeal the inspector considered that the proposal would include approximately 3000 sqm of new business space which would be of a modern standard and would be expected to create more jobs than the existing building on site (up to 120 compared to the 20 jobs which are currently on site). Therefore it was the conclusion of the inspector that there were no strong economic reasons to suggest that the development would be inappropriate and he concluded that there was no reasonable prospect of the site being used for employment purposes. This is still considered to be the case, particularly as under the emerging Local Plan the site will be de-allocated as employment land.

2.39 As with the previous application, Planning Policy still considers that the proposals as currently shown appear to be significant over development of the site

and, for an out of town centre site, appear far too dense and could have a detrimental impact on residential amenity of existing property owners. Whilst historically there had been concerns with flooding on the site, it is believed that the mitigation proposed as part of the previous approval has demonstrated how this could be mitigated.

2.40 The submitted masterplan indicates that the site can accommodate the quantum of development proposed while providing adequate separation distances to existing properties and between proposed properties. Planning Policy have raised concerns that due to the quantum of development proposed in order to achieve adequate separation distances, the design quality of the scheme may be compromised. However it must be remembered that the proposal is in outline with details of a maximum level of proposed development indicated by the submitted masterplan. It is considered that through the submission of a carefully considered reserved matters application good design and appropriate levels of amenity for occupiers of the development and neighbouring properties could be achieved.

2.41 The quantum of development proposed relates to the viability of the development, the developer is seeking to maximise development on site to achieve a satisfactory financial return. It is considered that the regeneration benefits for the site and the locality are to be welcomed. However at reserved matters stage issues of viability will not take precedent over the requirement to achieve a well designed and appropriate scheme for the site.

2.42 There are three dimensions to sustainable development, these being economic, social and environmental, these should be sought jointly and simultaneously through the planning system. One aspect, does not take precedent over the other two. Despite changes in the planning policy, since the approval of the previous application the proposed development is exactly the same as what was considered by the inspector.

2.43 In allowing the previous appeal at the site, the inspector considered the economic, environmental and social aspects of the development. He concluded that there would be significant benefits to the local economy through the construction period and following construction of the development through investment and job creation. In terms of social benefits of the scheme the inspector concluded that in the context of social sustainability the proposal has many advantages, such as provision of low cost market housing, provision of care facility for which there is an identified growing need, the site is close to existing schools, shops and services to serve the development and it is well linked by public transport. The inspector also considered that the development would fund environmental improvement including major improvement to the River Stell water course and culverts to improve their capacity. Consequently he considered that there would be long terms environmental benefits.

2.44 In allowing the previous appeal the inspector concluded that the proposal would deliver sustainable development. There is nothing on the site that has changed to indicate that the current submission, which consists of the same proposal as previously approved on the site would not constitute sustainable development. Therefore whilst the site constitutes 'white land' under the emerging plan, taking into account that the site is considered to be highly sustainable in environmental,

economic and social regards and taking into account what has previously been approved on the site, the principle of development is considered to be acceptable subject to the consideration of material planning considerations as detailed below.

Planning Obligations

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

2.46 Taking into account the specific circumstances of the development, the agent has agreed to pay the requested contributions which consist of;

Education	£405,714
Play Provision	£127,500
Built Sports Facilities	£127,500
Green Infrastructure	£145,000
Playing Pitches	£48,991
Tennis Courts	£11,974
Bowling Greens	£2,535

2.47 These will be secured through a section 106 agreement.

2.48 In addition to the contributions agreed above, through the application process the agent has agreed to the provision of 18% affordable housing based on the 210 C3 dwellings on site. The C2 dwellings were discounted from the affordable housing calculation following a discussions on how the 'residential with care' will work. (The agent has confirmed that there are requirements for someone to be considered being accepted for a unit and they are not open to everyone.) Therefore the agreed 18% equates to 38 dwellings out of the 210 C3 being affordable. The developer has agreed to provide 30, 1 bed apartments and 8, 2 bed apartments as affordable within the scheme to address the housing need in the area. This would be secured through a section 106 agreement.

Amenity of neighbouring properties

2.49 In considering applications residential amenity is required to be taken into account as outlined in policies in the adopted Hartlepool Local Plan (2006), emerging Local Plan, and through paragraph 17 of the NPPF. Paragraph 58 of the NPPF seeks to achieve long term well functioning developments which have a strong sense of place using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Development should be visually attractive as a result of good architecture and appropriate landscaping.

2.50 New development should create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.

2.51 The proposal is in outline with detailed design reserved, however the submitted indicative masterplan indicates areas of private and public amenity space. The final scheme would be required to provide adequate levels of private and public amenity space for future occupiers of the development.

2.52 At a local level policy Hsg9 of the Hartlepool Borough Council Local Plan requires new development to provide adequate amenity space both private and public and there should be no significant detrimental effect on the occupiers of both the new and existing development.

2.53 The indicative masterplan indicates that separation distances that meet or exceed those allowed for within the relevant guidance of the local plan could be achieved.

2.54 Use Class B1 is an industrial/business use category which is considered to be appropriate in residential areas. It is therefore considered that the proposed inclusion of B1 uses within the development would be acceptable in terms of residential amenity.

2.55 It is noted that objections have been received from local businesses and HBC Economic Development regarding the potential impact of nearby industrial areas on future occupiers of the site. However as discussed elsewhere in this report, mitigation measures have been proposed to address these issues and HBC Public Protection have not objected to the proposal.

2.56 It is considered that issues relating to residential amenity could be appropriately addressed through conditions and at reserved matters stage.

2.57 This was also the view of the inspector when considering the appeal site, he concluded whilst in a limited number of cases it may be necessary to upgrade glazing and introduce mechanic ventilation to noise sensitive rooms he was satisfied that at the details stage a layout could be achieved in which with mitigation measures in some instances acceptable living conditions could be achieved for all future residents of the site.

Character of the Area

2.58 While the proposed layout indicated by the amended masterplan has demonstrated that the quantum of accommodation can be provided with the required separation distances there are concerns that the level of development proposed would compromise the quality of the design and living conditions of occupiers, particularly as to accommodate the proposed development buildings would be three and four storeys in height, and would be of a substantial massing. However it is considered that through careful consideration of a reserved matters submission an appropriate design and layout for the site could be achieved.

2.59 It is noted that the scale of development proposed which includes a large proportion of 3/4 storey buildings would not strictly be in keeping with much of the character of the area, though a three storey apartment block is located to the north west of the site. Notwithstanding this the site is relatively isolated aside from the residential area to the north. Furthermore it is considered that given the scale of the development proposed the application site will create a character of its own. It is considered that a refusal on the grounds of the scale and character of the development could not be sustained. The detailed designs of the buildings will ultimately be considered at the reserved matters stage.

Noise

2.60 As previously discussed in this report, an objection has been received from Tata Steel business and HBC Economic Development, raising concerns that occupiers of the proposed development would experience unacceptable levels of noise and disturbance and consequently the development conflicts with policy GEP1 of the Hartlepool Borough Council Local Plan with particular reference to the point *'in general development should be located so as not to be unduly affected by poor air quality, noise or similar effects emanating from adjacent uses of land'*. There are concerns that this would constrain and discourage local businesses.

2.61 The Council's Public Protection section were consulted on the proposals and have raised no objections subject to conditions which are recommended accordingly.

2.62 As such as detailed above, sufficient separation distances are shown on the indicate master plan. It is considered that sufficient mitigation can be secured at reserved matters stage. This was also the view of the inspector when considering the appeal site, he concluded whilst in a limited number of cases it may be necessary to upgrade glazing and introduce mechanic ventilation to noise sensitive rooms he was satisfied that at the details stage a layout could be achieved in which with mitigation measures in some instances acceptable living conditions could be achieved for all future residents of the site.

2.63 As such the proposal is considered to accord with planning policy in terms of noise.

Highway Safety

2.64 The Transport Assessment (TA) submitted by the developer has been examined by HBC highways. The TA has assessed a number of key junctions which will be affected by the development. The junctions have been modelled with and without the development and up to the year 2018. The analysis already shows that Owton Manor Lane / A689 /Seaton lane junction would operate above capacity in 2018 without the proposed development in place. Adding the traffic predicted to be associated with the proposed development would cause the junction to operate further over capacity, although the impact is relatively minimal. The over capacity issues affect the Owton Manor Lane leg of the junction during the morning peak hour

period (8.00am -9.00am) and only exists for a short duration. All other junctions analysed would operate well within capacity.

2.65 HBC highways have confirmed that the Travel Plan Framework, contained within the Transport Assessment (TA) is sufficient at this stage. They have requested a condition be attached to any approval to ensure that a Final Travel Plan is in place ready for implementation as and when the site is occupied. The hard measures described in the TA such as good walking / cycling permeability, use of manual for streets in the design and so on are welcomed (although further measures could be considered as discussed below). The soft measures set out within the Travel Plan are considered relevant and suitable for the nature and scale of the development.

2.66 HBC Highways consider that the development is in a relatively sustainable location and that having a Travel Plan in place would help enhance this. However, they have advised that there should be a commitment sought to enhancing sustainable access still further by seeking funding from the developer to upgrade the rights of way (particularly the one on the eastern boundary of the site which already has permissive cycle rights) to provide a suitable surface and that it is tied into the development. This would significantly enhance sustainable access as it would provide direct and more convenient access to Seaton Carew Railway station and bus stops on Station Lane (as well as to the existing shops / services on Station Lane). Upgrading this cycle route would also help with the strategic cycle network development and link in with some LGF proposals and potential other future schemes.

2.67 The access onto Seaton Lane is considered to be acceptable. A pedestrian refuge island will require relocation, this would be conditioned along with a scheme to provide a light controlled crossing on Brenda Road in the vicinity of the school and to extend the existing 30mph speed limit. HBC highways have requested that a relevant obligation/condition should be applied which requires the developer to provide a £60,000 contribution, this sum would cover the cost of both the crossing installation and the speed limit works. The three proposed access points and, the provision of the proposed ghost islands and right turn lanes on Brenda Road are also considered acceptable.

2.68 HBC highways have confirmed that the proposed parking provision is acceptable however they have pointed out that some of the parking bays identified on the indicative masterplan are substandard. This matter can be dealt with at the reserved matters stage to ensure that parking is sufficient and to standard. However, it is important to note that the C2 element should be conditioned to remain C2, otherwise extra parking would need to be found within the site for the change in use. If all properties are C3 there would be a shortfall of 190 car parking spaces.

2.69 The applicants intend that the site will remain private HBC Highways have advised this would be acceptable however all roads, paving's and street lighting should be constructed to an adoptable standard using the advanced payment code method.

2.70 In summary the proposed access and parking arrangement are considered acceptable in principle subject to conditions and obligations to secure an acceptable standard of development in terms of highway safety and to secure highway improvement works. It is considered that final details of parking and the internal highway network can be addressed at the reserved matters stage.

Drainage

2.71 A number of objections have been received on the grounds that the site has previously flooded. The Flood Risk Assessment (FRA) report for the site indicates that the site currently falls within a Flood Zone 3a and that the site has a high probability of flooding from the Stell watercourse which runs directly underneath the site. This issue has also been highlighted in the Hartlepool Strategic Flood Risk Assessment and the Hartlepool Surface Water Management Plan.

2.72 The FRA makes reference to the existing flooding problem being as a result of the undersized culvert under the site at the point where the watercourse runs under Brenda Road. The Council's engineers welcome the developer's intentions to provide a remedial scheme targeting the existing flood issues associated with the culvert by providing 2x 1050mm diameter culverts to replace the existing smaller triple barrel culvert that has been long attributed to flooding problems on Brenda Road.

2.73 Through consideration of this application an Addendum to the submitted Flood Risk Assessment was submitted. This document updated some of the studies carried out and provided some additional information to ensure the proposed mitigation would be sufficient. Following submission of the addendum, the Environment Agency have raised no objections subject to appropriate conditions to ensure mitigation as detailed in the Flood Risk Assessment. The conditions are recommended accordingly.

2.74 In terms of the proposed storm drainage, the Council's engineers accept that in theory flows can be discharged into the existing culverted watercourse running under the site subject to the upsizing work as detailed in the FRA and a reduction in existing site run off rate which will all be subject to detailed design. In this respect it is acknowledged that the site development through the re-engineering and opening of the existing culvert can provide a suitable surface water storage area and will help provide betterment in the run off rate when compared to the existing situation. It is noted that the indicative layout for the site includes attenuation ponds with property situated away from the attenuation ponds thus ensuring there will be no risk to property flooding.

2.75 Northumbrian Water have raised no objections subject to appropriate conditions relating to foul and surface water which is recommended accordingly.

2.76 Concerns were raised by an objector regarding the outdated information held within the submitted Flood Risk Assessment dated 2013. For clarification during the application process the Environment Agency also objected to the proposal on the basis of outdated information. To address this objection the applicant undertook updated survey work and submitted an addendum to the FRA. This addressed

concerns raised by the Environment Agency and they subsequently withdrew the objection subject to the imposition of conditions.

2.77 The Council's Engineers, the Environment Agency and Northumbrian Water have raised no objections to the proposed development, it is therefore considered that adequate drainage can be achieved on site subject to appropriate conditions which are recommended in this regard.

Ecology

2.78 Concerns have been raised by objectors in relation to the impact of the development on the ecology of the area. In support of the application the applicant has submitted an Extended Phase 1 Survey and a bat emergence survey. The Extended Phase 1 Survey indicated that additional survey work should be carried out including a detailed vegetation survey including an assessment of the extent and quality of Open Mosaic Habitat (OMH) on site, a breeding bird survey, a bat activity survey, an amphibian survey, to include ponds on the adjacent land to the south of the site and an Invertebrate survey. The Councils ecologist has recommended suitable conditions requiring the submission of additional survey work at reserved matters stage.

2.79 In addition the submission of a Japanese Knotweed management plan would be required at reserved matters stage. This shall be conditioned.

2.80 In terms of the impact on Ecology the proposals is considered acceptable subject to conditions.

Landscape

2.81 There are a number of small trees located at the south western corner of the site, and it is assumed that these are to be removed to facilitate the development. The trees are generally of poor quality, are not considered to be particularly significant in terms of public visual amenity and therefore should not impose a constraint upon the proposed development.

2.82 The indicative masterplan shows large areas of landscaped public space with small residential gardens to many of the properties, and it is considered that the proposal will lead to a significant improvement of the site in terms of public visual amenity. However insufficient detail has been included to enable a full assessment of the landscaping proposal, therefore full landscaping details would be conditioned as part of any approval for the proposed development and would be provided as part of the reserved matters application.

Contamination

2.83 A Preliminary Risk Assessment for land contamination has been submitted and assessed by HBC Engineering Consultancy. As the land is previously developed land HBC Engineering Consultancy have recommended a suitable planning condition to facilitate further site investigation and potential remedial work.

Residual matters

2.84 At the time of consideration of the previous application (H/2014/0177) the southern part of the site fell within the HSE consultation zone (as identified in the 2006 Local Plan). However since the previous approval in the site the consultation zone boundaries have been redrawn and the site now falls outside any of the HSE consultation zones. The HSE and Emergency Planning Unit have raised no objections to the proposed development.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.85 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.86 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.

2.87 There are no Section 17 implications.

REASON FOR DECISION

2.88 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 £60,000 towards the provision of a light controlled crossing and a speed reduction scheme on Brenda Road, £405,714 towards Education, £127,500 towards Play Provision, £127,500 towards Built Sports facilities, £145, 000 towards Green Infrastructure, £48, 991 towards playing pitches, £11,974 towards tennis courts and £2535 towards Bowling Greens and 18% on site affordable housing which equates to 38 dwellings consisting of 30, 1 bed apartments and 8, 2 bed apartments as affordable units within the scheme, a Conservation Management Plan to secure ecological mitigation, the acceptable provision and maintenance of highway infrastructure, open space and the following conditions and any other conditions/obligations arising from the outstanding highway comments.;

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.
To clarify the period for which the permission is valid.

2. Approval of the details of the layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.
To clarify the period for which the permission is valid.
3. As part of the first reserved matters submission made pursuant to condition 1, a phasing scheme showing each phase of the proposed development and defining the quantity and type of development (including infrastructure) within each phase and a timetable for implementation shall be submitted to and approved in writing by the local planning authority. Thereafter reserved matters submissions shall be made in accordance with the approved phasing scheme.
To ensure a satisfactory form of development.
4. The development hereby permitted shall be carried out in accordance with the Outline Masterplan (approval of access only) Drawing no. 202 REV 07 received by the Local Planning Authority on 07/02/2014, and the Site Location Plan Drawing no. 100 REV 02 received 08/12/2016.
For the avoidance of doubt.
5. 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.
6. The total development hereby approved shall not exceed the following maxima:
70 bed care home (C2 Use Class);
50 one bed apartments (C2 Use Class);
250 two bed apartments (C2 Use Class);
70 one bed apartments (Use Class C3);
60 two bed apartments (Use Class C3);
80 townhouses (Use Class C3);
930 sqm community centre (use class D1),
200 sqm retail use A1
3095 sqm workshop and offices (use B1)

To ensure a satisfactory form of development
7. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by Useful Simple Projects (April 2014 and 31 January 2017 Addendum) and the following mitigation measures detailed within the FRA:
 1. Limiting the surface water run-off generated by the site so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 2. Confirmation of the opening up of any culverts across the site to the size and capability as detailed in the river modelling project of August 2010.

3. Upgrading of existing culverts on the site as detailed in the river modelling project of August 2010. The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.
To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site and to reduce the risk of flooding from blockages to the existing culvert (s) and to replace parts of the culvert with open
8. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
9. 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.
10. The development hereby approved shall be carried out in accordance with the following:
 1. Site Characterisation
An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates on the site. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:
 - (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - a. human health,
 - b. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - c. adjoining land,
 - d. groundwaters and surface waters,
 - e. ecological systems,
 - f. archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any

way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

11. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage/SuDS design has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how 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 pollution of the water environment.

12. Prior to being discharged into any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hard standings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. Roof water shall not pass through the interceptor.

To prevent pollution of the water environment.

13. The reserved matters submission for each phase shall include details of existing and proposed levels of the site including finished floor levels of the buildings to be erected, sections through the site and adjacent land/buildings and any earth retention measures.

In order to ensure that these details are acceptable in the interests of visual amenity, and the amenity of future and adjacent residents.

14. A Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. The development shall be carried out in accordance with the approved details.

In the interests of the occupiers of adjacent and nearby premises and highway safety.

15. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.
16. No development shall take place until the Local Planning Authority has approved a report identifying how the predicted CO2 emissions of the development will be reduced by at least 10% above and beyond what is required to comply with Part L Building Regulations. Before any dwellinghouse is occupied the energy saving measures, detailed in the report for that dwellinghouse, shall be installed.
In the interests of promoting sustainable development.
17. No development shall take place until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before any dwellinghouse is occupied the renewable energy equipment, detailed in the report for that dwellinghouse, shall be installed.
In the interests of promoting sustainable development.
18. 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 safety and to ensure a satisfactory form of development.
19. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
20. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
21. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no 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 amenities of the occupants of the adjacent residential property.

22. The details submitted with the reserved matters shall include details of bin stores and cycle storage.
In the interests of visual amenity
23. Prior to the commencement of the development full details of the method of external illumination, siting, angle of alignment; light colour and luminance of buildings and external areas of the site, including parking areas shall be submitted to and agreed in writing by the Local Planning Authority, the lighting shall be implemented wholly in accordance with the agreed scheme and shall be maintained for the lifetime of the development.
In the interests of residential amenity.
24. The reserved matters submission for each phase shall include details of acoustic fencing. Prior to the first occupation of the development in each phase the agreed acoustic fencing shall be installed and retained thereafter for the lifetime of the development.
In the interests of residential amenity.
25. The clearance of any vegetation, including trees and hedgerows, 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.
26. The first reserved matters submission made pursuant to condition 1, shall include details of further ecological surveys and shall inform appropriate mitigation and enhancement which shall thereafter be included within each phase as agreed by the Local Planning Authority. These surveys should comprise:
 - a detailed vegetation survey including an assessment of the extent and quality of OMH habitat;
 - on site breeding bird survey
 - bat activity survey
 - amphibian survey (to include ponds on the adjacent land to the south of the site)
 - Invertebrate surveyThe surveys should be carried out to recognised methodologies by suitably qualified ecologists.
In the interests of protected species.

27. The reserved matters submission for each phase shall include a parking scheme for that phase of development. The scheme shall be carried out in accordance with the approved details and shall be maintained for the lifetime of the development.
In the interests of highway safety.
28. Prior to commencement of development, full details of a scheme for the eradication of Japanese Knotweed shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include a timetable for implementation and clearly identify the extent of the Japanese Knotweed on a scaled plan.
To eradicate Japanese Knotweed from the development site, to prevent the spread of the plant through development works.
29. Prior to the commencement of the development, details of a wheel-washing facility within the site shall be submitted and approved in writing by the Local Planning Authority. The approved facility shall be installed before the development commences and shall thereafter remain operational and be available for its intended use at all times during the construction phase(s) of the development.
In the interests of the amenities of the occupants of neighbouring properties
30. No development shall be commenced until full engineering details of roads designed to an adoptable standard, details of paving and streetlighting within the development site have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details.
In the interests of highway safety.
31. The occupation of the use class C2 accommodation hereby permitted shall be restricted to: i) persons aged 55 years or older; ii) other persons who are living as part of a single household with a person or persons aged 55 years or older; or iii) persons who occupy the same dwelling where they were living as part of a single household with a person or persons aged 55 years or older who has since died
In the interests of amenity
32. The reserved matters submission for each phase shall include details of the location of each dwelling which is proposed to be a dwelling with care (Use Class C2).
For the avoidance of doubt and in order to ensure adequate car parking provision is made in the interests of highway safety.
33. The reserved matters submission for each phase shall include details of the location of each dwelling which is proposed to be an affordable unit as defined within the National Planning Policy Framework.
To ensure a satisfactory form of development
34. Prior to the commencement of the development a scheme for off site highway works including ghost islands and right turn lanes on Brenda Road and the

relocation of a pedestrian refuge island on Seaton Lane, shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be completed to the satisfaction of the Local Planning Authority prior to the first occupation of the development.
In the interests of highway safety and sustainability.

35. Notwithstanding the submitted details, prior to the commencement of development, a Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall thereafter be implemented and operated as approved.
In the interests of highway safety and sustainability.
36. The reserved matters submission for each phase shall include details of noise insulation measures to all use class C2 and use class C3 accommodation. The noise insulation scheme, as approved, shall be implemented in full and retained thereafter during the lifetime of the development.
In the interests of amenity.
37. 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 in consultation with Northumbrian Water and the Lead Local Flood 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.
38. No development shall commence until a scheme for the provision of a light controlled pedestrian crossing and a scheme of speed reduction on Brenda Road have been submitted to and approved in writing by the Local Planning Authority. No part of the development shall be occupied until both schemes have been implemented and are operational .
In the interests of highway safety.

BACKGROUND PAPERS

2.89 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

- 2.90 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

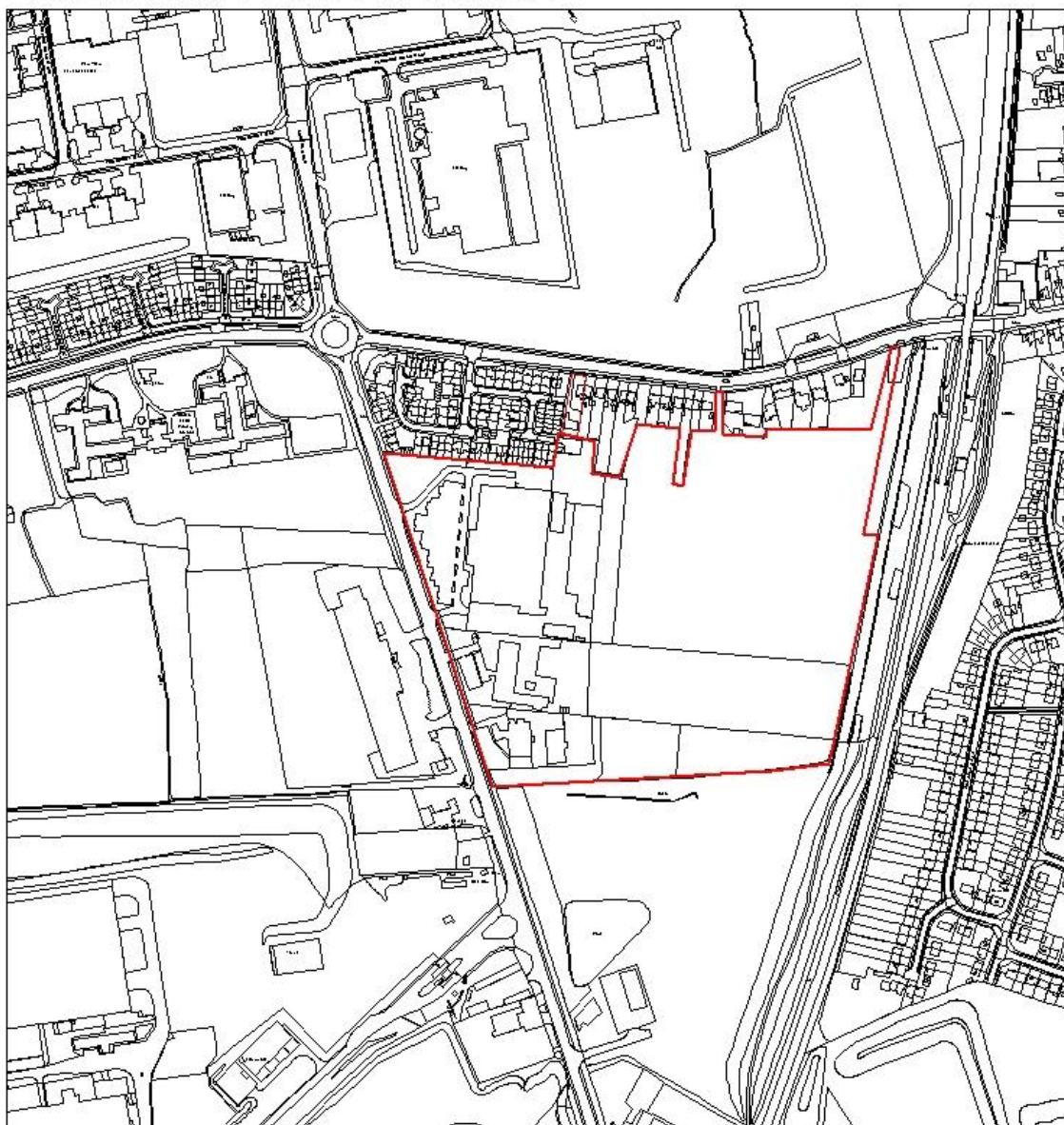
Tel: (01429) 523400
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

2.91 Helen Heward
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523433
E-mail: Helen.Heward@Hartlepool.gov.uk

LAND AT BRENDA ROAD



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24.02.17
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0532	REV

No: 3
Number: H/2016/0393
Applicant: Mr Neil Kirby Sandbanks Drive HARTLEPOOL
 TS24 9RS
Agent: MR RUSSELL TAYLOR 10 BEACONSFIELD SQUARE
 HARTLEPOOL TS24 0PA
Date valid: 28/11/2016
Development: Erection of a single storey outbuilding
Location: 53 Sandbanks Drive HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 H/2013/0327 – Single storey extension at the side and rear to provide utility room, kitchen and garden room. Approved. Not started. Permission expired.

PROPOSAL

3.3 Planning permission is sought for the erection of an outbuilding to the rear of the property. The building is proposed to be used for storage and as a gym which is to be used in connection with the main house. The structure is 11.5m x 7.5m (approx). The roof proposed is hipped with an eaves height of 2.6m (approx) and a maximum height of 3.8m (approx). The structure is to be positioned to the rear of the garden area and will be positioned along the shared boundaries with the neighbouring properties to the sides and rear.

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

SITE CONTEXT

3.5 The application site is a south east facing, semi detached residential property at Sandbanks Drive, Hartlepool. The host property is within a residential area and has a large garden to the rear.

PUBLICITY

3.6 The application has been advertised by way of neighbour letters (4). To date, there have been 5 letters of objection received (two from the same property).

3.7 Initially a single objection was received the concerns raised are outlined below:

55 Sandbanks Drive

- The proposed height of the building 4.35m is unduly large for a outbuilding and more like a dwelling and out of keeping with the area
- Concerns over actual usage of building due to size
- Due to the height I feel it will affect the daylight/sunlight into my dining room and sun room
- The large windows proposed will directly overlook my dining room and sun room affecting my privacy as the boundary fence is approximately 3 feet high
- Concerns over who is going to use outbuilding as proposed as a gym and due to large windows again will affect my privacy
- Foundations already completed on proposed development and are not as plans show
- Foundations in place are not in the boundary of neighbours property and are in my land.
- Concerns over the drainage from the proposed outbuilding running down into my property as I am lower than developments ground level.

3.8 After the site visit was carried out, work had already commenced on site, and it was apparent that this was not reflected in the submitted plans. After discussions with the applicant more changes were proposed to the outbuilding and there had been some encroachment into the adjacent properties due to the position of the foundations. Concerns were also raised by the Council with regards to the height, massing and proximity of the outbuilding to the shared boundaries and the impact on neighbouring properties.

3.9 In view of the above amended plans were submitted to the Council which resolved the inaccuracies in the plans and it was confirmed that the foundations which had been cast outside the applicant's ownership had been dug up and re laid within the curtilage of his property. The design of the building had also been amended with a reduced roof pitch and hips proposed to the ends in order to reduce the height and massing. A full 21 day reconsulted was undertaken on the amended plans.

3.10 Four letters of objection were received from neighbouring properties. The concerns raised are outlined below.

53 Sandbanks (similar concerns raised as first objection)

- The proposed height and size of the building is unduly large and out of keeping with the area.
- Concerns over noise pollution due to the activities associated with proposed usage as a gym.
- Concerns over footfall and parking due to proposed usage as a gym
- Height of the building will affect daylight/sunlight into my garden, dinning room and sun room
- The large windows and skylight will affect my privacy as they will look directly back at my dinning room, sun room and children's bedroom
- Concerns over how building to be maintained and erected due to building very close to disputed boundary line as no permissions will be given for access to my land for this purpose or any other reason

- Concerns over drainage and overhang onto my property as again no permission will be given for this. Legal advice has been sort regarding this matter and it is not allowed.
- Concerns over boundary line again legal advice sort and proceedings commenced.
- Surveyor contacted and has confirmed in writing the boundary is not as Mr Kirby states and has moved boundary fence himself to suit development
- Concerns of need for outbuilding when main property unoccupied for numerous years.
- The proposed development by reason of its size, depth, width, height and massing would have an unacceptably adverse impact on my property including my garden and the surrounding neighbours by reason of overlooking, loss of privacy and visually overbearing impact.

51 Sandbanks Drive

- The volume of traffic and parking issues arising from people using the gym facilities
- The noise generated, i.e. gym equipment, music, voices
- Privacy invasion - the proposed building's facing side will be comprised of glass doors overlooking our property
- Instability of our land - we have been shown evidence that during work in the preparation for the building the foundations of the wall separating our properties has been affected
- Security - people unknown to us using the facilities.

3 Lulworth Grove

- The proximity of the building to my boundary fence will mean that any maintenance to the building would require access via my property.
- A building of this size will generate large volumes of rainwater from the roof, are there any plans for sufficient drainage to deal with this.
- Can the building be used as a dwelling when complete.

4 Lulworth Grove

- The height of the property would mean our views and sunlight would be extensively affected.
- The property of this size and materials made to build it would look out of place.
- We have major concerns that the building is going to be used as a gym and the amount of noise and people using it would affect our privacy.
- We cannot understand why this type of building is getting built when the property is not lived in and hasn't been for the last 10+ years.

Due to the concerns raised by the neighbouring property at No. 51 Sandbanks Drive in relation to land stability and the impact on the adjacent retaining wall, further structural details were requested from the applicant's agent in order to address these issues. Such details were submitted and the Council's Structural Engineer was consulted on the information (sectional detail of the proposed outbuildings foundations and adjacent retaining wall). No concerns or objections were raised by Council's Structural Engineer.

Copy Letters **D**

3.11 The period for publicity has expired.

CONSULTATIONS

3.12 The following consultation replies have been received:

HBC Public Protection – No objections.

HBC Traffic & Transportation - There would be no highway or traffic concerns with this application so long as the building is private use only and that it cannot be used as a separate dwelling.

HBC Landscape - As the foundations have already begun, the root system of those trees adjacent to the garden have been exposed and can be readily seen - however there is no evidence of any major roots being present. It is unlikely therefore that these trees (mainly cherry and similar sized broadleaves) will be affected. There will be an additional burden however on the owner to keep them trimmed back as the wall of the proposed building will be virtually touching the branches. This could be avoided by bringing the proposed building forward to clear the branches. As the trees concerned are not readily visible from the street I have no issues concerning their retention by means of a Tree Preservation Order and any legal issues regarding branch trespass could be addressed by the owners own common law rights.

HBC Structural Engineer – No objections or concerns raised subject to the submitted details conditioned on an approval.

PLANNING POLICY

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

Local Policy

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

GEP1 General Environmental Principles
Hsg10 Residential Extensions

National Policy

3.15 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve

all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

PARA 002 : Primacy of Development Plan
 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.

Emerging Local Plan

SUS1 : Presumption in favour of sustainable development
 LS1 : Locational Strategy
 Hsg11 : Extensions to Existing Dwellings

PLANNING CONSIDERATIONS

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

VISUAL AMENITY

3.17 Concerns have been raised by neighbouring properties outlining that the structure is unduly large and out of keeping with the area.

3.18 The structure is large, particularly with regards to its floor area. The structure is of a standard design and the materials proposed are rendered block work walls finished in an off white colour. The roof tiles are to match the existing dwelling and white upvc doors and windows are proposed. There will be no significant views of the structure from the street scene as the development is located to the rear of the host property. Although the proposed materials do not fully match the materials of the host property different types of materials are usually used for the erection of outbuildings. Although, the floor area of the outbuilding is large, as it is to the rear of the property it is considered that there will not be a significant visual impact on the

host property or the surrounding area. A sufficient amount of garden curtilage is also maintained at the rear.

3.19 The proposal is considered to be in accordance with saved policy GEP1 of the Hartlepool Local Plan and paragraph 56 of the NPPF.

NEIGHBOUR AMENITY

3.20 As outlined at the beginning of this report concerns were raised by the case officer in relation to the original plans submitted regarding the potential impact on neighbouring properties due to the proposed structures massing. Amended plans were submitted in order to address these concerns. The roof design was altered (dual pitched altered to hipped) and the ridge height was also lowered by reducing the pitch of the roof. A reconsult was undertaken with neighbouring properties on the amended plans. As outlined above neighbouring properties to both sides and the rear have raised amenity concerns in relation to the amended plans, e.g. loss of privacy, overshadowing and an overbearing impact. The potential impact on these neighbouring properties will be addressed in turn below.

3.21 The host property has a large garden to the rear. The proposed structure is to be positioned to the rear of the garden along the shared boundaries with neighbouring properties. There is to be some overhang of guttering with No. 51 Sandbanks Drive to the south west. The appropriate ownership certificate has been signed and notice served. Works have commenced on site with a substantial amount of earth removed and foundations laid.

3.22 It should be noted that under permitted development rights an outbuilding of a similar or even larger footprint could be constructed directly along the shared boundary with the neighbouring properties without any set back with a maximum height and eaves height of 2.5m under the current permitted development rights (subject to other criteria).

3.23 With regards to the physical relationship with No. 55 Sandbanks Drive to the east, a short, approximately 1 – 1.2m high, open board fence runs along the shared boundary. There is also some hedging within the curtilage of the host property along this boundary of a similar height. There is a shed within the curtilage of No. 55 to the rear adjacent to the proposed site of the outbuilding. It is considered that this will mitigate some of the impact on the garden area of No.55. The proposed roof of the structure is designed to that it slopes upwards away from the shared boundary with this property. The eaves height adjacent to the boundary is approximately 2.6m from the ground level. The maximum roof height of (3.8m) is reached approximately 2m from the boundary. It is considered that the hipped design will mitigate potential overshadowing and any overbearing impact on the garden area of No.55. It should also be noted that the eaves height is very close to what could be constructed under permitted development rights. It is acknowledged that there would be some impact on the garden area of No.55 in terms of overshadowing and its presence close to the boundary however it is considered that this would not be a significant impact and given the fall back position, on balance this would not warrant a refusal of the application.

3.24 Concerns have been raised by No. 55 with regards to a loss of privacy due to glazing in the front elevation of the outbuilding (facing south eastwards towards the host property and No.s 55 and 51 Sandbanks Drive). No windows are proposed in the side elevation (north east elevation) of the proposed structure. No. 55 Sandbanks Drive does have a small single storey extension to the rear which has a projection of 2-3m (approx). It is acknowledged that due to the low boundary treatment along the shared boundary with No.55 there is the potential for overlooking and loss of privacy to this neighbouring property from the proposed outbuilding. There is however a substantial distance between the proposed structure and the original rear wall of this neighbouring property, approximately 17.5m and views towards the neighbour are oblique. It is also the case that the general use of the host property garden area also currently results in oblique views back up to the neighbouring property No.55. The applicant has in any case agreed to erect a fence along the boundary which will address any privacy issues. It is considered therefore that the impact of the development on privacy is acceptable.

3.25 There are no concerns of an adverse impact on this neighbouring dwelling (No.55) in terms of overshadowing or an overbearing impact due to the separation which will be maintained.

3.26 The neighbouring property to the west No. 51 Sandbanks Close is at a slightly higher level, approximately 1 – 1.3m higher. A dwarf wall, with open board fencing on top runs along this shared boundary (approximately 2m high from the ground level of the host property). The dwarf wall retains the higher land level. From the site visit an amount of earth has been removed from this area adjacent to the boundary with No.51 and foundations laid. The difference in land level will mitigate some of the impact of the structure. Again as the roof slopes away from this shared boundary it is considered that the potential overshadowing and overbearing impact on the adjacent garden area will be mitigated against. The maximum roof height will be reached approximately 1.9m from the shared boundary with No. 51. It is noted that there will be some overhanging of guttering into the garden area of this neighbouring property, however there are no concerns of an adverse impact due to amount and massing of the overhanging. Again it is noted that the structure and proposed glazing will face at an oblique angle up towards the rear elevation of No. 51 and its garden area. It is considered that the existing boundary treatment and difference in levels does provide some screening to the structure. There is also a separation of approximately 17.5m from the structure to the original rear wall of No.51. This neighbouring property does have a small single storey extension to the rear with a projection of approximately 3m. No windows are proposed in the side elevation (south west facing elevation). In view of the above, it is considered that the proposal would not result in a significant level of overlooking or loss of privacy to No.51 which would warrant the application to be refused. There are no concerns of an adverse impact on this neighbouring dwelling (No.51) in terms of overshadowing or an overbearing impact due to the separation which will be maintained.

3.27 One of the neighbouring properties to the rear (No.4 Lulworth Grove) has raised concerns regarding the height of the structure and a loss of views and a loss of sunlight. For clarification, a view is not a material planning consideration. Along the rear boundary with No.s 3 and 4 Lulworth Grove to the north west, there is a boundary fence which has failed and is in a poor state. From the site visit a new

fence has begun to be erected. It is not clear at what final height. The proposed outbuilding is positioned along the shared boundary with these properties. No windows are proposed in the north west elevation of the structure. There is approximately 19m from the boundary to the original rear elevations of these neighbouring properties. No. 3 has a small single storey extension to the rear which has a projection of approximately 2.5 – 3m. No.4 Lulworth Grove also has a single storey extension to the rear with a 2.5m projection (ref no. H/2008/0567). Due to the separation between the proposed structure and the neighbouring properties it is considered that the proposal will not have a significant impact in terms of overshadowing or an overbearing impact.

3.28 It is acknowledge that the proposal will have an impact on the garden areas of these properties in terms of overshadowing and its presence close to the boundary. However it is considered that the roof design will mitigate some of the impact. The eaves height adjacent to the shared boundary is proposed at 2.6m and the roof will slope up away from the boundary. The maximum roof height will be reached approximately 3.9m from the shared boundary to the rear. The fall back position of an outbuilding constructed under permitted development should also be noted. For these reasons, it is considered that the proposal will not have a significant impact on the garden areas to the rear in terms of overshadowing or any overbearing impact.

3.29 Concerns have been raised by neighbouring properties regarding the potential for noise and disturbance from the proposed use of the outbuilding as a gym. The proposed use is to be in connection with the main house and not as a business / commercial use. The Council's Public Protection section were consulted on the application and no objections or concerns were raised. Again it should be noted that a similar structure could be erected under permitted development and used in the way proposed (ancillary to the main house) with no planning permission. Any noise issues which might arrive will need to be addressed under relevant nuisance legislation.

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

HIGHWAYS

3.31 Concerns were raised by neighbouring properties regarding the potential for parking issues with regards to the use of the gym. The Council's Traffic & Transport section were consulted on the proposal and it was commented that there were no highway or traffic concerns providing the building is used privately and not as a separate dwelling. A condition will be applied accordingly outlining that the use shall be ancillary to the main dwelling and not used as a separate dwelling.

LANDSCAPE

3.32 There are three trees to the rear of the property within the garden curtilage of the properties to the rear. The Council's Arboricultural Officer raised no objections or

concerns with the proposal but outlined that the adjacent trees would need to be maintained/pruned as the proposed building will be in close proximity. It was also outlined that any branch trespass could be addressed by the owners via their civil rights.

RESIDUAL MATTERS

3.33 A number of neighbours commented and raised concerns that as the proposed structure is positioned close to the shared boundaries, access would potentially be required from their garden areas for construction and maintenance of the building. This would be a civil matter between the applicant and the neighbouring properties.

3.34 It was raised by the occupier No.55 Sandbanks Drive that there are concerns with the position of the shared boundary line and a surveyor has been instructed. This is a civil matter between the two parties. It was also stated that there would be some overhanging /encroachment into the curtilage of No.55. The plans submitted do not show any encroachment or overhanging into the curtilage of No.55. Whilst the gutter overhangs no 51 notice has been served on this neighbour, this is a minor encroachment and a civil matter with the neighbour.

3.35 It was questioned how surface water drainage will be dealt with from the proposed structure. This is a matter which will be dealt with by building regulations. The proposed structure and drainage would need to meet the minimum standards of these regulations.

3.36 The occupier of No. 51 Sandbanks Drive raised concerns regarding the difference in land levels and the potential impact on the stability of a retaining wall between the properties. Structural details were submitted to the Council by the applicants agent which provided sectional information of the proposed building and adjacent retaining wall. No concerns or objections were raised by Council's Structural Engineer subject to the submitted details being a condition of an approval. This is proposed.

3.37 It was questioned if the structure could be converted into a separate dwelling in the future. A condition will be applied to ensure its use remains ancillary to the main dwelling. A number of neighbours queried why this structure is needed when the main house has been empty for a number of years. It should be noted that this is not a material planning consideration.

CONCLUSION

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

EQUALITY AND DIVERSITY CONSIDERATIONS

3.39 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.40 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Location Plan received 09/09/2016, Drawing No: 16/KIRBY/001 B Proposed Drawings - Planning received 21/11/2016, Drawing No: 16/KIRBY/004A Proposed Plan on Topo received 21/11/2016) and details received by the Local Planning Authority on the dates specified above and the additional details (Work Section : Boundary Wall, Calc Sheet: 1) received by the Local Planning Authority on 23/02/2017.
For the avoidance of doubt.
3. The outbuilding hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein. It shall not be used as a separate dwelling.
In the interests of the amenities of the occupants of neighbouring properties.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the outbuilding hereby approved shall not be extended or altered in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
5. Prior to the outbuilding being brought into use, a 2m high close boarded fence of a design and materials first submitted to the Local Planning Authority for its approval in writing shall be erected along the shared boundary with No.51 Sandbanks Drive and shall remain in place for the lifetime of the development.
In the interest of neighbour amenity.
6. 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.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

3.43 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

3.44 Fiona McCall
Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523273
E-mail: Fiona.McCall@Hartlepool.gov.uk

53 SANDBANKS DRIVE

Copyright Reserved Licence LA09057L

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/2016/0393	REV

No: 4
Number: H/2016/0520
Applicant: Mr Firth 27 Fleet Street BIRMINGHAM Warwickshire B3 1JP
Agent: Ashleigh Signs Ltd Mr Leslie Gregg Ashleigh House Beckridge Road Normanton Industrial Estate Nosrmanton WF6 1TE
Date valid: 05/01/2017
Development: Display of two illuminated and four non illuminated signs
Location: The White House Wooler Road 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.

SITE CONTEXT AND PROPOSAL

4.2 The site to which this application relates is the White House Public House, located on the corner of Wooler Road and The Parade and is within the Park Conservation Area. The building is locally listed and is opposite Wilton Grange which is a Grade II listed building. The area is predominately residential in character.

4.3 The application seeks advertising consent for the erection of signage both illuminated and non-illuminated. The proposal includes the replacement of existing signs and provision of new signs on the building and free standing signs within the site. The proposed signs are:

1. Existing free standing sign at entrance to car park to be retained with 2 No. trough lights added
2. Signwritten text over the main entrance
3. Signwritten text under existing house name on side elevation
4. Existing free standing sign retained with additional direction sign added
5. New fascia sign and illuminated lanterns on rear entrance

4.4 The number of signs proposed has been reduced. The application originally included additional signage at first floor which covered existing windows, this was considered by officers to be inappropriate due to its impact on the locally listed building and conservation area. A second sign was proposed at the entrance to the car park, this again was considered to be inappropriate in this location. The application has been amended to omit these signs.

4.5 The application is reported to Committee for consideration given the number of objections received.

PUBLICITY

4.6 The application has been advertised by way of press notice, site notice and neighbour letters (10). To date, there have been four letters of objection. Following the removal of signs further consultation was carried out resulting in the removal of 1 of the objections. There are therefore three outstanding objections. The issues raised are:

- Large sign covering windows inappropriate in conservation area
- Illumination at present overwhelming
- Excessive and obtrusive
- No objection to non illuminated signs

4.7 Copy Letters **A**

4.8 The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

HBC CONSERVATION: In principle the majority of the signs are considered acceptable however it is considered that the large sign covering windows at first floor and the additional signage at the car park entrance would cause less than significant harm to the Park Conservation Area and the Locally Listed Building. The revised proposal which removed the large sign and additional free standing sign at the entrance to the carpark would not significantly impact on the heritage asset, no objection.

HBC PUBLIC PROTECTION: No objection

HBC TRAFFIC AND TRANSPORT: There are no highway or traffic concerns

PLANNING POLICY

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

Local Policy

4.11 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

HE1 - Protection and Enhancement of Conservation Areas

HE2 - Environmental Improvements in Conservation Areas

HE12 - Protection of Locally important Buildings

Emerging Local Plan – Publication Stage (December 2016)

4.12 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

QP4: Layout and Design of Development

QP8: Advertisements

HE3: Conservation Areas

HE5: Locally Listed Buildings and Structures

National Policy

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

Paragraph 002: Primacy of Development Plan

Paragraph 011: Planning law and development plan

Paragraph 012: Statutory status of development plan

Paragraph 013: NPPF is material consideration

Paragraph 014: Presumption in favour of sustainable development

Paragraph 056: Design of built environment

Paragraph 067: Advertisements

Paragraph 131: Viable use consistent with conservation

Paragraph 132: Weight given to asset's conservation

Paragraph 135: Non-designated heritage asset

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

4.14 The main planning considerations in this instance are the appropriateness of the proposals in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity and highway safety

PRINCIPLE OF DEVELOPMENT

4.15 The proposal concerns the replacement of existing signage and addition of one additional sign at the site only and as such there are no planning policy concerns subject to an assessment of the impact of the proposal on visual amenity and highway safety, as set out below.

VISUAL AMENITY

4.16 The proposed signage is to replace existing signs at the site including the addition of a new sign and the provision of illumination by way of trough lighting and lantern lights.

4.17 The signage will not be significantly different to the existing signs on site. The main front entrance canopy into the building will remain unchanged with a fascia sign and lanterns either side, there is an additional sign to be added to the underside of the entrance canopy. New signage is to be added to the rear entrance of the public house which is the same as the front entrance. An additional handwritten sign is to be added to the eastern elevation underneath existing signage. The existing free standing sign on the corner facing onto the roundabout at Wooler Road/Grange Road is to be updated with a direction sign added. This sign was originally proposed to be illuminated but due to concerns raised by Officers the illumination element was removed. The existing car park entrance signage is to be retained with 2 trough lights added.

4.18 It is considered that the revised proposal would not significantly impact on the heritage asset.

4.19 Concerns have been raised by residents of residential properties to the east at Wooler Road and to the west Relton Way, in relation to the impact of the proposal on current levels of light pollution. However there is a separation of some 30m from the property in Relton Way and some 50m from the property on Wooler Road, it is considered that the proposed replacement signage and lighting will not result in an unacceptable increase in levels of light pollution.

4.20 No objections have been received from HBC Public Protection. In addition, the illumination level of the proposed signage is to be 250 candelas per square metre. This is considered to be an appropriate level for the location and can be controlled by condition.

4.21 It is considered that the impact on visual amenity is acceptable.

HIGHWAY SAFETY

4.22 The Council's Highways, Traffic & Transport have no highway or traffic concerns with regards to the application. The proposal is therefore considered to be acceptable and in accordance with paragraph 67 of the NPPF in terms of the impact on highway safety.

RESIDUAL MATTERS

4.23 Concerns have also been raised by objectors in relation to existing lights that are currently used to illuminate the building/site at night, however these do not relate to this advertisement consent application for replacement signage and it is considered that the proposal will not result in an increase in light pollution, taking into account cumulative effects.

CONCLUSION

4.24 With regards to the policies identified in the Hartlepool Local Plan (2006), and particular consideration of the effects on visual amenity and highway safety, the proposed signs are considered to be acceptable and recommended for approval subject to the conditions outlined below.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.25 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.26 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.

4.27 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 125022 Rev C sheet 1, 2, 3 and 4 received by the Local Planning Authority on the 7 February 2017 and site location plan and details received by the Local Planning Authority on 30 November 2016.
For the avoidance of doubt.
2. The maximum intensity of the illuminated sign(s) shall not exceed 250 cd/square metre.
In the interests of visual amenity.

BACKGROUND PAPERS

4.29 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

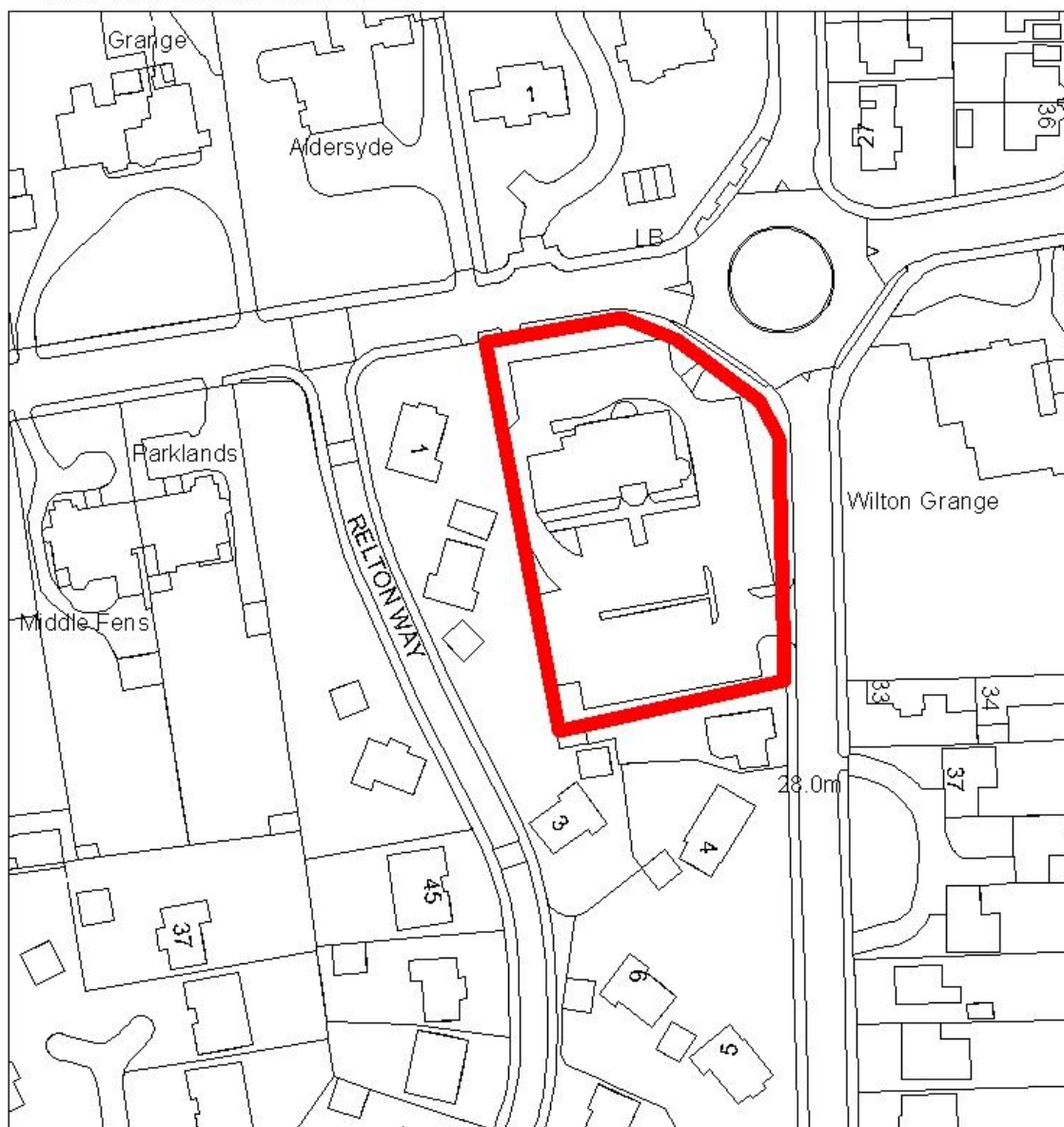
4.30 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

4.31 Jane Tindall
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 523284
E-mail: jane.tindall@hartlepool.gov.uk

WHITE HOUSE PH

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24.02.17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0520	REV

No: 5
Number: H/2017/0045
Applicant: SEP PROPERTIES DUDLEY HOUSE STONE STREET
 DUDLEY DY1 1NP
Agent: PL + HP ASSOCIATES MR PAUL LEES CRESCENT
 HOUSE BROAD STREET BILSTON W14 0BZ
Date valid: 27/01/2017
Development: Revised application for external alterations to former
 public house building including provision of shop fronts,
 alterations to existing car park and vehicular
 access/egress, alterations to existing boundary treatment,
 and provision of bin store to east elevation. Application
 also includes conversion of first floor living
 accommodation into 2no. apartments. (Change of use
 from public house to 4no. A1 Use retail units and 1no. A4
 Use public house at ground floor constitutes permitted
 development).
Location: FORMER SCHOONER PH WARRIOR DRIVE
 HARTLEPOOL HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following planning applications are relevant to the current application site;

H/FUL/1992/0039 - Erection of a public house and shop with associated car parking, and landscaping and erection of a detached double garage, approved 08.04.1992. The approved plans detailed the provision of a 3-bed manager's accommodation at first floor level.

The application was approved subject to a number of planning conditions, none of which removed permitted development rights to change the use of the building. It is noted that condition 06 restricted the hours of use to 0900-2330 hours.

H/FUL/1992/0039 - Amendment to roof design to previously approved public house and shop, approved 30.07.1992.

H/FUL/0031/93 – Change of use from public house and shop to public house and restaurant and alterations to car parking layout, approved 12.03.1993. Within the committee report and at the time of writing the building was primarily finished although not yet in use.

H/FUL/0203/94 - Change of use of front garden areas to beer garden and children's play area, approved 08.06.1994.

H/FUL/0543/97 - Erection of a ground floor play area and conservatory extension and a conservatory and balcony extension to first floor flat, approved 24.11.1997.

H/ADV/2000/0553 - Display of illuminated signage, approved 20.12.2000.

H/2009/0038 - Display of a free-standing sign (retrospective application), approved 22.07.2009.

H/2011/0426 - Display of a two free-standing signs, approved 08.11.2011.

H/2016/0224 – Application for proposed external alterations to building including provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. Proposal also includes conversion of first floor living accommodation into 2no. apartments. (Change of use from public house to 2no. A1 Use retail units and 1no. A4 Use public house at ground floor constitutes permitted development).

The above application was considered by Members at the Planning Committee of 21st September 2016 and the application was recommended for approval subject to an amended planning condition (Condition 01) and two additional planning conditions (12 and 13) in addition to those unamended conditions within the original committee report. With respect to condition 01 (timescale for implementation), Members requested that the standard 3 year timescale be reduced to 1 year for implementation (from the date of the permission) in the interests of the visual amenity of the surrounding area. With regard to the additional planning conditions, Members requested that a scheme for parking restrictions along Forester Close and part of Warrior Drive (for example double yellow lines). The proposed condition (No 12) was been agreed with the HBC Traffic and Transport Manager. With regard to condition 13 (delivery times) that was requested by Members, these hours/days have been agreed with HBC Public Protection (Environmental Health Manager). The application was approved on 29.09.2016.

PROPOSAL

5.3 This revised application seeks planning permission for external alterations to the former public house building including the provision of shop fronts, alterations to existing car park and vehicular access/egress, alterations to existing boundary treatment, and provision of bin store to east elevation. The application also includes the conversion of first floor living accommodation into 2 apartments.

5.4 The main alterations from the previous approval (H/2016/0224) primarily consist of;

- provision of additional shop frontages facing onto both Warrior Drive and rear car park to facilitate further sub-division of former public house into 5 units (which constitutes permitted development)
- demolition of chamfered single storey extension on south east elevation
- removal of minor glazed sections on both side elevations.

5.5 The shop frontages facing onto Warrior Drive will be retained.

5.6 It should be noted that the proposed change of use from public house to four A1 Use retail units and one A4 Use public house at ground floor constitutes permitted development.

5.7 In terms of the amendments to the boundary treatment and access/egress (which remain as per the original approved scheme), the proposed changes include;

- Removal of existing boundary wall and railings along the section opposite Warrior Drive and along part of the boundary facing Forester Close.
- Removal of a section of curved brick walling and brick piers (and access gates) at the site entrance.
- Loss of car parking spaces immediately adjacent to the access point (area to be hard standing).
- Amendments to car parking spaces to create disabled user parking spaces.

5.8 In terms of the proposed flats to be created within the existing first floor living accommodation (former Manager's flat), the main changes to facilitate this are as per the original approval and are primarily internal alterations with the flats to be accessed from a single, dedicated access point to be created in the north elevation.

5.9 As stated above, the change of use of the public house (A4 Use) to retail units (A1 Use) and a micro pub/drinking establishment (A4 Use) is a permitted change. This has been the case since 1988 (*Part 3, Changes of Use, Class A of The Town and Country Planning General Development Order 1988*) which permitted the change of the use of a building to a use falling within the A1 Use Class (shops) from a use falling within the A3 Use Class (food and drink). The Use Classes Order was then revised in 2005 to sub-divide the A3 Use into three separate uses - A3 (restaurants and cafes), A4 (Pubs and bars) and A5 (Hot food takeaway). The permitted change from an A3 or A4 to A1 use was retained as part of the 2013 update to the Use Classes Order and remains as of March 2015.

5.10 The 2015 Regulations did include an amendment that requires developers under Part 3 (Changes of use), Class A – restaurants/cafes (A3 Use), pubs/drinking establishments (A4 Use) or hot food takeaways (A5 Use) to retail (A1 Use) of The Town and Country Planning (General Permitted Development) (England) Order 2015 to seek formal confirmation that the public house/drinking establishment is not listed as an Asset of Community Value. The applicant made this request on the original approved scheme and the Council's Estate's section confirmed that the building is not an Asset of Community Value and therefore the change of use constitutes permitted development subject to the criteria and conditions set out in the Order including the requirement for the development to be completed within a period of 1 year of the date of the request.

5.11 Given the number of objections to the previous application and the fact the previous application was determined by Committee despite the current application only receiving 1 objection at the time of writing, it is considered appropriate to refer the application to the Committee.

SITE CONTEXT

5.12 The application site relates to the former Schooner public house located along Warrior Drive, Seaton Carew, Hartlepool. Following the granting of planning permission last year, the main building is currently being converted/developed.

5.13 The site is accessed to the west along Forester Close (which is served by Warrior Drive). Forester Close primarily serves residential properties. The main public house building fronts onto Warrior Drive (south) with a large car parking area to the east and to the north of the main building. Residential properties within Forester Close are present along the boundary to the north with timber fencing making up the boundary. Residential properties within Endeavour Close (east) and Courageous Close (south) are present beyond the highway of Warrior Drive (south).

5.14 A brick wall and brick piers with wrought iron access gates form the site entrance/exit along the western boundary from Forester Close. A detached single storey 'garage' building that was previously present along the adjacent northern boundary has recently been demolished. The main building features a first floor element which serves the former manager's flat. This is served by flat roof dormer windows in the front and rear elevations.

5.15 The existing boundary treatment adjacent to the car park along Warrior Drive consists of a closed boarded fence to the east which then adjoins a brick wall with brick pillars and wrought iron railings along the southern boundary (fronting Warrior Drive) and along part of the western boundary fronting Forester Close.

PUBLICITY

5.16 The application was advertised by way of neighbour letters and 3 site notices.

5.17 To date, 1 letter of objection has been received. The objection can be summarised as follows;

- The applicant has commenced work since the original approval and the scheme does not resemble the approved scheme. The applicant should revert back to the previous scheme
- No requirement for 5 units in this area

5.18 Copy Letters **E**

5.19 The period for publicity has expired.

CONSULTATIONS

5.20 The following consultation replies have been received:

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

HBC Engineering Consultancy; No further comments on this application. Any previous conditions relating to SI and SW need to be carried over.

HBC Arboricultural Officer; Although there has been some soft landscaping within the grounds of the premises when it was used as a PH this has now been removed with just grassed areas around it. The previous decision notice did not emphasise any soft landscaping as the area is relatively constrained. As this application now asks for internal and elevational alterations to the former public house and the conversion of the redundant first floor accommodation into 2 no. apartments there are no landscape issues to address.

In respect of the current application I have no objections on this.

HBC Ecologist; I have no ecology concerns.

HBC Public Protection; No objection.

Tees Archaeology; Thank you for the consultation on this application. I have checked the HER and can confirm that the development should not have a significant impact on any known heritage assets.

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

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

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

Hartlepool Water; No comments received

HBC Community Safety and Engagement; No comments received

Cleveland Police; No comments received.

HBC Waste Management; No comments received.

HBC Landscape; No comments received.

PLANNING POLICY

5.21 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

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

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 Hsg7: Conversions for Residential Uses

Emerging Local Plan – Publication Stage (December 2016)

5.23 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;

Policy LS1 – Development Limits
 SUS1 – The Presumption in Favour of Sustainable Development
 QP4 - Layout and Design of Development

National Policy

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

PARA 001 : Apply Policy
 PARA 002 : Primacy of Development Plan
 PARA 007 : 3 dimensions of sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 196 : Primacy of the Development Plan
 PARA 197 : Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

5.25 The main planning considerations with respect to this application are the principle of development and compliance with national and local planning policies, the impact on the character and appearance of the existing building and surrounding area, the impact on the amenity of neighbouring properties, highway safety and ecology. These and any residual matters are considered below.

PRINCIPLE OF DEVELOPMENT

5.26 As set out above, the proposed commercial change of use of the ground floor of the building constitutes permitted development and such a change of use has been permitted since 1988. The Government in Ministerial Statements ('community pubs', dated 26 January 2015) commented that national permitted development rights are an important part of the planning system, providing flexibility, reducing bureaucracy and allowing the best use to be made of existing buildings. The Government is keen to avoid blanket regulations that would lead to more empty and boarded up buildings and recognises the economic, environmental and social benefits of allowing redundant buildings to be converted into productive uses without excessive red tape.

5.27 In respect of the two proposed flats at first floor level (which were approved as part of the original application), consideration is given to the established residential nature of the surrounding area and the former use of the first floor area (which is understood to have been a 3-bed manager's flat). The application site is located within the development limits and within proximity of shops, services and public transport routes. The 'fall back' position should also be acknowledged in respect of it being permitted development to provide 2 flats above a retail unit (A1 Use).

5.28 In view of the above, the principle of (residential) development is acceptable in this location and would accord with the general provisions of the NPPF subject to the scheme satisfying other material planning considerations as set out below. It should be noted that the provision of 2 flats would fall below the threshold for requiring any planning obligations.

CHARACTER AND APPEARANCE OF EXISTING BUILDING AND SURROUNDING AREA

5.29 As set out above, the site already benefits from planning permission for external alterations to the building and boundary treatments and this is therefore a material planning consideration.

5.30 The main changes are primarily to facilitate 5 commercial units within the building of which the proposed external alterations to the building, siting of the bin

store and servicing areas, and works to site entrance and car parking are considered to be of a modest scale and design, and the works are considered to be proportionate to the existing, established commercial building which is of limited architectural merit.

5.31 In view of the above, it is considered that the proposals would not adversely affect the character and appearance of the surrounding area and that the proposals would bring an empty building back into use. A planning condition can ensure that an appropriate palette of materials is used for the proposed external alterations (primarily the shop front details which have yet to be agreed).

5.32 With respect to the removal of sections of the existing boundary treatment (the section of wall and railings along Warrior Drive/Forester Close) which formed part of the previously approved scheme, such works do not require planning permission.

AMENITY OF SURROUNDING PROPERTIES

5.33 The application site relates to an established commercial premises and associated curtilage/car park, situated within a predominantly residential estate. The closed boarded fencing of residential properties (and occasional shrub/tree planting) is present along the northern boundary to the north/rear.

5.34 It is considered that the proposed external alterations (and amendments from the previously approved scheme), proposed bin store and servicing areas, and amendments to the car park (including demolition of the temporary building) and site entrance are considered to be modest in scale and are not considered to significantly reduce or adversely affect separation distances or relationships to surrounding properties.

5.35 With respect to the two proposed flats at first floor level, these will utilise existing window openings in the north and south elevations of the first floor (which are understood to have served the manager's flat above the public house). The remaining distances between these windows and the rear elevations and garden areas of surrounding residential properties (primarily those in Forester Close, north) is considered to accord with the minimum separation distances as set out in the Council's Supplementary Note 4 guidance.

5.36 Furthermore, the Council's Environmental Health Manager has raised no objections to the application. A condition limiting hours of construction and deliveries associated with any construction works, and a condition limiting hours of deliveries to the commercial units (as requested by Members on the previous approval) can again be secured accordingly. In view of the above, it is considered that the proposals will not result in an unacceptable loss of amenity, privacy and general noise disturbance for surrounding properties.

5.37 With regard to the potential resultant impacts of the proposed (and permitted) retail (A1) and public house (A4) uses in terms of noise disturbance from customers, increase in litter, delivery wagons and customer cars manoeuvring within the site, waste collection, and the general hours of use, whilst these concerns are duly noted, consideration is given to the established, commercial operation of the public house

within this residential estate including the noise and activities that would be associated with a public house. As set out above, the change of use to retail (and a public house) constitutes permitted development. As such, the hours of operation of the proposed uses, and matters of licensing would fall outside of the parameters of control of this current planning application. Notwithstanding this a condition on deliveries requested by member in respect to the previous approval is proposed for consistency.

HIGHWAY SAFETY

5.38 The Council's Traffic and Transport section have raised no objections to the revised application.

5.39 The submitted plans detail the proposed highway restrictions (previously agreed under the original planning application), which consist of double yellow lines along a section of Warrior Drive and the entrance to Forester Close. The implementation of this agreed scheme can be secured by a planning condition on the current application. The works would also be subject to a Traffic Regulations Order (TRO) which is a legal process, separate to the current planning application. The applicant is aware of this requirement which can be appended as an informative.

5.40 It is considered that the proposed works are acceptable in highway terms.

OTHER PLANNING MATTERS

5.41 The Council's Ecologist has considered the proposals and raised no objections. The application is considered to be acceptable in this respect.

5.42 The Council's Principal Engineers has requested details of contamination and surface water be secured by planning conditions (as per the original planning approval). These conditions can be secured accordingly.

RESIDUAL MATTERS

5.43 With respect to the objection regarding the use(s) being unnecessary it is noted that planning permission is not required for the change of use and so little weight can be given to these considerations.

5.44 Any signage relating to the future occupiers of the building would be subject to a separate form of planning control, the Town and Country Planning (Control of Advertisements) England Regulations 2007 as amended should such signage not benefit from the deemed advertisement consent provisions and require such consent.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.45 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.46 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.

5.47 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than one year from the date of this permission.
To clarify the period for which the permission is valid and in the interests of the visual amenity of the surrounding area.
2. The development hereby permitted shall be carried out in accordance with plan No(s) 17.150.01 (Location Plan), 17.150.02 (Block Plan; Existing), 17.150.03 (Block Plan; Proposed), 17.150.04 (Site Plan; Proposed), 17.150.05 (Proposed External Works Plan), 17.150.06 (Existing Ground Floor Plan), 17.150.07 (Proposed Ground Floor Plan), 17.150.08 (Existing First Floor Plan), 17.150.09 (Proposed First Floor Plan), 17.150.10 (Existing Roof Plan), 17.150.11 (Proposed Roof Plan), 17.150.12 (Existing Elevations), 17.150.13 (Proposed Elevations (enclosures shown)), 17.150.14 (Elevational Alterations Outlined) all plans received 27th January 2017 by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted information and within one month from the date of the decision notice, details of the proposed methods for the disposal of surface water arising from the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details so approved prior to the occupation of the building for the permitted uses and the approved drainage details shall be retained for the lifetime of the development.
To ensure that the site is adequately drained and to ensure that surface water run off from the site is not increased into the watercourse.
4. Notwithstanding the submitted details in the application and within one month from the date of the decision notice, precise details of the materials to be used in the construction of the proposed shop fronts of the building shall be submitted to and agreed in writing with the Local Planning Authority. The materials shall be in accordance with the details approved prior to the occupation of the building for the permitted uses. The external walls and roofs of the building shall be carried out in accordance with the agreed details specified in the 'dismissal of conditions' report, date received 27.01.2017.
To enable the Local Planning Authority to control details of the proposed development.
5. Notwithstanding the submitted information, the development hereby approved shall be carried out in accordance with the following requirements:

1. Site Characterisation

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

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

2 (Submission of Remediation Scheme) above, which is subject to the approval in writing of the Local Planning Authority.

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

5. Long Term Monitoring and Maintenance

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

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

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

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

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

6. Notwithstanding the requirements of Condition 07 and prior to the occupation of the building for the permitted use(s) as laid out on plan 17.150.07 (Proposed Ground Floor Plan, date received 27.01.2017), the required works to amend the existing vehicular entrance/exit and amendments to the car park layout of the site shall be completed in accordance with agreed plan No's 17.150.03 (Block Plan; Proposed), 17.150.04 (Site Plan; Proposed) and 17.150.13 (Proposed Elevations) all plans date received by the Local Planning Authority 27.01.2017 to the satisfaction of the Local Planning Authority. The development shall thereafter be retained as approved for the lifetime of the development.

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

7. Notwithstanding the proposals detailed in the submitted plans and within one month from the date of the decision notice, details of proposed hard landscaping and surface finishes (including the proposed car parking areas, footpaths, access and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of the building for the permitted uses. Any defects in materials or workmanship appearing within a period of 12

months from completion of the total development shall be made-good by the owner as soon as practicably possible.

To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

8. Notwithstanding the submitted information and prior to the occupation of the 2no. flats hereby approved, provision shall be made for the storage of refuse as shown on approved plan No's 17.150.03 (Block Plan; Proposed), 17.150.04 (Site Plan; Proposed) and 17.150.13 (Proposed Elevations) all plans date received by the Local Planning Authority 27.01.2017. The agreed details shall be implemented accordingly and retained for the lifetime of the development.
In the interests of the amenities of the occupants of neighbouring properties and to ensure a satisfactory form of development.
9. Prior to the occupation of the building for the permitted uses, the means of enclosure for the site shall be completed in accordance with the agreed details as stipulated on approved plan No's 17.150.03 (Block Plan; Proposed), 17.150.04 (Site Plan; Proposed) and 17.150.13 (Proposed Elevations) all plans date received by the Local Planning Authority 27.01.2017.
In the interests of the amenity of surrounding neighbouring properties and visual amenity of the surrounding area.
10. The agreed scheme for parking restrictions on the highways of Forester Close and Warrior Drive as detailed on plan 17.150.03 (Block Plan; Proposed) shall be implemented prior to the opening/occupation of the building for the permitted use(s) to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the permitted use(s) authorised by this permission.
In the interests of highway and pedestrian safety.
11. The development hereby approved shall operate solely in accordance with the working layout as set out on plan No 17.150.03 (Block Plan; Proposed) date received by the Local Planning Authority 27.01.2017 including the servicing areas, car parking and access/egress to/from the site.
For the avoidance of doubt.
12. Deliveries to the premises shall only take place between the hours of 07:00 and 21:00 on any day.
In the interests of the amenity of neighbouring properties.
13. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

BACKGROUND PAPERS

5.49 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

5.50 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

5.51 Daniel James
Senior Planning Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 284319
E-mail: daniel.james@hartlepool.gov.uk

FORMER SCHOONER PH

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 24.02.17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0045	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.

GEP7 (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

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

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

GN3 (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

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

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

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

Hsg7 (Conversions for Residential Uses) - States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

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

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

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

Ind5 (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain

circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

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

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.

Tra11 (Strategic Road Schemes) - Identifies this land as a safeguarded road improvement corridor where no permanent development will be permitted.

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

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

MINERALS & WASTE DPD 2011

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

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

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

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

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

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

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

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

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

- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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.

36. All developments which generate significant amounts of movement should be required to provide a Travel Plan.

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20%

(moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;

- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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.

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

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

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

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

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

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

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

100: Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

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

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

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

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

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

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

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

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

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

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

206. Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

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).

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

SUS1: Presumption in favour of Sustainable Development; When considering development proposals the Council will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework.

Policy LS1: Locational Strategy

LS1: Sets the overarching strategic policy objectives for land use development in Hartlepool. It outlines key infrastructure requirements, housing developments to meet set requirement, focus for retail, commercial and employment land and protection and enhancement of the built and natural environment.

Policy CC1: Minimising and adapting to Climate Change

CC1: The Council will work with partner organisations, developers and the community to help minimise and adapt to Climate Change. A range of possible measures are set out in the policy; including development of brownfield sites, enhanced sustainable transport provision, large scale developments to incorporate charging points for electric / hybrid vehicles, reduction, reuse and recycling of waste and use of locally sourced materials, reuse of existing vacant buildings, encouraging a resilient and adaptive environment which are energy efficient, using relevant technology and requires a minimum of 10% of the energy supply from decentralised and renewable or low carbon sources.

Policy CC2: Reducing and Mitigating Flood Risk

CC2: All new development proposals will be required to demonstrate how they will minimise flood risk to people, property and infrastructure. This includes relevant evidence, sequential tests and flood risk assessments and appropriate mitigation.

Policy QP1: Planning Obligations

QP1: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the development. The policy lists examples of works for which contributions will be sought.

The sub-division of sites to avoid planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching thresholds within the Planning Obligations SPD the development will be viewed as a whole.

Policy QP3: Location, Accessibility, Highway Safety and Parking

QP3: 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.

When considering the design of development developers will be expected to have regard to the matters listed in the policy.

To maintain traffic flows and safety on the primary road network no additional access points or intensification of use of existing access points, other than new accesses associated with development allocated within this Local Plan will be permitted. Planning Obligations may be required to improve highways and green infrastructure.

Policy QP4: Layout and Design of Development

QP4: The policy states that the Borough Council will seek to ensure all developments are designed to a high quality and positively enhance their location and setting. The policy sets out how developments should achieve this.

Policy QP8: Advertisements

QP8: Sets out that the Borough Council will seek to ensure that advertisements are appropriately located within the Borough and are of an appropriate scale and size. Clear criteria to guide the appropriateness of proposals for advertisements are set out in the policy. Advertisements which introduce visually obtrusive features will not be permitted.

Policy HSG1: New Housing Provision

HSG1: This policy sets out the new housing provision across the duration of the local plan. Detailing the provision of extant residential planning permissions and site allocations across the borough, all sites identified in the policy are suitable, available and deliverable.

Policy HSG9: Affordable Housing

HSG9: The policy sets an affordable housing target of 18% on all developments of 15 dwellings or more. The provision of tenure and mix will be negotiated on a site by site basis. The policy sets the requirements for the provision of affordable housing within a site, this should be provided on site unless there is sound and robust justification that this cannot be achieved. Regard will be given to economic viability to ensure deliverability of the development.

Policy HSG11: Extensions to Existing Dwellings

Hsg11: 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. Proposals should also be in line with the Residential Design SPD.

Policy RUR2: New Dwellings Outside of Development Limits

RUR2: Seeks to protect the countryside by restricting new dwellings outside of the development limits unless there is clear justification and it can be demonstrated that there is a functional need pertaining to the effective operation of a rural enterprise; the rural enterprise is established, profitable, financially sound and is to remain so; the need could not be met by an existing dwelling; the dwelling is appropriate in scale; the proposal is in accordance with other relevant policies and, where relevant, the development would safeguard the future a heritage asset. Notwithstanding the above, new dwellings outside of development limits may also be permitted in instances of exceptional design. Replacement dwellings will only be approved where the existing dwelling can no longer be used; the proposed development is similar in scale and where the design minimises visual intrusion but enhances the immediate setting. New housing development and re-use of existing buildings should not compromise the character and distinctiveness of the countryside. Occupancy conditions will be imposed where deemed necessary. Further guidance is provided in the New Dwellings Outside of Development Limits SPD.

Policy RUR3: Farm Diversification

RUR3: Seeks to support and diversify the rural economy through farm diversification. Proposals must benefit the economy of the rural area; reuse existing farm buildings where possible; ensure new buildings and signage is appropriate in scale, form, impact, character and siting; not have a detrimental impact on neighbour amenity, the historic and natural environments or highway safety; not generate undue levels or types of traffic and not involve a significant, irreversible loss of Grades 1, 2 or 3a agricultural land. Development must demonstrate the existing business and viability of the farm, contribute to the local economy and environmental management and benefit the rural community. Development should be in accordance with the Planning Obligations SPD.

Policy RUR4: Equestrian Development

RUR4: Seeks to support the rural economy through equestrian development. The policy sets out a number of considerations in determining such development including: the proximity to adjacent villages; the scale and character of the proposals in relation to their setting and the Historic Environment; the impact on neighbour amenity; the amount of available grazing land in relation to number of stables and horses; the proximity to residential accommodation to allow suitable supervision in cases of new commercial establishments; the proximity to or provision of bridleways or safe equine routes where applicable and compliance with policy QP1. Commercial scale equestrian establishments must be supported by a business plan and must demonstrate how the development contributes positively to the rural economy.

Policy HE3: Conservation Areas

HE3: The policy states that 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. The policy details crucial considerations for the assessment of development proposals in conservation areas. Demolition will only be permitted in exceptional circumstances. The policy also covers development in the vicinity of conservation areas, such developments will only be acceptable where they are in line with this policy.

Policy HE5: Locally Listed Buildings and Structures

HE5: The policy states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings particularly when viable appropriate uses are proposed. Considerations for the assessment of proposals are set out in the policy.

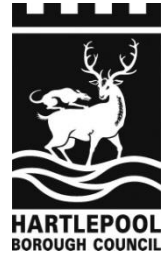
Where a proposal affects the significance of a non-designated heritage asset a balanced judgment should be weighed between the scale or the harm or loss against the public benefits of the proposal.

Policy NE2: Green Infrastructure

NE2: States that the green infrastructure within the Borough will be safeguarded from inappropriate development and will work actively with partners to improve the quantity, quality, management and accessibility of green infrastructure and recreation and leisure facilities, including sports pitches, cycle routes and greenways throughout the Borough based on evidence of local need. The policy identifies specific types of Green Infrastructure which are on the proposals map. Loss of green infrastructure will be resisted and in exceptional circumstances where permitted, appropriate compensatory provision will be required.

PLANNING COMMITTEE

15th March 2017



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: EXTENSION TO THE TEESMOUTH AND CLEVELAND COAST SPECIAL PROTECTION AREA, THE TEES ESTUARY PARTNERSHIP AND ITS MEMORANDUM OF UNDERSTANDING (MOU)

1. TYPE OF DECISION/APPLICABLE CATEGORY

1.1 For information only.

2. PURPOSE OF REPORT

2.1 The report provides information on a consultation regarding the proposed extension of a European wildlife site in Tees Valley which includes part of Hartlepool, and a partnership set up to support the designation process while safeguarding economic development.

3. BACKGROUND

- 3.1 The Department for Environment, Food and Rural Affairs (Defra), will be consulting on an extension to the Teesmouth and Cleveland Coast Special Protection Area (SPA), through its national conservation agency Natural England. The three month consultation period is scheduled to start in April 2017. The SPA is designated for its populations of waterbirds of European importance and receives the highest level of protection under the European Union (EU) Habitat Directive. The extension will include more land and two more species of bird.
- 3.2 The extension, which is purely based on scientific evidence, must be treated as a full SPA until the designation is confirmed or rejected. If the extension is approved by the Secretary of State, this will mean that the whole of the Hartlepool coast will be designated as a European site. European designations have planning and operational impacts on Hartlepool Borough Council.

4. PROPOSALS

- 4.1 The extension to the SPA, including its designation and the regulatory processes which will be required going forward, is being coordinated by the Tees Estuary Partnership (TEP). A Memorandum of Understanding (MoU) has been drawn up between representatives from the statutory and regulatory agencies, industry, local government and conservation organisations to assist with this.
- 4.2 Local Authorities (including Hartlepool Borough Council) and industrial businesses are members of the TEP, but because the TEP *per se* has no legal status, the Chair has endorsed the MoU with Director level support (including from Hartlepool Borough Council) for the Foreword. The Foreword confirms that the SPA designation process has been properly conducted.
- 4.3 The Director of Regeneration & Neighbourhoods has endorsed the foreword to the MoU. This acknowledges that the SPA designation process has been scientific, robust, fair and proportionate. SPA designation can only be based on scientific information and this scientific evidence has been accepted by all parties. The TEP has sought to alleviate fears, provide reassurance through agreed processes and forge closer working relationships across sectors. Concerns, particularly from the heavy industry economic sector have been negated. Both the economic status and the wildlife value of the Tees estuary are assured. Hartlepool Borough Council is a partner on the TEP and has been involved with the designation process. By endorsing the foreword, there is no legal impediment on the Council; therefore supporting the initiative carries no risk.
- 4.4 The MoU includes the five principals of cooperative working across government departments:
- i. Applicants seeking regulatory approval should be provided with a single point of entry into the regulatory system, guiding them to the organisations responsible for the range of consents, permissions and licences that may be required for their development.
 - ii. Regulators should agree a single lead authority for coordinating the requirements of the Environmental Impact Assessment (EIA) Directive or Habitats Regulations Assessments (HRA).
 - iii. Where opportunities for dispensing or deferring regulatory responsibilities are legally possible and appropriate, they should be taken.
 - iv. Where possible, at the pre-application stage, competent authorities and statutory advisors should agree the likely environmental

assessment evidence requirements of all authorities at all stages of the consenting process.

- v. Where possible regulators and statutory advisors should each provide coordinated advice to applicants from across their respective organisations.

- 4.5 Therefore, if an applicant made their first approach to Hartlepool Borough Council regarding a major project (e.g. Able UK) then Hartlepool Borough Council would be the 'point of entry' lead authority and would need to ensure that the Environment Agency, Natural England and Marine Management Organisation were all fully involved. If an application required an Environmental Impact Assessment or a Habitats Regulations Assessment then Hartlepool Borough Council might take on that task if it had the principle interest (where the site spans two LPAs), the technical expertise or the capacity to do so.

5. RISK IMPLICATIONS

- 5.1 There are no risk implications relating to this report.
- 5.2 By endorsing the Foreword of the MoU, the Council supports the process but is not legally tied to the full MoU. The MoU gives comfort to industry (and Local Authorities) that economic development will not be unnecessarily compromised and it gives comfort to conservation organisations that wildlife of European importance will be safeguarded. It will ensure future economic development and a better quality of life for businesses, workers and residents.
- 5.3 Under the EU Directive, any plan or project for which the Council is the consenting authority and which is deemed to have a possible adverse impact on any feature of the SPA needs to have a Habitat Regulations Assessment (HRA). The SPA will cover the entire Hartlepool coast. The main interest features are shorebirds and terns. Therefore plans such as coastal defence strategies and Local Plan policies need a HRA and projects such as development (consented via planning applications) and firework displays need a HRA. However, this was already the case, as any of the original SPA birds could use the foreshore, thus triggering the need for a HRA. The extension to the SPA, therefore, does not increase the regulatory duties of the Council.

6. FINANCIAL CONSIDERATIONS

- 6.1 There are no financial implications relating to this report.

7. LEGAL CONSIDERATIONS

7.1 There are no legal considerations relating to this report.

8. CHILD AND FAMILY POVERTY

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

9. EQUALITY AND DIVERSITY CONSIDERATIONS

9.1 There are no equality and diversity considerations relating to this report.

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

10.1 There are no Section 17 considerations relating to this report.

11. STAFF CONSIDERATIONS

11.1 The principals of cooperative working across regulatory authorities highlighted in section 4.4 could lead to a greater workload on officers.

12. ASSET MANAGEMENT CONSIDERATIONS

12.1 There are no asset management considerations relating to this report.

13. RECOMMENDATIONS

13.1 The Committee is asked to note the consultation on the extension to the European wildlife site, the Tees Estuary Partnership and the MoU supported by the Council.

14. REASONS FOR RECOMMENDATIONS

14.1 This report is for information.

15. BACKGROUND PAPERS

15.1 Natural England paper: 'Possible extension of the Teesmouth and Cleveland Coast SPA'.

16. CONTACT OFFICER

Andrew Carter
Assistant Director (Economic Growth and Regeneration)
Civic Centre
Hartlepool Borough Council
TS24 8AY

Tel: (01429) 523596
E-mail: Andrew.carter@hartlepool.gov.uk

PLANNING COMMITTEE

15th March 2017



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT 8 HUTTON AVENUE, HARTLEPOOL –
APPEAL REF: APP/H0724/D/16/3165158–
ERECTION OF FIRST FLOOR EXTENSION AT THE
SIDE AND BAY WINDOW TO THE FRONT
(H/2016/0400)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the Erection of a first floor extension at the side and bay window to front at 8 Hutton Avenue. The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds that it was considered in the opinion of the Local Planning Authority the proposed two storey extension to the side of the property would result in a detrimental impact upon the amenity of number 6 Hutton Avenue in terms of loss of outlook and appearing overbearing by virtue of the separation distance proposed between a primary bedroom window in the side elevation of this neighbouring property and the blank gable wall of the proposed extension. As such the proposal is considered to be contrary to policy GEP1 and paragraph 17 of the NPPF. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 Helen Heward
Senior Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523433
E-mail: Helen.heward@hartlepool.gov.uk

DELEGATED REPORT

Application No H/2016/0400

Proposal Erection of a first floor extension at the side and bay window to front

Location 8 HUTTON AVENUE HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	06/10/2016
	Site notice:	06/10/2016
1) Publicity Expiry	Advert:	18/10/2016
	Weekly list:	09/10/2016
	Expiry date:	09/11/2016
	Extended date:	n/a
2) Publicity/Consultations <p>The application was advertised by site notice, press notice and neighbour letters (4). One letter of no objection has been received. A further letter has been received stating no objection but requesting that materials should match the existing roof.</p> <p>The following consultee responses have been received</p> <p>HBC Conservation: The proposal is located in the Grange Conservation Area and the adjacent property is recognised as a locally listed building. The Grange Conservation Area is predominantly residential area is 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. No Objections.</p> <p>HBC Traffic & Transport: No objections in terms of access or highway safety.</p>		
3) Neighbour letters needed	N	
4) Parish letter needed	N	

5) Policy

Planning Policy

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

PARA 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 056 : Design of built environment
 PARA 128 : Heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA 132 : Weight given to asset's conservation
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 HE1: Protection and Enhancement of Conservation Areas
 HE2: Environmental Improvements in Conservation Areas
 Hsg10: Residential Extensions

Comments: There are no planning policy objections to this proposal.

6) Planning Consideration

Planning History

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

H/FUL/0498/98 Erection of a rear kitchen extension approved 1998

H/2009/0048 Replacement of wooden front door with UPVC door and new doorway approved 2009

H/2015/0465 Erection of a two storey extension to side, a single storey extension to rear, room in roofspace and alterations to front elevation Refused on the grounds of the impact upon the residential amenity of number 6 Hutton Avenue.

H/2016/0058 Erection of a two storey and single storey extension including rooms in roofspace and installation of dormer window was approved in April 2016. This revised application reduces the scale of the proposal and did not include any first floor extension adjacent to the boundary with number 6 Hutton Avenue.

Proposal

This development is exactly the same as application H/2015/0465 which was refused by the Local Planning Authority. The time in which the applicant could appeal against this decision to the planning inspectorate has expired therefore the application has been resubmitted to allow the applicant to appeal.

Approval is sought for the erection of a two storey side extension in line with the main front elevation, to project approximately 3.5 metres with a length of approximately 6 metres with a hipped roof incorporating a height of approximately 7.5 metres.

The proposal also includes a single storey rear extension to project approximately 5.2 metres with a width of approximately 9.4 metres across the full width of the property.

A first floor extension is also proposed to be centrally located within the rear elevation which will project approximately 3.8 metres and include a width of approximately 3.4 metres (this element has been approved under application H/2016/0058)

Two velux rooflights are also proposed within the rear roof slope to allow the loft to be converted into a bedroom. Therefore the proposed dwelling will consists of a total of 5 bedrooms.

The extension will also provide a second lounge, utility room, kitchen/diner and a garden room.

Site Context

The application site consists of a semi detached dwelling house with an attached garage to the side. The property is located within the Grange Conservation Area (a designated heritage asset) and is subject to an Article 4 Direction controlling permitted development rights to the front of the building.

The attached neighbouring property has been extended in line with the main front elevation to provide a two storey extension to the side. There is also a single storey rear extension which projects approximately 5.5 metres adjacent to the shared boundary with the application site.

The neighbouring property to the east (6 Hutton Avenue) has been identified as a locally listed building and is therefore considered to be a heritage asset.

The surrounding area is predominantly residential in nature.

Material Planning Considerations

The main issues for consideration when assessing this application are the potential impact upon the amenity of neighbouring properties, character of the conservation area and other designated heritage assets and implications for highway safety.

Amenity of neighbouring properties

Paragraph 17 of the NPPF sets out the Core Principles that underpin the planning system. This requires planning to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Local Policy Gep1 also requires the determination of planning applications to take into account the affect on the amenity of occupiers of adjoining or nearby properties in terms of loss of privacy and visual intrusion.

The proposed extension will project some 3.5 metres from the main side elevation of the application site, towards the boundary with number 6 Hutton Avenue. This will result in a separation distance of approximately 3.6 metres between the two properties.

The side elevation of this neighbouring property contains a number of windows. Whilst the windows are predominantly secondary windows, serving living rooms at ground floor and bedrooms at first floor, the centrally located window at first floor level is a primary bedroom window. This being the only window serving the bedroom.

Guidance within Supplementary Note 4 to the Local Plan, paragraph 19 states that the Council should ensure adequate space between houses. Minimum separation distance between principle elevation and blank gable is required to be 10 metres. Whilst the side elevation is not a principle elevation it does contain a primary window serving a bedroom which is considered to be a habitable room.

It is acknowledged that the window is higher than a normal window, with a sill height of 4.1 metres. The proposed extension would not completely overshadow the window in question. Whilst it is acknowledged that the proposed two storey element

is not the full length of the side elevation of the host property and it does incorporate a hipped roof which slopes away from the shared boundary it is not considered that the design sufficiently addresses concerns regarding loss of outlook and overbearing impact upon number 6 Hutton Avenue. The eaves of the proposed extension incorporate a height of 5.5 metres, therefore although the primary bedroom window is higher than windows serving the application site the blank gable wall and roof slope would still be within 3.6 metres of this window. Therefore it would result in the primary bedroom window facing directly on to the gable wall and the proposed hipped roof slope of the extension. As such it would significantly obscure the view from this window. Whilst it is not the role of planning to protect a view, by virtue of the resultant separation distance and position of the first floor extension, the bedroom window of number 6 Hutton Avenue would be detrimentally affected in terms of a significant loss of outlook.

Furthermore owing to the location of the window in the side elevation of number 6 Hutton Avenue the proposed extension will still overlap approximately half of the window within 3.6 metres of the property. Taking into account that this is the principle bedroom window it is considered that this would result in an overbearing impact when viewed from the window. As such it is considered that the proposed first floor extension to the side, by virtue of the massing and distance to the primary bedroom window, would result in a detrimental impact upon the amenity of number 6 Hutton Avenue in terms of loss of outlook and appearing overbearing. Therefore the proposal is considered to be contrary to local policy Gep1 and paragraph 17 of the NPPF in this regard.

The adjoining neighbouring property, number 10 Hutton Avenue, has an existing extension which projects some 5.5 metres adjacent to the shared boundary. Therefore the single storey element of the proposal adjacent to the shared boundary with this neighbouring property will not project past the rear elevation of the existing neighbouring property. Furthermore whilst the two storey element of the proposed extension will project approximately 3.6 metres this will be set away from the shared boundary by approximately 2.8 metres therefore it is not considered that the proposed development would result in a detrimental impact upon the amenity of the attached neighbouring property in terms of appearing overbearing privacy or loss of light. Since the previous application was refused rooflight windows were approved in the rear roof slope under application H/2016/0058. Given the oblique angle it was not considered that the proposed extension would result in a loss of privacy for this neighbouring property.

There is a large separation distance to the rear of the application site, some 35 metres to the neighbouring property to the rear which fronts on to Grange Road. As such it is not considered that the proposal would result in a detrimental impact upon the amenity of this neighbouring property.

The proposed extension will be in line with the main front elevation therefore it is not considered that it will result in a detrimental impact upon the neighbouring property opposite.

Character of the surrounding conservation area

The application site is located within the Grange Conservation Area (a designated heritage asset) and is subject to an Article 4 Direction controlling permitted development rights to the front of the building. The neighbouring property (6 Hutton Avenue) has been identified as a locally listed building and is therefore considered to be a heritage asset.

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”.

The conservation area character appraisal states, “Front gardens make a very strong contribution to the character and appearance of the conservation area due to their number, their visibility, and because, despite changes in detail, they are generally intact in high numbers. They help define its thick, green character and are fundamental to its leafy, mature appeal as an historic residential neighbourhood” Following concerns raised in the original comments by the Conservation Officer when the previous application H/2015/0465 was considered an amended plan was submitted which reduced the car parking spaces to the front to ensure an area of garden to the front was retained to address concerns regarding the loss of green space to the front of the property. This has been carried through into the current application

The Council’s Conservation Manager has commented that the adjoining property has extended to the side of the building in a sympathetic manner. It is considered that the design of the proposed extension is in keeping with other similar extensions within the area and would maintain a balance between the pair of semi detached dwellings. Therefore in principle there would be no objections to the current proposals subject to a condition regarding materials. A letter of comment received from a neighbouring resident has also requested that the finishing materials should be sympathetic. Should the application have been recommended for approval a condition regarding finishing materials would have been imposed.

Overall the design of the proposed extension is considered to be acceptable in terms of its impact on the conservation area as it is considered to be in keeping with existing extensions within the vicinity of the site. Therefore it is not considered that it would result in a detrimental impact upon the character of the conservation area or affect the setting of the locally listed building adjacent to the site. The proposal would accord with policy HE1 and paragraphs 137, 126 and 131 of the NPPF.

Highway safety

The agent has submitted a plan demonstrating two car parking spaces within the curtilage of the dwelling. The application site also benefits from two on-street car parking permits. The Council's Traffic & Transport section were consulted on the proposals and have no objections. Therefore it is considered the proposal would not result in any adverse impact upon highway safety and accords with policy Gep1 in this regard.

Conclusion

It is considered that the proposal is acceptable in terms of its impact upon the conservation area and highway safety however it is considered that by virtue of its scale and position in relation to a habitable room window in the side elevation of number 6 Hutton Avenue, the proposal would result in a detrimental impact upon the amenity of the neighbouring property and as such it is recommended for refusal.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary

Y

10) Recommendation REFUSE

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority the proposed two storey extension to the side of the property would result in a detrimental impact upon the amenity of number 6 Hutton Avenue in terms of loss of outlook and appearing overbearing by virtue of the separation distance proposed between a primary bedroom window in the side elevation of this neighbouring property and the blank gable wall of the proposed extension. As such the proposal is considered to be contrary to policy Gep1 and paragraph 17 of the NPPF.

INFORMATIVE

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given the siting and massing of the proposed development and the resultant impact on neighbour amenity, it is not possible to address this key constraint in this instance.

Author of Report: Helen Heward

Signed:

Dated:

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

15th March 2017



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT CRESCENT HOUSE, SOUTH
CRESCENT HARTLEPOOL – APPEAL REF:
APP/H0724/D/16/3165381– INSTALLATION OF
REPLACEMENT WINDOWS (H/2016/0454)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the installation of replacement windows at Crescent House, South Crescent, Hartlepool. The decision was delegated through the Vice Chair. The application was refused as it was considered that the windows by reason of their design would have a detrimental impact on the character of the Headland Conservation Area. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284271

E-mail: andrew.carter@hartlepool.gov.uk

4.0 AUTHOR

- 4.1 Jane Tindall
Senior Planning Officer (Development Control)
Level 1

Civic Centre
Hartlepool
TS24 8AY
Tel 01429 523284
E-mail jane.tindall@hartlepool.gov.uk

DELEGATED REPORT

Application No H/2016/0454

Proposal Installation of replacement windows

Location CRESCENT HOUSE SOUTH CRESCENT HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	15/11/2016
1) Publicity Expiry	Site notice:	23/11/2016
	Advert:	22/11/2016
	Weekly list:	20/11/2016
	Expiry date:	12/12/2016
	Extended date:	N/A
<p>2) Publicity/Consultations</p> <p>The application has been advertised by way of neighbour letters (5), site notice and press advert. No objections have been received.</p> <p>Headland Parish Council – No objection to this application provided the windows meet the requirements of the conservation area. We understand that Sarah Scarr has been consulted.</p> <p>HBC Heritage - The application site is in the Headland Conservation Area. The property is covered by an Article 4 Direction. The proposal is the replacement of existing timber windows with UPVC windows.</p> <p>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).</p> <p>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.</p> <p>Planning Committee agreed guidelines on replacement windows in 2009. In this instance the relevant guidance states,</p> <p>B. Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:</p>		

(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 Headland Conservation area forms the original settlement of Hartlepool, established during the seventh century as a religious centre and later becoming important as a port. Its unique character derives from its peninsula location and from the Victorian domestic residential architecture.

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are three storey. Most houses have made use of the attic space with light and ventilation provided by traditional skylights and a wide variety of roof dormer designs. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls.

The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier multi-paned sash windows are found on lesser windows on rear elevations or to basements. Canted bay windows are also a feature of the Headland, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases and windows with multi-paned upper lights and fixed sash lower lights.

To the front of the property are four bay windows which have 2/2 windows however to the side and rear the majority of the windows are mutli-paned sashes with some exceptions to the northwest elevation. The proposal is replacement windows to all elevations of the property in UPVC 2/2 sashes.

In relation to such alterations the guidance states that, 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).

In this instance the proposed windows do not match the design of the original windows shown on the plans in the following instances,

- north east facing side elevation,
- south west facing rear elevation,

- first floor window on the north west facing rear elevation, and
- long window to the north west facing rear yard elevation.

It is suggested that the applicant should consider revising the application in line with the policy guidelines.

Should the applicant not be amenable to such a proposal it is suggested that the application is refused as the loss of the traditional window pattern to the property would cause less than substantial harm to the significance of the Headland Conservation Area. No information has been provided to suggest that this harm would be outweighed by the public benefits of the proposal.

A small discrepancy was noticed on the existing plans (an additional vertical glazing bar had been applied to the side panes on the bay windows on the front elevation). The existing and proposed elevations were amended accordingly. Due to the nature of the amendments it was not considered necessary to conduct a full reconsult. The amended plans and a response from the applicants agent to the concerns raised were forwarded to the Councils Heritage and Countryside Manager for further comment. Please see the comments from both below.

Agent response – It is in my opinion that the timber vertical sliding sashes to the four separate projecting bay windows of the front elevation are all original to the property and exhibit traditional horn detailing to the upper sash. There are also a number of other sliding sashes around the property that exhibit similar horn detailing which include several multi pane sashes. All other sashes do not have the same horn detailing. Apart from the uniformity of windows to the front elevation, windows in all other elevations clearly show a diversity of sash detailing.

The original property would logically have been built with a consistent design of vertical sliding sash windows throughout.

The front elevation vertical sliding sashes, with a single vertical glazing bar and horn detailing, are definitely original in my opinion. I believe that we can therefore surmise that all other window openings would have been originally fitted with vertical sliding sashes matching the front elevation sash detailing. The multi-pane sashes, I believe, are replacement sashes fitted some time in the past to reflect window styling that was particularly fashionable at that time.

I don't believe that it will be possible for anyone to prove, with 100% accuracy, which of the window openings (apart from the 4 bay windows of the front elevation) are also fitted with vertical sliding sashes that are original to the property – built circa 1850. It is therefore considered reasonable that the new window replacement throughout should reflect the original design of the vertical sliding sashes to the front bay windows and achieve a degree of consistency to the property fenestration that is clearly not there presently.

HBC Heritage - With regard to the styling of the windows and the fact that the windows are not a consistent design. It would not be unusual for a Georgian property with multi-panes windows to be altered in Victorian times.

For example a Georgian building would have multi-paned windows such as a six over six and the style of the frame would be quite simple without horns.

As technology moved on and larger panes of glass could be produced the frames changed to accommodate this including the introduction of horns which added to the strength of the frame.

This allowed people to modernise their properties and introduce these new windows however it is unlikely that they would have the funds to do this throughout the whole of the building. In most cases the frontages of house would be changed with bay windows installed to impress visitors to the property and update the main living areas of the building. To the rear, which was rarely on public view, older windows would remain and then as they failed would be replaced with windows of the style appropriate at that time.

It is highly likely that this is the case in this instance with the front of the property being updated with new bay windows to appreciate the sea view as technology has allowed the creation of large panes of glass to provide uninterrupted views. The rear of the house would have retained the original windows with these being replaced over time, as and when, they were required.

In particular it would be very usual to have a stair window (long windows to the rear) which is two over two as it is unlikely that the technology would have been available to produce a sash window of this style.

It is clear that in previous applications when the house was brought back into use officers have encouraged the retention of traditional detailing to the building and this has therefore been replicated in the new windows that were installed at this time.

Therefore in line with the current Windows Policy Guidelines agreed by Planning Committee it is considered that in replacing the windows in this instance the pattern should follow those on the existing building.

For reasons outlined in my previous comments it is considered that the application should be refused.

3) Neighbour letters needed	N
------------------------------------	---

4) Parish letter needed	Y
--------------------------------	---

5) Policy

Planning Policy

In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government

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

PARA 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 : Role of planning system
 PARA 126: Positive strategy for the historic environment
 PARA 131 : Viable use consistent with conservation
 PARA 134 : Harm to heritage asset
 PARA 137: Opportunities for new development
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles HE1: Protection and Enhancement of Conservation Areas

6) Planning Consideration

Site

The application site constitutes a south east facing, end of terrace dwelling house at South Crescent, The Headland, Hartlepool. The property is situated within The Headland Conservation Area.

History

HFUL/2004/0889 – Provision of new bay windows, new door / portico and garage doors and rendering. Approved and implemented.

Proposal

Planning permission is sought for replacement windows to the property. The existing windows are timber vertical sliding sash and consist of a mix of glazing patterns.

The bay windows on the front elevation of the property are 2/2 with 1/1 panes in the side. To the side elevations and rear there is a mix of 2/2 and multi pane windows. The applicant proposes to install white upvc heritage vertical sliding sash windows. The windows proposed have a consistent glazing pattern of 2/2 (apart from the side window panes on the bays on the front elevation which will be 1/1).

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

The main considerations in regard to this application are the impacts of the proposal on visual amenity and the character of The Headland Conservation Area.

Visual amenity and character of the conservation area

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.

Planning Committee agreed guidelines on replacement windows in 2009. In this instance the relevant guidance states,

Unlisted buildings in Conservation Areas, subject to an Article 4 Direction:

(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 detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash containing a single pane of glass, sometimes divided by a single vertical glazing bar. Horns are also evident on sash windows for decoration and strength. Some of the earlier multi-paned sash windows are found on lesser windows on rear elevations or to basements.

The Council's Heritage and Countryside Manager was consulted on the proposal. It was commented that to the front of the property are two bay windows which have 2/2 windows however to the side and rear the majority of the windows are multi-paned sashes with some exceptions to the northwest elevation. The proposal is replacement windows to all elevations of the property in UPVC 2/2 sashes (apart from the side window panes on the bays on the front elevation which will be 1/1).

In relation to such alterations the guidance states that, 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).

In this instance the proposed windows do not match the design of the original windows in the following instances (2/2 windows replacing multi pane windows),

- north east facing side elevation,
- south west facing rear elevation,
- first floor window on the north west facing rear elevation, and
- long window to the north west facing rear yard elevation.

For the reasons outlined above, the Heritage and Countryside Manager advised that the application should be refused due to the loss of the traditional window pattern to the property which would cause less than substantial harm to the significance of the Headland Conservation Area. It was also stated that no information had been provided to suggest that this harm would be outweighed by the public benefits of the proposal.

The concerns outlined by the Heritage and Countryside Manager were relayed to the applicants agent who provided a response. It was commented that in his opinion the timber vertical sliding sash windows on the front elevation to the four separate bay windows are all original to the property and exhibit traditional horn detailing to the upper sash. Apart from the uniformity of windows to the front elevation, the windows in all other elevations clearly show a diversity of sash detailing.

The agent stated that the original property would logically have been built with a consistent design of vertical sash windows throughout. He considered that the windows in the front elevation are original and all of the other window openings would have originally been fitted with vertical sliding sashes matching the front elevation sash detail. He therefore believed that the multi-pane sashes are replacement sashes that were fitted in the past to reflect window styling that was fashionable at that time. The agent's comments concluded that the new replacement windows should reflect the original design of the vertical sliding sashes to the front bay windows and achieve a degree of consistency to the property that is currently not present.

The Council's Heritage and Countryside Manager provided a response to the agent's comments (full responses are outlined within the publicity section) regarding the styling of the windows and the fact that the windows are not a consistent design.

It was stated that it would not be unusual for a Georgian property with multi paned windows to be altered in Victorian times. The Heritage Manager went on to explain that a Georgian building would have multi-paned windows such as 6/6 and the style of the frame would be quite simple without horns. As technology moved on and larger panes of glass could be produced the frames changed to accommodate this including the introduction of horns which added to the strength of the frame. As such this allowed people to modernise their properties and introduce new windows particularly to the front of the property within main living areas and to appreciate the views. To the rear, which was rarely on public view, older windows would remain and then as they failed would be replaced with windows of the style appropriate at that time. It is emphasised that this is highly likely to be the case in this instance with the front of property being updated whilst the rear portions of the house retained the original windows with these being replaced over time, as and when, they were required.

It was also stated that it would have been unusual to have a staircase window as 2/2 as it is unlikely historically that the technology would have been available to produce such a window. Reference was also made to an application on the property in 2004 where officers have encouraged the retention of traditional detailing to the building and this has been replicated in the windows installed at this time (multi-paned).

The Heritage and Countryside Manager concluded that the replacement windows should follow the pattern on the existing building in line with the Windows Policy Guidelines, otherwise for the reasons outlined in the previous comments it was advised that the application should be refused.

It should be noted that the Council recently won an appeal decision at 23 Stanhope Avenue, Hartlepool (APP/H0724/D/15/3119184) with regards to replacement windows. In summary the proposed windows (ref H/2015/0163) did not reflect the character of the original windows and were casements rather than a sliding sash mechanism, consequently the appeal was dismissed. Although not directly comparable, this case highlights that where the Council's guidelines are not met on window replacement an independent planning inspector has taken the view that this would result in harm to the character of the Conservation Area.

Conclusion

In summary, it is considered that the loss of the traditional window pattern on the rear and side elevations would cause less than substantial harm to the Headland Conservation Area, a designated heritage asset, due to the design of the replacement windows. The proposal would have a detrimental impact on the character of the Headland Conservation Area. No public benefits have been identified. It is not considered that any public benefits of the proposal would outweigh its harm. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary

Y

**10) Recommendation
REFUSE****CONDITIONS/REASONS**

1. The Local Planning Authority considers that the proposal would cause less than substantial harm to the Headland Conservation Area, a designated heritage asset, due to the design of the proposed replacement windows on the rear and side elevations. The proposal would have a detrimental impact on the character of the Headland Conservation Area. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 126, 131, 134 and 137 of the NPPF.

INFORMATIVE

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, given the design of the proposed windows on the rear and side elevations and the impact on the Conservation Area, it is not possible to address this key constraint in this instance.

Author of Report: Fiona McCall

Signed:

Dated:

Signed:

Dated:

Planning Team Leader DC

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

Signed:

Dated:

Vice Chair of the Planning Committee

PLANNING COMMITTEE

15 March 2017



Report of: Assistant Director Economic Growth & 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 a side extension not being constructed in accordance with the approved plans at a residential property in Pinewood Close.
2. An investigation has commenced in response to a complaint regarding the erection of a high timber fence to the front of a residential property in Caithness Road.
3. An investigation has commenced in response to a complaint regarding the display of parking restriction signs at a supermarket car park on Marina Way.
4. An investigation has commenced in response to a complaint regarding the display of parking restriction signs at a retail park on Marina Way.
5. An investigation has commenced in response to a complaint regarding non-compliance with conditions relating to the provision of car parking at a residential development site at land at Coniscliffe Road.
6. An investigation has commenced in response to a complaint regarding an unprotected dangerous drop in land at a Quarry on Hart Lane.
7. An investigation has commenced in response to a complaint regarding car repairs and sales at a residential property in Borrowdale Street.
8. An investigation has commenced in response to a complaint regarding the untidy condition of the grounds of a sheltered housing complex off Northgate.

9. An investigation has commenced in response to a complaint regarding the running of a car repair business at a residential property at The Meadow.
10. An investigation has commenced in response to a complaint regarding car sales at a residential property at The Grove, Greatham.
11. An investigation has commenced in response to a complaint regarding the erection of an outbuilding in the rear garden of a residential property in Shakespeare Grove.
12. An investigation has been completed in response to a complaint regarding the untidy condition of an area of land between Durham Street and Throston Street. As a result of the helpful co-operation of the site owner the appearance of the site has now been brought to an acceptable standard.
13. An investigation has been completed in response to a complaint regarding the erection of a replacement garage at a residential property in Newark Road. A valid application seeking to regularise the erection of the replacement garage has since been received.
14. An investigation has been completed in response to a complaint regarding the erection of a conservatory at the rear of a residential property in Osprey Way. A valid application seeking to regularise the erection of the conservatory has since been received.
15. An investigation has been completed in response to a complaint regarding a change of use from a social and leisure centre for children to a gymnasium, and non-compliance with conditions relating to car parking provision, at a community centre in Darlington Street. The investigation concluded that both matters are immune from enforcement proceedings under planning legislation due to being outwith the relevant time limits.
16. An investigation has been completed in response to a complaint regarding the running of a car repair business at a residential property in Spenser Grove. The investigation concluded that the activity was domestic in scale and not linked to any commercial business.
17. An investigation has been completed as a result of information provided by the Council's Economic Development team regarding the dismantling of vehicles at light industrial premises in Graythorp. It was found that a small number of scrap vehicles had recently been stored at the premises, but that these have now been removed.
18. An investigation has been completed in response to a complaint regarding non-compliance with conditions relating to access for

delivery vehicles at a commercial premises on Easington Road. It was found that the deliveries were made solely in connection with the surfacing of the car park for the development, which has now been completed, and therefore that the relevant condition, which related to goods deliveries, had not been breached.

19. An investigation has been completed in response to a complaint regarding the running of a car repair business at a residential property in Pinero Grove. The investigation concluded that the activity was domestic in scale and not linked to any commercial business.

20. An investigation has been completed in response to a complaint regarding the untidy condition of a former children's activity centre in Durham Street. The appearance of the premises has since been brought to an acceptable standard.

2. RECOMMENDATION

2.1 That Members note this report.

3. CONTACT OFFICER

3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre
Hartlepool
TS24 8AY
Tel 01429 284271
E-mail: andrew.carter@hartlepool.gov.uk

4. AUTHOR

4.1 Tony Dixon
Enforcement Officer
Level 1
Civic Centre
Hartlepool
TS24 8AY
Tel (01429) 523277
E-mail: tony.dixon@hartlepool.gov.uk