

PLANNING COMMITTEE AGENDA



Wednesday 12 April 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 March 2017.

4. ITEMS REQUIRING DECISION

4.1 Planning Applications – *Assistant Director (Economic Growth and Regeneration)*

1. H/2016/0393 – 53 Sandbanks Drive (Page 1)
2. H/2017/0085 – Crookfoot Farm, Coal Lane (Page 13)
3. H/2017/0057 – Oak Ridge, The Parade (Page 27)

5. ITEMS FOR DECISION

- 5.1 Appeal at 406 Catcote Road – *Assistant Director, Economic Growth and Regeneration*

6. ITEMS FOR INFORMATION

- 6.1 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*



- 6.2 The Government's Response to the Representations it received through its Consultation on reforms to the New Homes Bonus – *Assistant Director, Economic Growth and Regeneration*

7. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

9. ITEMS REQUIRING DECISION

- 9.1 Enforcement Action: Land at Crookfoot Reservoir (*para 5 and 6*) – *Director of Regeneration and Neighbourhoods*

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

11. 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 on Wednesday 10 May 2017



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

15 March 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, Marjorie James, Brenda Loynes, Ray Martin-Wells, George Morris and Jean Robinson

In accordance with Council Procedure Rule 4.2 Councillor Bob Buchan was in attendance as substitute for Councillor Tim Fleming while Councillor Carl Richardson was in attendance as substitute for Councillor Trisha Lawton

Officers: Jim Ferguson, Planning Team Leader (DC)
Sylvia Pinkney, Head of Public Protection
Peter Frost, Highways, Traffic and Transport Team Leader
Kieran Bostock, Principal Engineer (Environmental Engineering)
Daniel James, Senior Planning Officer
Hayley Martin, Constitutional and Administrative Solicitor
Jo Stubbs, Democratic Services Officer

94. Apologies for Absence

Apologies were submitted by Councillors Tim Fleming and Trisha Lawton.

95. Declarations of interest by members

None

96. Confirmation of the minutes of the meeting held on 15th February 2017

Minutes approved.

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

Number:	H/2016/0529
Applicant:	Mr Terence Bates Westbourne Road HARTLEPOOL
Agent:	Mr Terence Bates 24 Westbourne Road HARTLEPOOL
Date received:	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

Terry Bates, the applicant, urged members to approve the revised retrospective application. He acknowledged that the work had not been completed as previously agreed but following approval it had become clear that the original application was not financially viable. The revised application was actually smaller than that originally planned therefore he had been under the impression that a new application would not be needed. He referred to condition 2 (that the building be painted off-white) and asked that this be reconsidered as he felt it was unnecessary and would not make it fit into the country landscape.

Members were supportive of the application. They agreed with Mr Bates' assessment of condition 2 and asked that it be removed.

The application was approved unanimously.

Decision: **Planning Permission APPROVED**

CONDITIONS AND REASONS

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. 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.

3. 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.

4. 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.

5. 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.

6. 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.

7. 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.

8. 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.
9. No fixed jumps shall be erected at the site.
In the interests of the visual amenity of the area.
10. 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.
11. No Tannoy of any type shall be used or erected at the site.
In the interests of the amenities of the area.
12. 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.

The Committee considered representations in relation to this matter.

Number:	H/2016/0532
Applicant:	Brenda Road Holdings Ltd M Tim Dunningham Nelson House (First floor) David Place St Helier
Agent:	Mr Pramod Kumar 15 ST Albans Grove Kensington LONDON
Date received:	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

Members referred to a previous planning application on this site which had been refused as members had felt the site was unsuitable for veterans' accommodation. They queried whether this application was also intended to house veterans. The Planning Team Leader confirmed that a proportion of the accommodation was intended for veteran use but it would not be possible to make this a condition. Members also highlighted concerns around the potential for insufficient parking on the site. They noted that the outline application referred to a care home and a specific number of apartments with care facilities. These would require less parking spaces per unit however if in the future their use was changed to regular apartments there would be insufficient parking. The Planning Team Leader acknowledged this but commented that members had to consider the application before them rather than a hypothetical future situation.

The applicant, Will Birch, urged members to support the application which would offer an alternative to a care home for an ageing population. By incorporating units with and without care provision tenants could theoretically move from one type of apartment to another all within the same site. At the same time it was hoped that the site would house a mixture of young and old giving it more of a mixed community feel. He stressed that this was at the early stages of planning with more detail still to come. In terms of usage by veterans contact had been made with various veterans groups however nothing could be confirmed until detailed planning permission had been given. It was certainly their intent that this site be used by veterans.

Members queried whether the intended proportion of apartments with care facilities would remain as requested or would these numbers change if they were not selling. Mr Birch was confident that there was a demand for low cost housing with care facilities based on national demand. Should they wish to amend the application it would need to be brought back to the committee for further consideration.

Members were broadly in support of the application. The Chair noted that he was not happy at the geographical location of the site but had no firm evidence that its proximity to industry would cause noise pollution and therefore felt unable to vote against. He urged the applicant to ensure that armed forces veterans were the primary users, comments which were echoed by other members. However another member commented that he still felt the site was inappropriate in terms of noise and lack of transport or leisure provisions in the surrounding area and therefore felt unable to vote in favour.

The application was approved by a majority. **Councillor Ray Martin-Wells asked that his vote against the application be recorded.**

Decision: **Outline Planning Permission APPROVED 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.

CONDITIONS AND REASONS

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 ensure these details are satisfactory.
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 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)

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 channels.

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 amenity 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 of the 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)(England) 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 visual amenity.
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;
- site breeding bird survey
- bat activity survey
- amphibian survey (to include ponds on the adjacent land to the south of the site)
- Invertebrate survey

The 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 to 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 and to ensure parking is adequate.

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 (2012).

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.

39. The use of air extraction equipment, at the hereby approved retail facility shall not commence until detailed plans and specifications of the equipment, including measures to alleviate noise, vibration, fumes and odours (and incorporating active carbon filters, silencers and anti-vibration mountings where necessary), have been submitted to and approved in writing by the Local Planning Authority. The ventilation system shall be installed in accordance with the approved plans and specifications before the use of the equipment commences and shall be permanently retained thereafter in accordance with the approved specifications.

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

The Committee considered representations in relation to this matter.

Number: H/2016/0393

Applicant: Mr Neil Kirby Sandbanks Drive HARTLEPOOL

Agent: MR RUSSELL TAYLOR 10 BEACONSFIELD SQUARE HARTLEPOOL

Date received: 28/11/2016

Development: Erection of a single storey outbuilding

Location: 53 Sandbanks Drive HARTLEPOOL

The applicant, Neil Kirby, urged the committee to support his application which was intended to be used as a private gym by him and his family. It had been designed to be in keeping with surrounding properties and would cause no parking issues due to its private status.

Alan Tench spoke on behalf of the surrounding properties. He referred to excessive noise which would be caused by gym usage and the impact it would have on his property in terms of privacy and loss of light. He also questioned Mr Kirby's assertion that the gym would only be for family use as Mr Kirby had offered him a key and indicated that others would be allowed to use it. Mr Tench also noted that Mr Kirby was not currently living in 53 Sandbanks Drive and had ignored Mr Tench's attempts to contact him regards various legal matters. The foundations for the proposed building were on the boundary of Mr Tench's property meaning that the roof and guttering could extend beyond it. Mr Tench questioned whether any agreed planning conditions would be adhered to.

Members queried how the outbuilding could be specified as being for private use when nobody was living in the property. Mr Kirby advised that he was renovating the property himself for future usage and intended to use the outbuilding as a storage area as well as a private gym. The Chair asked whether members felt that a site visit would be appropriate given this new information. Members concurred. Consideration of the application was therefore deferred to allow for a site visit. The applicant was asked if he would consider moving the outbuilding away from the neighbouring boundary. Mr Kirby commented that he had already done so. The Chair encouraged Mr Kirby to liaise with planning officers on this matter.

Decision: **Deferred for site visit**

The Committee considered representations in relation to this matter.

Councillor Rob Cook left the meeting to attend a Mayoral event

Number: H/2016/0520

Applicant: Mr Firth Mitchells & Butlers 27 Fleet Street
BIRMINGHAM

Agent: Ashleigh Signs Ltd Mr Leslie Gregg Ashleigh House
Beckridge Road Normanton Industrial Estate
Nosrmanton

Date received: 05/01/2017

Development: Display of three illuminated and four non illuminated signs

Location: The White House Wooler Road HARTLEPOOL

The application was approved unanimously.

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

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.
-

Number: H/2017/0045

Applicant: SEP PROPERTIES DUDLEY HOUSE STONE
STREET DUDLEY

Agent: PL + HP ASSOCIATES MR PAUL LEES
CRESCENT HOUSE BROAD STREET BILSTON

Date received: 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

The application was approved unanimously.

Decision: Planning Permission Approved

CONDITIONS AND REASONS

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 the visual amenity of the area.

8. Notwithstanding the submitted information and prior to the occupation of the 2no. flats hereby approved, provision shall be made for the storage of refuse as shown on approved plans 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 plans 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.

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.

98. 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))*

The report provided 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.

Decision

That the report be deferred to a future meeting.

99. Appeal at 8 Hutton Avenue, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been received against the Council's decision to refuse planning permission for a first floor extension to the side and bay window to the front of the property. The decision had been made through delegated powers by the Chair due to the detrimental impact it would have on 6 Hutton Avenue. Authority was requested to contest the appeal.

Decision

That officers be authorised to contest the appeal.

100. Appeal at Crescent House, South Crescent, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that an appeal had been received against the Council's decision to refuse planning permission for the installation of replacement windows at the property. The decision had been made through delegated powers by the Vice-chair due to the detrimental impact the design of the windows would have on the character of the Headland Conservation Area. Authority was requested to contest the appeal.

Councillor Ray Martin-Wells indicated that while he was happy to support the appeal he was concerned at the reasons for refusal as he had understood that UPVC was acceptable provided the design was traditional. The Planning Team Leader advised that in this case the design itself had been out of

keeping and requests to amend the design had been declined . The Chair asked that further information be sent to Councillor Martin-Wells on this matter.

Decision

That officers be authorised to contest the appeal.

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

Members were informed of 20 ongoing issues currently being investigated.

Decision

That the report be noted

The meeting concluded at 11:20am.

CHAIR

No: 1
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

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

BACKGROUND

1.2 This application was deferred for a site visit at the March meeting of the Planning Committee.

PLANNING HISTORY

1.3 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

1.4 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.

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

SITE CONTEXT

1.6 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

1.7 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).

1.8 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.

1.9 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.

1.10 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 laid within the curtilage of the applicant's 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.

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

55 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.

1.12 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

1.13 The period for publicity has expired.

CONSULTATIONS

1.14 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

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

Local Policy

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

GEP1 General Environmental Principles
Hsg10 Residential Extensions

National Policy

1.17 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning

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

1.18 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

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

1.20 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.

1.21 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

1.22 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.

1.23 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.

1.24 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).

1.25 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.

1.26 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.

1.27 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.

1.28 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.

1.29 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.

1.30 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.

1.31 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.

1.32 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

1.33 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 the building not used as a separate dwelling.

LANDSCAPE

1.34 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

1.35 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.

1.36 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.

1.37 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.

1.38 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 applicant's 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.

1.39 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

1.40 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

1.41 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.42 There are no Section 17 implications.

REASON FOR DECISION

1.43 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 boundary with No.55 Sandbanks Drive and shall remain in place for the lifetime of the development.

In the interest of neighbour amenity.

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

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

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53 SANDBANKS DRIVE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 30.01.16
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2016/0393	REV

No: 2
Number: H/2017/0085
Applicant: MRS SHADFORTH COAL LANE ELWICK
HARTLEPOOL TS27 3HA
Agent: Planning House Mrs C Pipe 24 Briardene Way
PETERLEE SR8 3NR
Date valid: 01/03/2017
Development: Permanent siting of an existing cabin and the change of
use of the cabin from a mobile home to accessible holiday
cottage
Location: CROOKFOOT FARM COAL LANE ELWICK
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 site has a complex and protracted planning history.

H/FUL/0145/03 - Erection of two log cabins for residential use in connection with agricultural use. This application for the erection of two cabins on the site which is now occupied by the mobile home was refused by Planning Committee on 15 July 2003 for the following reasons:

a) The proposed development does not conform with Policy Ru8 of the adopted Hartlepool Local Plan (1994) by virtue of the fact that the two residential units are not considered to be essential for the efficient functioning of agricultural, forestry or other countryside activities. In addition to guidance contained in the Local Plan, consideration has also been given to national planning guidance contained in PPG7: The Countryside. The proposal does not conform with the guidance set out in Annex F of this document in terms of the functional need for 24 hour supervision and the lack of evidence supplied relating to alternative accommodation within the area.

b) The proposed development by virtue of its location would have a detrimental impact on the setting of the open countryside and a site of nature conservation importance. The proposal is therefore in conflict with policies Ru14 and Co17 of the adopted Hartlepool Local Plan (1994).

The applicant appealed against this refusal and the appeal was dismissed. In her decision the Inspector addressed the issue of the effect on the surrounding countryside. She pointed out that the site of the cabins was prominent and that this could only increase as a result of vehicles, storage and other requirements

associated with an active farm. She concluded that “the proposal would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the surrounding landscape.”

H/2005/5633 - Siting of 2 mobile cabins with central glazed link to form a single dwelling. Approved November 2005. This application for the existing temporary residential accommodation was approved by Committee against officer recommendation. Conditions required the removal of the accommodation and the restoration of the site on or before 31/10/2008 and restricted the occupation of the accommodation to a person(s) currently or last employed in agriculture or forestry in the vicinity and their dependents.

H/2009/0235 - Erection of a detached dwelling. This application for the erection of a dwellinghouse on the site of the existing mobile home was withdrawn in December 2009 after concerns were raised in relation to the size/design of the proposed dwellinghouse and its location relative to the agricultural buildings serving the holding.

H/2010/0679 - Erection of dwellinghouse. An application for a permanent dwellinghouse, on a different site to the current application site, close to the agricultural buildings serving the holding, was approved and a further amendment to the design approved in 2013 under reference H/2013/0027.

H/2011/0196 - Temporary approval for a further 18 months temporary permission for the cabin (mobile home) whilst the farmhouse was being constructed.

H/2013/0562 - A further 6 months permission for the temporary cabin (mobile home) whilst the applicants completed the dwelling house was requested. The application was granted and expired on 13 July 2014.

H/2014/0326 - Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof and the construction of a new holiday cabin with solar panels on the roof and a wood burning stove with metal flue. This application was refused under delegated powers through the Chair of Planning Committee as it was considered the development would represent an unacceptable visual intrusion into the open countryside and have a serious adverse impact on the landscape. It was considered that it would not meet any of the exceptional circumstances for new dwellings in the countryside and any benefits arising from the development in terms of supporting the rural economy would not outweigh the detrimental visual impact.

H/2014/0481 - Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof (resubmitted application). The application was refused under delegated powers through the Chair of Planning Committee as it was considered it would represent an unacceptable visual intrusion into the open countryside which would have a serious adverse impact on the landscape. It was not considered the proposal would meet any of the exceptional circumstances for new dwellings in the countryside and that

any benefits arising from the development in terms of supporting the rural economy would not outweigh the detrimental visual impact. The applicant appealed against this refusal and the appeal was dismissed. The inspector concluded the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the landscape character of the Special Landscape Area.

In light of the fact that the cabin is unauthorised and has been since mid July 2014 authorisation was requested and given by Planning Committee on the 5 November 2014 for a Breach of Condition Notice to be served. The notice was served and has not been complied with. In light of this a case of prosecution for non compliance with the notice has been prepared, a not guilty plea has been entered and the case is due to be heard before Magistrates in May.

PROPOSAL

2.3 Planning permission is sought for the permanent siting of an existing cabin and the change of use of the cabin from a mobile home to accessible holiday cottage

2.4 The cabin is currently located on the site, and was originally given temporary permission which expired in July 2014. The cabin was originally permitted to serve the agricultural holding. A permanent dwelling was subsequently approved and erected elsewhere on the holding close to its farm buildings. The cabin is therefore not required for its original purpose. Instead it is proposed to retain it for holiday use. The cabin is currently unauthorised.

2.5 The building will be altered to incorporate a green roof which comprises either living Sedum roof or Decra classic Pantile metal lightweight roof in Sea Green. The application of this would be confirmed by a structural engineer.

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

SITE CONTEXT

2.7 The application site is located in the rural area to the west of Hartlepool. It lies within a Special Landscape Area and close to the south eastern corner of Crookfoot Reservoir which is a Site of Nature Conservation Importance.

2.8 The site is located within agricultural fields to the north and east. The cabin sits on a rise and is a prominent feature in the landscape. The land forms part of an agricultural holding. The farm buildings associated with the holding are located some 570m (as the crow flies) to the South West at the bottom of the rise. The recently constructed farm house serving the holding is also located adjacent to these farm buildings. To the west is an access track beyond which are a pair of dwellinghouses Crook Foot House and Crookfoot View which are gable ended onto the site. The track also serves a farm at Stodfold Moor and other residential properties at Amerston Hill, Amerston Hall, Primrose Cottage as well as the reservoir. A public footpath crosses fields to the south of the site before joining the access track.

PUBLICITY

2.9 The application has been advertised by way of site notice and neighbour letters (9). To date, there have been 4 letters of objection and 4 letters of support.

2.10 The objectors raise the following concerns:

Permission for the cabins was originally given on a temporary basis
 There is an enforcement order for removal, how can a change of use application be applied for
 Access to the site is for agricultural purposes only
 Allowing leisure facilities, which are not agricultural activities would increase traffic on what can be an extremely busy road at certain times of the farming year
 The temporary nature of the proposed development results in a visually unattractive development out of character with the area
 Outside the preferred areas for tourist accommodation
 Proposal contrary to local and national policy
 No information to demonstrate a need for this type of development within the rural area of Hartlepool
 The provision of one cottage would fail to boost the local economy
 The area is surrounded by farmland not owned by the applicant and often has livestock, to bring dogs not accustomed to farm animals could be a problem
 The access track not suitable for 'holiday' makers
 The reservoir is not accessible to the public
 Health and safety issues as a working farm
 Holiday accommodation close to our property, but well away from the owners property
 Impact from holiday makers
 Risk of trespassing on third party's land
 There are young sheep on the land adjacent to the cabin
 The comings and goings to holiday accommodation will cause noise and disturbance to residents who live opposite

2.11 The letters of support state:

Financial benefit to the local community economy, local workers to refurbish the cabin
 Cottage located in an extremely scenic part of Hartlepool
 Good base to stay
 Provide holiday accommodation for disabled
 Quiet rural retreat
 Bird habitat

2.12 Copy Letters A

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 The following consultation replies have been received:

HBC Engineering Consultancy: No objection

HBC Public Protection: No objection

HBC Traffic & Transport: There are no highway or traffic concerns

HBC Arborist: As part of development in the countryside, policy Rur7 within the adopted local plan states under clause vi, that there is a requirement where appropriate, for additional tree and hedge planting. Although there are areas of woodland around this area, I welcome some additional planting within the application site to diversify the tree cover here and this is also referred to within the applicants own Design and Access Statement (Document ref. 13631019) Section 2.8. Providing some new tree planting is accommodated, I have no objections.

HBC Economic Development: The proposal for Crookfoot Farm Lodge accommodation presents a significant opportunity for Hartlepool. High-quality self-catering options are few in the borough and the addition of a rural option of this nature should be welcomed. While the business case recognises the accessible market as an attractive one to target its worth remembering that all adjustments made for disabled guests will generally create an improved offer for all guests. Families with young children will appreciate the improved access and safety features for instance.

Quite rightly the report recognises the opportunity for inter-generational short-breaks, given the access and number of bedrooms under one roof this should have appeal to a local market who may currently have to look outside of the sub-region to find such an offer. The introduction of such an accommodation should result in no displacement of bookings within the borough and would help to build our overall accommodation offer considerably. Accommodation providers within Hartlepool work with and for each other as they are nearly all independent businesses, they would happily refer enquiries into Crookfoot.

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

The Ramblers Association: No public paths are affected by the proposal. We have no other comment.

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.

Elwick Parish Council: Elwick Parish Council wishes to lodge a strong objection. The formal supporting planning document appears to provide sound reasons why the plan should be passed, much of which is speculative - particularly the economic benefit to accrue to the town, which is completely unrealistic. Of those purporting to support the application - some are actually relatives of the applicant and others don't even know this particular area. The land on which they stand is in an area designated in the town's proposed Local Plan as a Nature Conservation Area. At the end of the day, the cabins are in the WRONG place; there is no access to the reservoir which is privately owned, and the private access road to the farm is for agricultural purposes only, with some historic exceptions for the Water Board, and not owned by the applicant! Any increase in traffic along this narrow access road would be detrimental to the local farming community whose, often very large, machinery is constantly moving along it. With due respect, we believe this application to be an attempt to undermine the enforcement order.

PLANNING POLICY

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

Adopted Local Plan (2006)

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

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP12: Trees, Hedgerows and Development
 Hsg10: Residential Extensions
 Rur1: Urban Fence
 Rur7: Development in the Countryside
 Rur20: Special Landscape Areas
 To9: Tourist Accommodation

Emerging Local Plan (Publication Stage December 2016)

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

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

SUS1 – The Presumption in Favour of Sustainable Development

LS1 – Location Strategy

QP3 – Location, Accessibility, Highway Safety and Parking

QP4 – Layout and Design of Development

QP5 – Safety and Security

LT1 – Leisure and Tourism

LT4 – Tourism Accommodation

HSG11 – Extensions to Existing Dwellings

NE1 – Natural Environment

RUR1 – Development in the Rural Area

RUR3 – Farm Diversification

RUR5 – Rural Tourism

National Policy

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

Paragraph 001 - Building a strong, competitive economy

Paragraph 002 - Primacy of Development Plan

Contribute to the achievement of sustainable development

Paragraph 006 - Achieving sustainable development

Paragraph 007 - Three dimensions of sustainable development

Paragraph 009 - Pursuing sustainable development

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 017 - Planning principles

Paragraph 018 - Securing economic growth

Paragraph 019 - Support sustainable economic growth

Paragraph 020 - Support sustainable economic growth

Paragraph 021 - Building a strong, competitive economy
 Paragraph 028 - Economic growth
 Paragraph 056 - Design of built environment
 Paragraph 057 - High quality and inclusive design
 Paragraph 058 - Quality of development
 Paragraph 060 - Promotion or reinforcement of local distinctiveness
 Paragraph 061 - The connections between people and places
 Paragraph 063 - Outstanding or innovative design
 Paragraph 064 - Improving the character and quality of an area
 Paragraph 095 - Energy efficiency
 Paragraph 109 - Conserving and enhancing the natural environment
 Paragraph 113 - Protection of wildlife, geodiversity sites or landscape areas
 Paragraph 196 - Primacy of the Development Plan
 Paragraph 197 - Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

2.19 The main issues for consideration when assessing this application are the compliance with the guidance within the National Planning Policy Framework (NPPF) and policies the Hartlepool Local Plan, character and appearance of the surrounding area, potential impact upon the amenity of neighbouring land users and highway safety.

Principle of Development

2.20 Paragraph 19 of the NPPF states that planning should operate to encourage and not act as an impediment to sustainable growth. Paragraph 7 sets out the three components of sustainable development and states that sustainable development should contribute to protecting and enhancing our natural environment. More specifically in relation to the rural area, paragraph 28 states that local plans should support sustainable growth of all types of enterprise in the rural area, promote agricultural diversification and support rural tourism development that benefits businesses in the rural area, including providing and expanding tourist facilities where identified needs are not met by existing facilities in rural service centres. However, paragraph 28 also indicates that this development must be in the correct location and must respect the character of the countryside.

2.21 Saved policy GEP2 of the Hartlepool Local Plan 2006 encourages access for all (particularly for people with disabilities, the elderly and people with children) in new development however saved policy GEP1 stipulates that the Borough Council must take account of the external appearance of the development and its relationship with the surrounding area. With respect to development in the rural area, RUR7 stipulates that the relationship to other buildings, visual impact on the landscape, viability of the farm enterprise and adequacy of the road network must all be taken into account. Saved policy RUR20 states that development in the Newton Hanzard/Crookfoot Reservoir Special Landscape Area will not be permitted unless it is sympathetic to the local rural character.

2.22 The emerging Hartlepool Local Plan has now been submitted to the Secretary of State and given its advanced stage of preparation some weight can be

apportioned to emerging policies within this document. Emerging policies RUR3, RUR5 and LT4, support rural tourist accommodation and farm diversification schemes where it can be demonstrated that these will benefit the local economy and rural communities, support an existing farm business and improve the range and quality of visitor accommodation in the area. However, these policies, in addition to emerging Local Plan policies RUR1 and NE1, require that any such development in this location enhances the quality, character and distinctiveness of the immediate area and landscapes and does not have a detrimental impact on the landscape character or setting. The development must also be located where the impact from increased visitors can be accommodated.

2.23 Whilst it is accepted that there is demand for this type of accommodation within the Borough, that the proposal would contribute to the local economy, and an attempt has been made to make the building appear more sympathetic to its setting through the incorporation of a 'green' roof, the cabin is located within one of the few areas of prestigious landscape character in the Borough and the location of the development is not considered acceptable due to its detrimental impact on the special landscape area (see below). The cabin was initially given permission on a temporary basis as an interim measure to serve the agricultural holding. A permanent dwelling was subsequently granted planning permission and erected in a more suitable and less visually obtrusive location close to the farm buildings serving the holding. The temporary permission for the building has long expired and it is the subject of a Breach of Condition Notice which has not been complied with. This is the third recent application which has sought to retain the building on a permanent basis, two of which have been refused. The last application for its use as a holiday cottage and farm office went to appeal with the appeal dismissed, the inspector concluding that the proposal would have an adverse impact on the landscape character of the special landscape area. In reaching his decision the Inspector took into account the contribution the development would make to local tourism. The cabin has a detrimental impact on the landscape character of the Special Landscape Area. It is not considered that the modest impact of the development in terms of addressing the lack of accessible accommodation and its contribution to the local economy would outweigh the concerns with respect to the detrimental visual impact of the development.

Character of the area

2.24 The surrounding area is of a rural character and is largely agricultural in nature. Furthermore the site is located within an area designated as a special landscape area within the Hartlepool Local Plan 2006.

2.25 As previously discussed the site has a long and detailed history and temporary permission was previously granted for the cabin to serve the agricultural holding pending permission for a permanent farmhouse and its construction. However in previously granting temporary consent it has consistently been noted in officer reports that the development would not be suitable for permanent retention and this has strictly been controlled by planning conditions. Permission for a permanent dwelling was ultimately obtained on a less obtrusive part of the holding

2.26 Furthermore by virtue of the temporary nature and materials, the development is considered to be of an inappropriate design in relation to the surrounding rural area. The building sits on a rise and is prominent in a relatively open landscape. It is considered the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the surrounding landscape. This view has consistently been supported in two appeals relating to the site.

2.27 As such, by virtue of the visual impact of the development within the designated special landscape area and the detrimental impact upon the character of the surrounding area it is considered the development would be contrary to local plan policies.

Amenity of neighbouring properties

2.28 The closest residential property is on the opposite side of the access lane consisting of Crookfoot House. The side gable wall of this neighbouring property faces towards the application site. There would be a separation distance of approximately 23 metres between the proposed cabin (at its closest point) and the side gable of this neighbouring property. This exceeds the requirements of guidance within the Local Plan. Concerns have been raised from the occupier of Crookfoot House in terms of noise and impact from holiday makers visiting the site and increase in traffic. Public Protection were consulted regarding the proposed development and have raised no objections. Therefore it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, loss of light or appearing overbearing.

Highway Safety

2.29 Concerns have been raised from nearby residents relating to increase in traffic on the existing farm track which becomes busy with large farm vehicles during the farming calendar. The Council's Traffic and Transport section have been consulted on the proposed development and have raised no objections. Therefore it is not considered that the proposal would result in an adverse impact upon highway safety.

Conclusion

2.30 The proposal is considered unacceptable due to its detrimental impact on the special landscape area. It is not considered the benefit of the scheme in terms of its contribution to tourist accommodation and economy of the Borough would outweigh these concerns.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.31 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

2.32 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. There are no Section 17 implications.

REASON FOR DECISION

2.33 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is not acceptable for the reasons set out in the Officers Report.

RECOMMENDATION – REFUSE for the following reasons

1. The proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the surrounding landscape which consists of a designated special landscape area contrary to policies GEP1, RUR7 and RUR20 of the Hartlepool Local Plan (2006), Policies LT4, NE1, RUR1, RUR3 and RUR5 of the emerging Hartlepool Local Plan 2016 and paragraph 28 of the NPPF (2012). It is not considered that any benefits arising from the development in terms of enhancing the Borough's tourist accommodation offer and supporting the rural economy would outweigh the detrimental visual impact arising from the development.

BACKGROUND PAPERS

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

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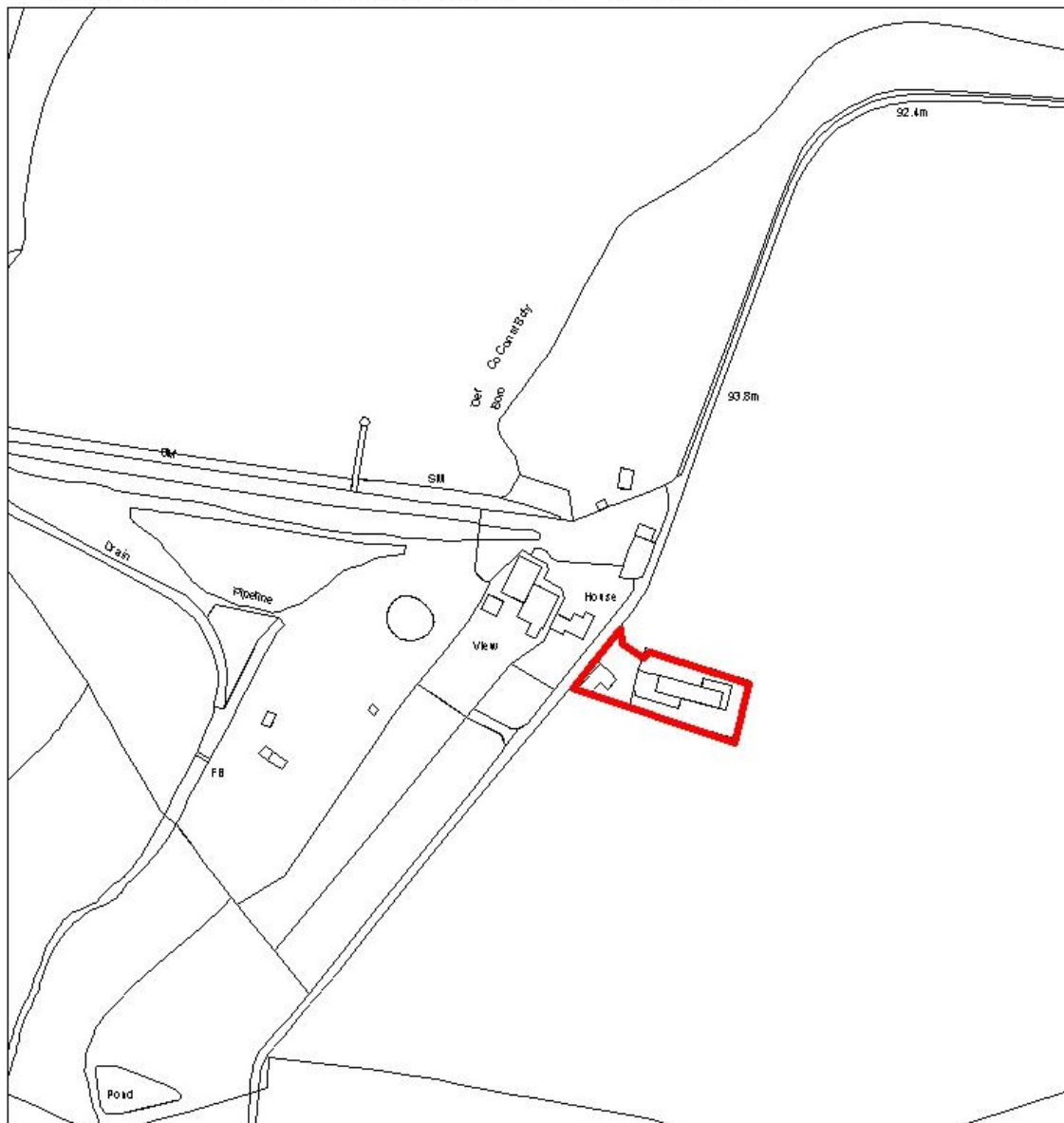
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CROOKFOOT FARM, COAL LANE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 28.03.17
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0085	REV

No: 3
Number: H/2017/0057
Applicant: DR M MENABAWAY THE PARADE HARTLEPOOL
TS26 0DS
Agent: DR M MENABAWAY OAK RIDGE THE PARADE
HARTLEPOOL TS26 0DS
Date valid: 13/02/2017
Development: Change of use of garages to granny annexe with games
room over and garden store to rear
Location: OAK RIDGE THE PARADE HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

3.2 The application has been referred to the Planning Committee at the request of the Chair of the Planning Committee.

PROPOSAL

3.3 Approval is sought for the extension of the existing detached garage, which is towards the front of the main dwelling adjacent to the western boundary of the site, to provide a granny annexe which will comprise a length of approximately 11.2 metres with a width of approximately 6.5 metres at its widest point. The proposed pitched roof will incorporate a maximum height of approximately 7 metres and will include 3 dormer windows.

3.4 The proposed layout includes a hall, lounge, bathroom, bedroom and study at ground floor with stairs leading to a games room at first floor level.

3.5 The proposed annexe will provide accommodation for a parent who is suffering from dementia.

3.6 The proposal also includes a garden store towards the north west corner of the site which measures 3.1 metres by 4.5 metres and incorporating a pitched roof with a maximum height of 3.8 metres. This element of the proposal does not include any windows however does include double doors to provide access.

SITE CONTEXT

3.7 The application site is recognised as a locally listed building and found within the Park Conservation Area. It consists of a semi detached dwelling with a large front

garden which is enclosed by a high brick wall with gates. The front boundary encloses the application site and the attached property, although each property has its own driveway and access from The Parade the front garden serving the dwellings are essentially open between the two properties. There is an existing single storey detached garage with a pitched and flat roof towards the front of the property. There is also a large green house within the side/rear garden of the property.

3.8 The site adjacent to the west and north consists of the previously demolished Tunstall Court. This site is currently overgrown with a number of mature trees. The attached property comprises a similar style property to the application site albeit a slightly different design.

3.9 The surrounding area is predominantly residential in close proximity to Ward Jackson Park.

PUBLICITY

3.10 The application has been advertised by way of neighbour letters (7), site notice and press notice. No representations have been received.

CONSULTATIONS

3.11 The following consultation replies have been received:

HBC Traffic & Transport: There are no highway or traffic concerns with this application.

HBC Public Protection: No Objections

HBC Heritage & Countryside: The application site is recognised as a locally listed building and found within the Park 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.'

The recently published local plan policy in relation to heritage assets (HE1) states, 'the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.'

The recently published local plan policy (2016) on Conservation Areas (HE3) states, 'the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.'

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

Local Plan Policy HE12 (2016) recognises the importance of non designated heritage assets and seeks to protect them where possible. The recently published local plan policy on Locally Listed Buildings 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.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880s.

Given the individual design of properties there is a great variety of architectural features and styles, but most are characterised by the use of smooth red brick, with contrasting terracotta or stone decoration. Architectural features include a variety of towers, bays, balconies, balustrades and projecting porches. The emphasis in building design is still however a vertical one with single paned sash windows typical. Coloured leaded lights and multi-paned to upper window lights are frequently evident. Roof finishes are either plain clay tiles, with finial and ridge tile decoration, or on earlier buildings, Welsh slate.

Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

The conservation area is considered to be at risk.

The significance of the site lies in the architecture of the building, a large late Victorian Villa, typical of the Park Area set in generous grounds along with the historic association of the property with Stephen Wilson Furness, a shipping magnet and MP for Hartlepool.

The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling.

In this instance a building is proposed in the location of an existing garage to the front of the property. Although there is already a garage with extension in this location the formalisation of this arrangement with an annexe would result in a property which is out step with the existing design of the site. In particular in this conservation area it would be unusual to have a building to the front of the property in the garden area, additional accommodation is usually found to the front boundary, in the form of a lodge house, or to the very rear in a mews. A building located so prominently to the front of the house would dilute the hierarchy of property which contributes to the significance of the Park Conservation Area.

Further to this the design of the property does not pick up on the characteristics of the Park Conservation Area which generally has a more vertical emphasis to the design of the buildings. This is particularly noticeable in the windows which are square rather and the design of the doors to the property which have a modern appearance with the main door featuring side lights and the rear door having a single panel to the lower half with an arched upper light over.

It is considered that this element of the proposal will cause less than substantial harm to the designated heritage asset. No information has been provided as part of the application to demonstrate that this harm will be outweighed by the public benefits of the proposal.

No objections to the proposed garden store to the rear of the property.

PLANNING POLICY

3.12 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

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

GEP1: General Environmental Principles
GEP3: Crime Prevention by Planning and Design
HE1: Protection and Enhancement of Conservation Areas
HE12: Protection of Locally important Buildings
Hsg10: Residential Extensions
Hsg11: Residential Annexes

Emerging Local Plan – Publication Stage (December 2016)

3.14 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;

HE5: Locally Listed Buildings and Structures
 HE3: Conservation Areas
 HSG11: Extensions to Existing Developments
 HSG12: Residential annexes
 LS1: Locational Strategy
 QP4: Layout and Design of Development
 SUS1: The Presumption in Favour of Sustainable Development

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 001 : Apply Policy
 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 128 : Heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA 132 : Weight given to asset's conservation
 PARA 135 : Non-designated heritage asset
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.16 The main issues for consideration when assessing this application are the principle of development in terms of planning policy, potential impact upon the amenity of neighbouring properties, character of the conservation area and highway safety.

PRINCIPLE OF DEVELOPMENT

3.17 Policy Hsg11 of the Hartlepool Local Plan 2006 allows for the conversion of an outbuilding (or exceptionally a new building), to provide an annexe where an extension is not appropriate subject to a number of criteria. These criteria include that it is of a satisfactory location in relation to surrounding dwellings, and that it is designed to serve an ancillary function to the main house.

3.18 The application seeks consent for a large extension to an existing detached garage which includes the provision of a first floor. The supporting information states that the proposed annexe will provide accommodation for a parent who is suffering from dementia. However Given the scale of the accommodation proposed it is not considered that the building proposed satisfies the requirement of the policy Hsg11 of the 2006 Local Plan which as outlined above covers residential annexes.

3.19 The policy advises firstly that such development must be of a satisfactory scale, location and design in relation to the existing dwelling, its curtilage and surrounding dwellings.

3.20 Secondly, it must be designed to serve an ancillary function to the main house and not be of a form that would encourage its occupation as a separate dwelling when no longer required (as an annex). It is not considered that the building proposed is designed to serve an ancillary function. Given the scale of the building and the nature of the accommodation proposed it is not considered that it has been designed to serve an ancillary function in that it clearly has most of the facilities which you would expect from an independent dwellinghouse, at a similar scale, and is therefore capable of being occupied independently of the main house.

3.21 As will be discussed in more detail below, it is accepted that, by virtue of the distance to surrounding properties, the proposal will not result in a detrimental impact upon the amenity of neighbouring properties.

3.22 However, by virtue of the scale and design of the proposed annexe, it is not considered that the proposed annex would serve an ancillary function and as such would be contrary to Local Planning policy Hsg11 in this regard. The proposed annex includes all the features you would expect to find within an independent dwelling, whilst a full kitchen is not shown on the plans (with only a small work top area shown) there is sufficient space to accommodate a kitchen and the installation of a kitchen would be difficult to control through planning condition. As such it is considered that, due to the size of the proposal, all of the facilities could easily be accommodated within the annexe to enable it to operate as an independent dwelling. Furthermore it is of a scale which is arguably larger than that of a family home one

might expect to find on a typical housing estate. Given this, it is considered that the annex could effectively be occupied as a fully independent unit. In considering an appeal decision in the Borough (Ref: APP/H0724/A/11/2156050) for a development of a similar nature in refusing the application, the Inspector concluded:

3.23 The effect of sanctioning such a development would undermine the Council's policies in respect of residential annexes and make it harder for them to resist other proposals for separate dwelling houses where the only connection is that of a family relationship. Such a situation could occur frequently, not least where houses have generously-sized gardens. My conclusion on this issue is that the proposal would materially harm the intended application of the Council's policy on residential annexes as set out in the Hartlepool Local Plan.

3.24 Also pertinent to the consideration of this application is another appeal decision in the Borough (Ref: APP/H0724/A/13/2197718) for conversion of outbuildings to form a single storey residential annexe, where the Inspector noted in that instance:

The larger of the two converted buildings would provide day-to-day living space as well as kitchen and garage, with the extension and smaller outbuildings providing two bedrooms. I recognise that the access and external spaces would be shared with the main farmhouse. Nevertheless, the proposed annexe would comfortably provide all the facilities needed for independent occupation and would stand some distance from the existing farmhouse so that, in my opinion, its design does not indicate it would be likely to function in a way which was ancillary to the main dwelling. In this respect therefore, it would also be contrary to Local Plan Policy Hsg11.

3.25 It is therefore considered by the Local Planning Authority that the proposed development would not be acceptable as a residential annex in that it is not considered of a design to serve an ancillary function to the main house and is of a form that would allow for its occupation as a separate dwelling when no longer required. The proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006.

AMENITY OF NEIGHBOURING PROPERTIES

3.26 The proposal is located in a large front garden. This garden is enclosed to the front by a high brick wall however is open between the application site and Tunstall Grange which is the adjoining property. The proposed annexe includes habitable room windows at ground and first floor within the eastern elevation. As such the proposed annexe would have a clear view across the front garden of the application site and the adjoining neighbouring property. However the front garden is already overlooked by the host dwelling and adjoining property which enjoy mutual overlooking by virtue of the openness of the front garden. Furthermore there is a large amount of private amenity space provided to the rear of the respective properties. The proposed annexe would be approximately 19 metres from the shared boundary with the adjoining neighbouring property. As such whilst the annexe would have views across the open front gardens it is not considered that it would result in a significant detrimental impact upon the amenity of this neighbouring property in terms of overlooking or appearing overbearing.

3.27 The proposed annexe is located towards the western boundary of the site which is adjacent to a vacant site previously occupied by Tunstall Court (previously demolished). As such there are no properties to the west of the application site. The last approval on the Tunstall Court site (H/2013/0585) shows a shared driveway adjacent serving three proposed dwellings and the relationship is considered acceptable. Furthermore the western elevation of the proposed annexe does not include any windows facing towards this boundary. As such given that the site is currently vacant it is not considered that the proposal would result in any detrimental impact upon the amenity of properties to the west.

3.28 Similarly the former Tunstall Court site wraps round the northern boundary of the application site. The proposed garden store is located towards the north eastern corner however due to the scale of the proposed garden store it will largely be screened by the existing boundary wall. Furthermore this element does not include any windows (only an access door) as such, given the nature of the proposal it is not considered that the proposal would result in a detrimental impact upon the amenity of neighbouring properties to the north.

3.29 There is a large separation distance to the neighbouring property to the south in excess of 50 metres. Therefore although the proposal includes a two storey annexe towards the front of the application site, given this separation distance it is not considered that the proposal would result in a detrimental impact upon the amenity of this neighbouring property.

CHARACTER OF THE CONSERVATION AREA

3.30 The application site is recognised as a locally listed building and is located within the Park Conservation Area.

3.31 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).

3.32 Further to this at a local level, Local Plan (2006) 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.'

3.33 The recently published Local Plan Policy (2016) in relation to heritage assets (HE1) states, 'the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.'

3.34 The recently published Local Plan Policy (2016) on Conservation Areas (HE3) states, ‘the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.’ These policies are at publication stage and therefore carry some weight.

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

3.36 Local Plan Policy HE12 (2006) recognises the importance of non designated heritage assets and seeks to protect them where possible. The recently published local plan (2016) policy on Locally Listed Buildings HE5 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.

3.37 The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880s.

3.38 Given the individual design of properties there is a great variety of architectural features and styles, but most are characterised by the use of smooth red brick, with contrasting terracotta or stone decoration. Architectural features include a variety of towers, bays, balconies, balustrades and projecting porches. The emphasis in building design is still however a vertical one with single paned sash windows typical. Coloured leaded lights and multi-paned to upper window lights are frequently evident. Roof finishes are either plain clay tiles, with finial and ridge tile decoration, or on earlier buildings, Welsh slate.

3.39 Boundary features provide interest to the street scene, with low walls and gate piers constructed in the same red brick as the main dwelling. Generally walls were once finished with cast iron railings but few examples remain.

3.40 The Council's conservation manager has confirmed that the conservation area is considered to be at risk.

3.41 The significance of the site lies in the architecture of the building, a large late Victorian Villa, typical of the Park Area set in generous grounds along with the historic association of the property with Stephen Wilson Furness, a shipping magnet and MP for Hartlepool.

3.42 The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling.

3.43 In this instance a building is proposed in the location of an existing garage to the front of the property. Although there is already a garage with extension in this location, it consists of a relatively modest design and due to its height is relatively screened by the existing boundary walls. The formalisation of this arrangement with an annexe would result in a property which is out step with the existing design of the site. The proposal includes a significant increase in the height of the structure and as such would be clearly visible from the highway affording views from within the surrounding conservation area.

3.44 In particular in this conservation area it would be unusual to have a building to the front of the property in the garden area, additional accommodation is usually found adjacent to the front boundary, in the form of a lodge house, or to the very rear in a mews. The Council's Conservation manager has commented that a building located so prominently to the front of the house would dilute the hierarchy of property which contributes to the significance of the Park Conservation Area. As such it is considered that the proposal would result in a visual intrusion within the street scene in a prominent location. Therefore by virtue of the prominent position, scale and height of the proposal it is considered that the proposed annexe would result in an incongruous feature at odds with the layout of the conservation area. As such it is considered that the proposed annexe would be detrimental to the overall character and appearance of the conservation area contrary to local and national planning policy.

3.45 Further to this the Council's conservation manager has commented that the design of the property is not keeping with the characteristics of the Park Conservation Area which generally has a more vertical emphasis to the design of the buildings. It is noted that this is particularly noticeable in the windows which are square providing a horizontal influence to the overall appearance of the proposal. Additionally the design of the doors to the property are considered to be out of keeping with the character of the host property and surrounding area. The proposals here are of a modern appearance with the main door featuring side lights and the rear door having a single panel to the lower half with an arched upper light over. This is considered to be at odds with the design of other doors present within the conservation area. As such it is considered that the inclusion of windows which are considered to be out of keeping with the scale and vertical proportions of other fenestration in the area and the inclusion of modern doors which do not reflect the traditional design of other doors in the area would be out of keeping with the scale, proportions and design of other dwellings within the conservation area to the detriment of the overall appearance of the conservation area. As previously discussed the proposal would be clearly visible from within the conservation area. As such by virtue of the design and prominent location it is considered that the proposed annexe would result in a detrimental impact upon the character and appearance of the surrounding area. Therefore the proposal is considered to be contrary to Local and National planning policy in this regard.

3.46 In light of the above the Council's conservation manager has commented that it is considered that proposed annexe will cause less than substantial harm to the designated heritage asset. No information has been provided as part of the application to demonstrate that this harm will be outweighed by the public benefits of the proposal. Therefore the Council's conservation manager objects to this element of the proposal.

3.47 The proposal also includes a garden store which will be of a relatively modest scale and will be located towards the rear of the site. It is considered that due to its position and scale it will largely be screened from view by the existing boundary treatments. As such the Council's conservation manager has raised no objections to the proposed garden store to the rear of the property. Therefore it is considered that this element of the proposal would be acceptable in terms of the impact upon the conservation area.

HIGHWAY SAFETY

3.48 Although the proposal will result in the loss of the garage there is a large driveway serving the application site which will provide sufficient car parking for the dwelling. The Council's Traffic and Transport section were consulted on the proposed development and have raised no objections. As such it is not considered that the proposals will result in an adverse impact upon highway safety.

CONCLUSION

3.49 Whilst the proposal is considered to be acceptable in terms of highway safety and amenity of neighbouring properties, in light of the above it is considered that by virtue of the scale and layout of the proposed annexe it would not be of a form ancillary to the main dwelling house. As such it is considered to be contrary to policy HSG11 in this regard. It is also considered that the proposal by virtue of its scale, design and siting the proposal would be out of keeping with the character of the conservation area to the detriment of the character and appearance of the designated heritage asset contrary to HE1 of the Hartlepool Local Plan (2006), policies HE1 and HE3 of the emerging Local Plan (2016) and 126, 131 and 137 of the NPPF.

3.50 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.51 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reasons

1. In the opinion of the Local Planning Authority the proposed annexe, by virtue of its scale and design would not be acceptable as a residential annexe as it is not considered that it is not of a form designed to serve an ancillary function to the main house and is of a form that would encourage its occupation as a separate dwelling when no longer required. Therefore the proposal would be contrary to policy Hsg11 of the Hartlepool Local Plan 2006 and HSG12 of the emerging Hartlepool Local Plan (2016).
2. In the opinion of the Local Planning Authority the proposed annexe by virtue of its design, scale siting and prominent position to the front of the host property, would be out of keeping with existing layout of the property and surrounding conservation area to the detriment of the character and appearance of the conservation area. As such it is considered that the proposal would cause less than substantial harm to the designated heritage asset without justification. No evidence has been provided to demonstrate that this harm will be outweighed by public benefits. Therefore the proposal is considered to be contrary to HE1 of the Hartlepool Local Plan (2006) policies HE1 and HE3 of the emerging Hartlepool Local Plan (2016) and 126, 131 and 137 of the NPPF.
3. In the opinion of the Local Planning Authority the detailed design of the proposed annexe in particular the horizontal proportions of the proposal do not take into account the characteristics of the Park Conservation Area which generally has a more vertical emphasis to the design of the buildings. As such it is considered that the proposal would be detrimental to the character and appearance of the conservation area and fails to make a positive contribution to local character and distinctiveness. No evidence has been provided to demonstrate that this harm will be outweighed by public benefits. As such the proposal is considered to be contrary to policy HE1 of the Hartlepool Local Plan (2006) policies HE1 and HE3 of the emerging Hartlepool Local Plan (2016) and paragraphs 126, 131 and 137 of the NPPF.

BACKGROUND PAPERS

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

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OAK RIDGE, THE PARADE

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 28.03.17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0057	REV

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

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

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

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

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.

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.

Hsg11 (Residential Annexes) - States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

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

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

Rur20 (Special Landscape Areas) - : States that development in this special landscape area will not be permitted unless it is sympathetic to the local rural character in terms of design, size and siting and building materials and it incorporates appropriate planting schemes

To9 (Tourist Accommodation) - Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

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.

9. Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.

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

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

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

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

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

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

- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

18. The Government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.

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

20. To help achieve economic growth, local planning authorities should plan proactively to meet the development needs of business and support an economy fit for the 21st century.

21. Investment in business should not be over-burdened by the combined requirements of planning policy expectations. Planning policies should recognise and seek to address potential barriers to investment, including a poor environment or any lack of infrastructure, services or housing. In drawing up Local Plans, local planning authorities should:

- set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth; set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;
- support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs not anticipated in the plan and to allow a rapid response to changes in economic circumstances;
- plan positively for the location, promotion and expansion of clusters or networks of knowledge driven, creative or high technology industries;
- identify priority areas for economic regeneration, infrastructure provision and environmental enhancement; and
- facilitate flexible working practices such as the integration of residential and commercial uses within the same unit.

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.

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

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

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

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

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

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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.

95. To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

109. The planning system should contribute to and enhance the natural and local environment by:

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;
- minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures;
- preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution or land instability; and
- remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate.

113. Local planning authorities should set criteria based policies against which proposals for any development on or affecting protected wildlife or geodiversity sites or landscape areas will be judged. Distinctions should be made between the hierarchy of international, national and locally designated sites,²⁴ so that protection is commensurate with their status and gives appropriate weight to their importance and the contribution that they make to wider ecological networks.

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

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.

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 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 QP5: Safety and Security

QP5: The policy states that the Borough Council will seek to ensure that all developments are designed to be safe and secure. The policy sets out how developments should achieve this.

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 HSG12: Residential annexes

Hsg12: States that the Borough Council supports opportunities for homeowners to improve their homes. extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Policy RUR1: Development in the Rural Area

RUR1: Seeks to ensure the rural area is protected and that its natural habitat, cultural and built heritage and rural landscape character are not lost. The policy supports the rural economy, emphasising that proposals must be considered necessary for the efficient or continued viable operation of rural based businesses and appropriate for the rural area. The policy sets out a number of key considerations including compliance with the Rural Neighbourhood Plan, proximity to existing settlements, opportunities for re-use of existing buildings/materials, neighbour amenity, design, highway safety and connectivity, landscape and heritage impacts and the implications in

terms of the supply of Grades 1, 2 and 3a agricultural land. Development may be required to provide infrastructure improvements in accordance with policy QP1, the Planning Obligations SPD and the Local Infrastructure Plan.

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 RUR5: Rural Tourism

RUR5: Seeks to enhance the rural tourism offer of the Borough. The policy sets out a list of criteria on which proposals for rural tourism, leisure attractions and visitor accommodation will be determined. Proposals which meet this criteria and form part of a comprehensive farm diversification scheme, or are directly linked to conservation or enjoyment of a heritage asset will be supported. Proposals for caravan, holiday lodges and camping development must also take into consideration policies LT4 and LT5.

Policy LT1: Leisure and Tourism

LT1: The policy sets out the key areas for Leisure and Tourism development within the borough. Major leisure developments should be focused in the Town Centre or the Marina. The Headland, Seaton Carew and the rural area key areas for leisure and tourism development, further detail on scale and appropriateness of development within these areas is set out in the policy.

Policy LT4: Tourism Accommodation

LT4: The policy states that enhancement of existing tourist accommodation and also the development of further tourist accommodation within the key tourist areas of the Borough (the Town Centre and Marina, the Headland, Seaton Carew and across the rural area) will be supported. This is subject to proposals meeting the criteria outlined in the policy.

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 area 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 NE1: Natural Environment

NE1: This policy states how the natural environment will be protected, managed and enhanced. The policy comprehensively considers all areas relating to the natural environment, including sites designated for nature conservation, designated nature reserves, woodland, habitats, ecosystems, green networks, stating that these should be protected and enhanced. Appropriate assessments and mitigation are also covered by the policy.

PLANNING COMMITTEE

12th April 2017



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT 406 CATCOTE ROAD, HARTLEPOOL
APPEAL REF: APP/H0724/W/17/3170084 –
CHANGE OF USE TO HOT FOOD TAKEAWAY
(H/2016/0453)

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 a change of use to a hot food takeaway at 406 Catcote Road. 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 that the proposal would have a detrimental impact on the health and wellbeing of the population, by contributing to a proliferation of hot food takeaways within the Catcote Road local centre and encouraging unhealthy eating habits. It was considered that the proposal would result in an increased risk to the population in terms of contributing to high levels of obesity (in particular childhood obesity), and the proliferation of diseases where obesity is a contributing factor. As such, the proposal would be contrary to Policy RC18 of the Hartlepool Local Planning Framework - Publication Stage December 2016, and paragraph 171 of the National Planning Policy Framework 2012. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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4. AUTHOR

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DELEGATED REPORT

Application No H/2016/0453

Proposal Change of use to hot food takeaway

Location 406 CATCOTE ROAD HARTLEPOOL

PS Code: 20

DELEGATION ISSUES 1) Publicity Expiry	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	29/12/2016 (re-consult) 22/12/2016 N/A 18/12/2016 17/01/2017 N/A
<p>2) Publicity/Consultations</p> <p>The proposal has been advertised by way of a Site Notice, 10 Neighbour Notification letters and 3 Councillor Notification letters. One objection has been received with the following comments:</p> <p><i>“I don’t [want] that shop to be a hot food takeaway. Because there is a lot of pizza shops in this area and the business will be affected by this plan.”</i></p> <p>Consultation was also undertaken internally with the following comments received:</p> <p>HBC Public Protection <i>I would have no objections to this application subject to an opening hours restriction to no later than 23:00hrs as per the application.</i></p> <p>HBC Traffic and Transport <i>There are no highway or traffic concerns.</i></p> <p>HBC Public Health <i>Hartlepool Borough Council’s Public Health (Health Improvement) team would like to make the following comments on the above application, ref H/2016/0453:</i></p> <p><i>Paragraph 171 of the National Planning Policy framework states that, ‘Local planning authorities should work with public health leads and health organisations to understand and take account of the health status and needs of the local population (such as for sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.’</i></p> <p><i>Planning Practice Guidance also states that, ‘Local planning authorities should ensure that health and wellbeing, and health infrastructure are considered in</i></p>		

local and neighbourhood plans and in planning decision making.'

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

Data from the National Obesity Observatory (NOO) highlights that Hartlepool has 144 hot food take-away outlets per 100,000 population, which is significantly higher than the national average of 88 per 100,000 population.

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

The unit in question, situated at 406 Catcote Road sits on the border of the Manor House and Fens & Rossmere wards. It is therefore important to consider the potential health impact across both wards.

Childhood obesity is of particular concern to Public Health and HBC. The most recent statistics from the National Childhood Measurement Programme (2011/12 to 2013/14), show that 10.7% of reception children (age 4-5) from schools in Fens & Rossmere are classified as obese. This is similar to the rest of Hartlepool, where 11.2% of reception age children are classified as obese. This compares to an England average of 9.5% obese children at reception age.

In Manor House, 14.1% of reception age children are classed as obese (highest rate in Hartlepool), which is significantly higher than the Hartlepool and England average.

Once children reach Year 6 (age 10-11), 25.7% of children in Rossmere & Fens and 27.9% of children in Manor House are classified as obese, which is above the Hartlepool and England averages of 24.4% and 19.1% respectively.

It is also worth noting that in Manor House, more than one third (39.4%) of deaths are people who are under 75 years old. In Fens & Rossmere, this figure is over 46%. A significant number of these deaths are linked to obesity-related illnesses such as diabetes, stroke, CVD and heart disease. This is much higher than the Hartlepool (38%) and England (32%) averages (ONS Public Health Mortality Files 2012).

In Manor House, the rate of emergency admissions to hospital (147.6) is also higher than the Hartlepool (140.2) and England (100) averages (PHE Local Health Profile) and the ward is ranked as the 328th most deprived ward in England (bottom 5%) (IMD, 2010). Average life expectancy in Manor House is approximately 73 years (males) and 79 years (females). This is also much lower than the Hartlepool and England averages. (PHE Localhealth.org.uk)

Manor House has a higher number of obese adults (29.4%) than the rest of

Hartlepool (27.5%) and England (24.1%) and lower numbers of healthy eating adults consuming 5 portions of fruit & vegetables per day (15.7% compared to 19.3% in Hartlepool and 28.7% in England). (PHE Localhealth.org.uk)

There is significant evidence linking obesity with colorectal cancer. Rates in Fens & Rossmere (114.6) and Manor House (109.1) are both higher than Hartlepool (107.1) and England (100). (ONS Cancer incidence data)

Obesity is also linked to an increased risk of stroke. Rates in Fens & Rossmere (137.8) are significantly higher than Hartlepool (104.6) and England (100). (PHE)

There is therefore a concern that additional hot food take-away outlets could contribute to unhealthy diets and a rise in levels of childhood and adult obesity in the Fens & Rossmere and Manor House wards. Increased rates of obesity will contribute to premature deaths due to an increased risk of stroke, cancer and heart disease.

It is also worth noting that the unit is in the vicinity of Manor Community Academy, Grange Primary, Rossmere Primary and Fens Primary Schools and may be accessed on routes to and from these sites.

Should planning permission be granted, it is recommended that all hot food take-away outlets consider the following recommendations:

- 1. A proportion of the menu (25%) is committed to healthier alternatives and light bites, using low fat alternatives and healthier cooking techniques.*
- 2. Healthy eating options are clearly highlighted on menus and notice boards.*
- 3. Healthy options are not significantly higher cost (+20%) than high-fat alternatives.*
- 4. Plain bottled water is provided as an alternative to sugary and soft drinks.*
- 5. Salt is not routinely provided on tables/counters.*
- 6. Acceptance of any future invitations from Environmental Health for support to adopt healthier cooking practices.*
- 7. Further recommendations are provided through the Council's 'Golden Apple' healthier catering criteria, available on request.*

Following the submission of amended details regarding the extract/ventilation system, further 14 consultations were carried out. No further objections were received. HBC Planning Policy and HBC Public Health responded to confirm previous comments made were still applicable.

Following the submission of an amended proposed floor plan, given the extent of the internal alterations it was not considered necessary to undertake further consultation.

3) Neighbour letters needed	Y
4) Parish letter needed	N
5) Policy <u>Planning Policy</u> <p>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:</p> <p>PARA 002 : Primacy of the Development Plan PARA 011 : Planning law and development plan PARA 012 : Statutory status of the 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 171 : Health and well-being PARA 196: Primacy of the Development Plan PARA 197: Presumption in favour of sustainable development PARA 216 : Weight given to policies in emerging plans</p> <p><u>Relevant Planning Policies</u></p> <p>Hartlepool Local Plan 2006</p> <p>Com5: Local Centres Com12: Food and Drink GEP1: General Environmental Principles</p> <p>Hartlepool Local Planning Framework (Publication Draft) December 2016</p>	

RC18 : Hot food takeaway policy

Comments: See e-mail from Matthew Clifford (Senior Planning Policy Officer) to the case officer dated 14.12.16

Thank you for consulting the Planning Policy team on this application.

National Planning Policy

Paragraph 17 of the National Planning Policy Framework (NPPF) lists the core planning principles: These include that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and social facilities to meet community needs.

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

Paragraph 216 of the NPPF states that decision-takers may also give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the greater the weight that may be given);*
- The extent to which there are unresolved objections (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 the Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).*

Adopted Local Plan

The application site is located within the boundary of an area identified as a within the Fens Local Centre in the Adopted Local Plan (2006). Policy Com 5 Local Centres, in the Adopted Local Plan states that proposals for A5 uses in the Local Centres will be approved where:

- i. There is no local significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties or on the highway network, and*
- ii. The scale, function and character of the area is maintained.*

Policy Com 12 Food and Drink, states that applications for A5 use will only be permitted where:

- i. There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter,*
- ii. They will not lead to traffic congestion or otherwise adversely affect highway safety,*
- iii. There is no adverse effect on the character, appearance and function of the surrounding area.*

The case officer will need to consider whether the application is acceptable in relation to these criteria.

Emerging planning policy

Policy RC18, Hot food takeaway policy, in the Publication Local Plan states that the Council seeks to protect the vitality and viability of the network of retail and commercial centres within the Borough along with seeking to protect the residential amenity of nearby residents. Furthermore, the Council are committed to ensuring that Hartlepool residents have the best possible opportunities to live a healthy lifestyle and to ensure this, proposals relating to hot food takeaways will be strictly controlled in accordance with the criteria stated. The following criterion is stated for the Fens Local Centre – the amount of A5 floorspace should not exceed 7%.

The Council monitors the amount of A5 floorspace in Local Centres. There is currently 7% A5 floorspace within the Fens Local Centre. If the application were to be approved then the proportion of A5 floorspace would increase to 12.1%. The application is contrary to emerging policy RC18.

Weight that can be given to emerging policy RC18

The emerging Local Plan is at an advanced stage of preparation. The extent to which there are unresolved objections is very limited. The policy is consistent with the relevant NPPF paragraphs (17 and 171). Therefore the planning policy team consider that significant weight can be attached to the policy.

Corporate policy

The Council's Healthy Weight Strategy for Hartlepool: Action Plan 2015-20, includes the following strategic health objective 'Planning and Retail: Work with partners to improve access to healthy food options and remove barriers to adopting a healthy diet.' The document states a number of expected outcomes for this objective, one of which is 'Prevent an increase in the number of fast food outlets in the town'. The case officer will need to consider whether, when comparing the level of A5 use to the health statistics of the surrounding schools, one more takeaway would potentially exacerbate the overweight / obesity levels within the surrounding area.

Conclusion

The application is contrary to NPPF paragraph 171 and to the relevant core principle in NPPF paragraph 17. The case officer will need to consider whether the application is acceptable in relation to the relevant criteria in policy Com 5 and policy Com 12 of the Adopted Local Plan. The application would, if approved, be harmful to the achievement of corporate health policy. The application is contrary to emerging policy RC18 of the Publication Local Plan. With reference to the criteria in NPPF paragraph 216, the planning policy team consider that significant weight can be attached to the policy. In summary, the application is contrary to 171 and to the relevant core principle of paragraph 171 of the Framework, to corporate health policy and to emerging policy RC18, to which significant weight can be given. Therefore, the planning policy team consider that this application should be recommended for refusal.

6) Planning Consideration

Site

The application site is no.406 Catcote Road, a ground floor commercial unit located within the Fens Shops area on Catcote Road, Hartlepool. Above the unit is a residential flat at no.376 Catcote Road. To the north is the adjoining neighbour at no.404 followed by no.402. Above these units is no.374. To the south is the adjoining neighbour at no.408 followed by no.410-412 and no.414. Above these units is no.378. To the east is a car park and Catcote Road. To the west is the rear yard followed by no's 2 & 4 Retford Grove.

Proposal

Planning permission is sought for a change of use to a hot food takeaway. The proposed unit would be open to the public between the hours of 5pm and 11pm every day. No external alterations are proposed to the unit although an extract/ventilation system would be installed partially visible from the rear. Some internal reconfiguration works are proposed to provide customer waiting/serving area.

Relevant planning history

The application site has been the subject of the following previous planning applications:

H/1979/0247 – Extension to the rear

H/1983/0137 – Single storey extension to rear of shop to provide additional preparation area and erection of boundary wall

Material planning considerations

The material planning considerations in regard to the above proposal are the principle of development in relation to the Local Plan(s) and NPPF, and the impacts on health and well-being, neighbour amenity, highway safety and visual amenity.

Principle of development

The proposal involves the change of use to a hot food takeaway (A5) use. The site is located within a local centre as defined on the Local Plan Proposals Map.

It should be recognised that the Local Planning Authority are in the process of preparing a new Local Plan, as part of the Hartlepool Local Planning Framework. This plan is at an advanced stage in the preparation process.

Of relevance is paragraph 216 of the NPPF states that:

“From the day of publication, decision-takers may also give weight 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)."*

It is on this basis that weight can be given to relevant policies within the Hartlepool Local Planning Framework – Publication Draft December 2016. Of particular relevance is Policy RC18: Hot food takeaway policy. This policy states:

"The Borough Council seeks to protect the vitality and viability of the network of retail and commercial centres within the Borough along with seeking to protect the residential amenity of nearby residents. Furthermore, the Borough Council are committed to ensuring that Hartlepool residents have the best possible opportunities to live a healthy lifestyle and to ensure this, proposals relating to hot food takeaway uses, will be strictly controlled in accordance with the criteria below.

Local Centre A5 thresholds

15) Fens Shops –the amount of A5 floorspace shall not exceed 7%"

Also of relevance are Saved Policies Com5, Com12 and GEP1.

Com5 states: *"Proposals for the development of shops, local services, and food and drink premises (falling within classes A1, A2, A3, A4, A5 and D1 of the Town and Country Planning (Use Classes) (Amendment) Order 2005 will be approved within the local centres where:*

- i. There is no significant adverse effect on the amenities of the occupiers of adjoining or neighbouring properties or on the highway network, and*
- ii. The scale, function, character and appearance of the area is maintained.*

Com12 states: *"Proposals for food and drink developments (falling within class A3, A4 and A5 of the Town and Country Planning (Use Classes) (Amendment) order 2005 will only be permitted where:*

- i. There will be no significant detrimental effect on the occupiers of adjoining or nearby properties by reason of noise, disturbance, smell or litter,*
- ii. They will not lead to traffic congestion or otherwise adversely affect highway safety,*
- iii. There is no adverse effect on the character, appearance and function of the surrounding area, and*
- iv. Where located in industrial areas, they accord with Policy Com10.*

In relation to the considerations within these policies, an assessment of the relevant material planning considerations will be carried out. Consultation with HBC Planning Policy stated that as per the thresholds set within Policy RC: 18 the addition of a further takeaway would increase the current floor space in use as A5 from 7% to 12.1%. The proposal was considered to be contrary to this policy and

due to this (in part) it was recommended that planning permission should be refused.

Whilst it is recognised that the principle of an A5 hot food takeaway use would generally accord with Saved Policies Com5, Com12 and GEP1, and that there are economic benefits as a result of the unit being operational, it is considered that significant weight can be given to Policy RC18 as it is fully consistent with the relevant paragraphs in the NPPF, the extent to which there are unresolved objections to the policy is very limited and the Emerging Local Plan is at an advanced stage in the preparation process. Given that the proposal would exceed the thresholds set within RC18 for A5 floor space within this local centre, it is considered that the principle of development in this location is not acceptable.

Health and wellbeing

The proposal involves the change of use to a hot food takeaway. There is therefore potential for an impact on the health and wellbeing of the population in the local centre and wider ward area.

Consultation was undertaken with HBC Public Health who raised concerns regarding the proposal. This was in relation to the impact on the health and wellbeing of the ward area in terms of contributing to obesity (in particular childhood obesity), incidences of heart disease and stroke, hospital admissions and early mortality rates. Statistics were provided to support this from the National Obesity Observatory, National Childhood Measurement Programme and ONS Public Health Mortality Files. Comments also stated that the proposed use would be on the boundary of both the Manor House ward and the Fens and Rossmere ward, and would be in close proximity to schools and other places where children congregate.

At a national level, paragraph 171 of the NPPF is particularly relevant and states:

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

At a local level, policy RC18 of the Emerging Local Plan states that *“Furthermore, the Borough Council are committed to ensuring that Hartlepool residents have the best possible opportunities to live a healthy lifestyle...”*

It is recognised that planning has an important role to play in the health and wellbeing of the population by encouraging healthy communities through good design, encouraging active lifestyles and influencing choices of eating habits. It is also recognised that there will always be an element of choice available to the consumer particularly in relation to the consumption of particular food types, but also in terms of living an active lifestyle.

Whilst it is appreciated that there are a number of other operational A5 hot food takeaways within the vicinity of the application site, it is recognised that a proliferation of hot food takeaways within a particular area can have a detrimental

impact in relation to restricting the availability of alternative (and healthier) eating options and increasing the availability and choice of unhealthy options. In addition, as the application site is located within the Fens and Rossmere ward area, which has above average levels of obesity in children aged between 10-11, and where 46% of deaths are of people under 75 years old, as detailed by HBC Public Health, the proposal could exacerbate these issues in the ward and similar health issues in the neighbouring ward both in the short term and longer term.

It is therefore considered that the proposed change of use to an A5 hot food takeaway in this location would have a significant detrimental impact on the health and wellbeing of the population, contrary to policy RC18 and paragraph 171 of the NPPF.

Neighbour amenity

One objection has been received from the neighbouring property at no.404 Catcote Road with comments detailed above. The reason for objecting relates (in part) to the impacts of the proposal on an existing business. It should be recognised that within this context, retail competition does not constitute a material planning consideration. Comments also raised concerns over the number of takeaways within the vicinity. This issues has been considered above. In relation to the impact on the amenity of this neighbour, no objections have been received from, HBC Public Protection. Given the nature of the proposal in relation to operating hours, the context in terms of surrounding retail units, and the relationship with this neighbouring property, there is considered to be minimal impact on amenity in particular noise, disturbance, smells or litter.

In relation to the impact on no.376 Catcote Road, this is a residential property above the application site and no.408. Again no objections were received from HBC Public Protection. Given the context of surrounding retail uses and the nature of the proposed use of the application site, it is considered that there would be no undue impact on the amenity of this neighbour in relation to noise, disturbance, odour or smells.

In relation to the impact on no's 402 & 404 Catcote Road, no.404 adjoins the application site with no.402 located further north. Both are in use as retail land uses. Given the existing relationship and nature of the proposal, there is considered to be minimal impact on the amenity of these neighbours.

In relation to the impact on no.374 Catcote Road, this is a residential property located above no's 402 & 404 Catcote Road. Again no objections were received from HBC Public Protection. Given that this unit is not located directly above the application site and given both the context in terms of surrounding retail land uses, there is considered to be no undue impact on the amenity of this neighbour.

In relation to the impact on no.408 Catcote Road, this is a ground floor retail unit adjoining the application site. Given the nature of the proposal in relation to surrounding land users and the proposed opening hours, there is considered to be no undue impact on the amenity of this neighbour.

In relation to the impact on no.410-412 Catcote Road, this is a double fronted retail

unit not adjoining the application site. Given the existing relationship, nature of the proposal, and context of surrounding retail land uses, there is considered to be minimal impact on the amenity of this neighbour.

In relation to the impact on no.414 Catcote Road, this is a further retail unit and is significantly separated from the host property. Given the existing relationship and nature of the proposal, there is considered to be no undue impact on the amenity of this neighbour.

In relation to the impact on no.378 Catcote Road, this is a residential property above no's 410-412 and 414 Catcote Road. Given the separation distance, nature of the proposal, and the existing context in terms of neighbouring retail units, there is considered to be minimal impact on the amenity of this neighbour.

In relation to the impact on no's 2 & 4 Retford Grove, these are semi-detached residential properties located to the rear of the host property. Given that the front of the unit would be entirely obscured, the overall relationship in terms of separation distances, screening and boundary treatments, and no objections being received from HBC Public Protection, there is considered to be no undue impact on the amenity of these neighbouring properties.

Overall, the proposal is not considered to have any significant detrimental impact on the amenity of any neighbouring property in relation to noise, disturbance, litter, odour, loss of privacy or loss of outlook, in accordance with Saved Policies Com5, Com12 and GEP1.

Highway safety

Consultation was undertaken with HBC Traffic and Transport with no objections raised. It is therefore considered that the proposal would have no adverse impact in relation to highway safety, in accordance with Saved Policies Com5, Com12 and GEP1.

Visual amenity

It is recognised that the proposal would not involve any significant external alterations to the property. Given this, the existing appearance of the unit and the context in terms of surrounding units, it is not considered that the proposal would have any significant detrimental impact on visual amenity, in accordance with Saved Policies Com5, Com12 and GEP1.

Conclusion

In relation to the material planning considerations examined above, it is considered that the principle of development in this location is not acceptable in relation Policy RC18 of the Emerging Local Plan, and that the proposal could result in a significant detrimental impact on the health and wellbeing of the population, contrary to Policy RC18 and paragraph 171 of the NPPF and the relevant core planning principle in paragraph 17 of the NPPF. The proposal is not considered to have any significant or undue impact on neighbour amenity, visual amenity or highway safety, in accordance with Saved Policies Com5, Com12 and GEP1 of the Hartlepool Local Plan 2006. The proposal 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. The proposal would have a detrimental impact on the health and wellbeing of the population, by contributing to a proliferation of hot food takeaways within the local centre and encouraging unhealthy eating habits. The proposal would result in an increased risk to the population in terms of contributing to high levels of obesity (in particular childhood obesity), and the proliferation of diseases where obesity is a contributing factor. The proposal would be contrary to Policy RC18 of the Hartlepool Local Planning Framework - Publication Stage December 2016, and paragraph 171 of the National Planning Policy Framework 2012.

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, in this instance, it has not been possible to address the impact of the proposal on the health and wellbeing of the population.

Author of Report: Leigh Taylor

Signed:

Dated:

Signed:

Dated:

Planning Team Leader DC

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

12 April 2017



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding non-compliance with planning conditions relating to opening hours at a convenience store on Easington Road.
2. An investigation has commenced in response to a complaint regarding the running of a furniture making business at a residential property in Irvine Road.
3. An investigation has commenced in response to a complaint regarding the erection of a rear extension at a residential property in Owton Manor Lane.
4. An investigation has commenced in response to a complaint regarding the erection of a side extension at a residential property in Larkspur Close.
5. An investigation has commenced in response to a complaint regarding the running of a car repair business at a residential property at Hill View, Greatham.
6. An investigation has commenced in response to a complaint regarding the erection of a rear extension at a residential property in Masfield Road.
7. An investigation has commenced in response to a complaint regarding car repairs being undertaken at a residential property in Ryan Court.
8. An investigation has commenced in response to a complaint regarding the erection of a 'lean-to' structure at the rear of a licensed premises on Broadfield Road.

9. An investigation has been completed in response to a complaint regarding the erection of a timber outbuilding in the rear garden of a residential property in Cornflower Close. Permitted development rights applied in this case.
10. An investigation has been completed in response to a complaint regarding the erection of an outbuilding in the rear garden of a residential property in Shakespeare Avenue. It was found that the outbuilding has been in place for in excess of 4 years and is therefore immune from enforcement under planning legislation
11. An investigation has been completed in response to a complaint regarding car sales at a residential property at The Grove, Greatham. It was found that the business operates at the property at a very low level, and has been doing so for in excess of ten years and is therefore immune from enforcement under planning legislation.
12. An investigation has been completed in response to a complaint regarding car repairs being undertaken at a residential property in Borrowdale Street. Several unannounced site visits revealed no evidence of car repairs being undertaken at the property. No further action necessary.
13. An investigation has been completed in response to a complaint regarding the running of a seafood business at a residential property in Brunel Close. It was found that fresh prawns were being sold at the property on an only occasional and informal basis to family and close friends, and that the activity was not being done in connection with a commercial enterprise. No further action necessary.
14. An investigation has been completed as a result of a complaint regarding the erection of a roof dormer and balcony at the rear of a residential property in Sheriff Street. Permitted development rights apply in relation to the roof dormer, and the balcony has been in place for in excess of 4 years and is therefore immune from enforcement under planning legislation.
15. An investigation has been completed in response to a complaint regarding the siting of a chalet within the grounds of a residential property in Hart Lane. A valid application for a certificate of lawful development has since been received.
16. An investigation has been completed in response to a complaint regarding the siting of a caravan and alterations to a car park at the rear of a guesthouse at The Cliff, Seaton Carew. A valid application seeking to regularise both matters has since been received.
17. An investigation has been completed in response to a complaint regarding the retention of shipping containers at a sports pitch complex on Rossmere Way. A valid application seeking to regularise the retention of the shipping containers has since been received.

18. An investigation has been completed in response to a complaint regarding a rear extension not being built in accordance with the approved plans at a residential property in Ocean Road. A valid planning application seeking to regularise the development as implemented has since been received.
19. An investigation has been completed as a result of information provided by the Council's Public Protection team regarding the change of use from offices to bars and restaurants, and the paving of a parking area, at Navigation Point. A valid planning application seeking to regularise the changes of use and paving of the parking area has since been received.
20. An investigation has been completed in response to a complaint regarding the display of parking restriction signage at a retail park car park on Marina Way. It was found that in this case the signage benefits from deemed consent.

2. RECOMMENDATION

Members note this report.

3. CONTACT OFFICER

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PLANNING COMMITTEE

12 April 2017



Report of: Assistant Director, Economic Growth
& Regeneration

Subject: THE GOVERNMENT'S RESPONSE TO THE
REPRESENTATIONS IT RECEIVED THROUGH ITS
CONSULTATION ON REFORMS TO THE NEW
HOMES BONUS

1. PURPOSE OF THE REPORT

- 1.1 To inform Members that the Government has now published its response to the representations it received from local authorities regarding its consultation on changes to the way in which the New Homes Bonus is paid.
- 1.2 To provide Members with an assessment of the potential risks/implications for the Council arising from the Government's response.

2. BACKGROUND

- 2.1 The New Homes Bonus is the Government's central method of incentivising Local Authorities to grant planning permission for new dwellings and facilitate housing delivery in the future. The report to Planning Committee in March 2016 considered the Housing and Planning Bill and New Homes Bonus issues. Section 3 of this report provides a summary of the proposals in the Government's consultation and the Government's response following the consultation process. The key aspects of the Government's proposals in the consultation document were:

- Withholding payment of New Homes Bonus where no Local Plan has been produced by March 2017.
- Setting a national baseline for housing growth of 0.25% below which the New Homes Bonus will not be paid.
- Reducing the period of payments of New Homes Bonus for each dwelling delivered from 6 years to 4 years.
- Reducing New Homes Bonus payments where residential development is allowed on appeal by either 50% or 100%.

3. CONSULTATION ISSUES AND THE GOVERNMENT RESPONSE

Withholding New Homes Bonus where no Local Plan has been produced

Consultation document

- 3.1 When awarding New Homes Bonus, the Government proposed to differentiate between Local Authorities who do or do not have a Local Plan in place. The Government's preferred option was that from 2017/18 onwards, Local authorities who have not submitted a Local Plan should not receive New Homes Bonus allocations for the years for which that remain the case.

What the Government now proposes

- 3.2. The Government has decided not to implement the proposal to withhold the New Homes Bonus for 2017/18 from local authorities who have not submitted a Local Plan. However, the Government plan to revisit this issue from 2018/19.

Setting a national baseline for housing growth

Consultation document

- 3.3. The Government suggested that a baseline growth of 0.25% be applied to all Local Authorities and that this level would be discounted from the New Homes Bonus paid. The Government appears to be contending that the baseline growth would occur anyway through windfall development and therefore this represents "deadweight" housing delivery that shouldn't attract a reward.

What the Government now proposes

- 3.4 A key issue that the Government was attempting to address in making changes to the national New Homes Bonus scheme was to move from a system that had no control totals in place (i.e. local authorities were guaranteed a New Homes Bonus payment based on the number of new homes locally) to a one that is cash limited each year. To achieve this objective the Government are:
- Moving to 5 year payments for New Homes Bonus allocations in 2017/18 and then to 4 years from 2018/19.
 - Introducing a national baseline ('deadweight') of 0.4% for 2017/18, below which New Homes Bonus allocations will not be made.
- 3.5 Had the deadweight adjustment not been introduced the Council would have received about £203,000 more New Homes Bonus in 2017/18. The consultation considered an illustrative baseline of 0.25% but the Government have implemented a higher baseline of 0.4% and there is the risk that in 2018/19 and future years the baseline will be adjusted by

Government to ensure that New Homes Bonus payments stay within government control totals.

Legacy Payments

Consultation document

- 3.6. For every new dwelling delivered in the Borough the Council currently receives a payment of New Homes Bonus for a period of 6 years on that property. The Government requested views on moving from 6 years of the New Homes Bonus to payments of 4 years, with an interim period for 5 year payments, to smooth the transition. Views were also requested on whether the number of years of payments should be reduced further to 3 or 2 years.

What the Government now proposes

- 3.7. The Government shared the view of the majority of respondents that there should be an interim period to smooth transition. The Government will implement its preferred option which is to move to future allocations of 5 years in 2017/18 and 4 years from 2018/19.

Reducing payments for homes allowed on appeal

Consultation document

- 3.8 The Government's preferred approach is to reduce New Homes Bonus payments to local authorities where residential development is allowed on appeal by either 50% or 100%. This adjustment would be applied to all six years for which the Bonus would otherwise have been paid in full.

What the Government now proposes

- 3.9 From 2018/19 the Government will consider withholding New Homes Bonus payments from local authorities that are 'not planning effectively, by making positive decisions on planning applications and delivering housing growth'. The Government will also consider withholding payments for homes that are built following an appeal.

4. IMPLICATIONS FOR THE COUNCIL

Financial Risks

- 4.1 The Council will respond to the financial risks associated with the New Homes Bonus changes as part of a corporate response to the Government's consultation on the 2017/18 national Local Government Financial Settlement. The forecast financial impacts of the scaling baseline adjustment of 0.4% and the framework of restricting New Homes Bonus allocations to 5 years for 2017/18 then to 4 years from 2018/19 are factored into the Medium Term Financial Strategy and the financial planning assumptions will be updated as part of future reports for consideration by Finance & Policy Committee.

Withholding a bonus where no Local Plan has been produced

- 4.2 Officers have been working to submit the emerging Local Plan to the Secretary of State by March 2017. The change in the Government's position means that there is no longer a direct financial penalty if this target is not achieved. However, it is noteworthy that the Government has also said that it will revisit the case for withholding New Homes Bonus from authorities not delivering on housing growth from 2018/19. There remains therefore an element of uncertainty regarding the Government's future intentions.
- 4.3 Members will also be aware that when the Local Plan is adopted, the policies within it can be given full weight when determining planning applications. Officers will therefore continue working to ensure that the emerging Local Plan is submitted by March 2017.
- 4.4 Officers consider that the Government's new position acknowledges the reality that the Planning Inspectorate is unlikely to have the capacity to deal with a deluge of Local Plan submissions and resource Examinations in Public for all of them expediently. It is understood that the Planning Inspectorate may prioritise local authorities that have Green Belts in their districts.

Setting a national baseline for housing growth

- 4.5 The introduction of the national baseline for housing growth or 'deadweight' at a higher level than previously proposed, together with the Government retaining the option of making adjustments to the baseline in future years, as with the other changes made will exacerbate the difficulty faced by the Council in achieving stability for medium and long term financial planning in what is already a very challenging financial environment for the Council.

Legacy payments

- 4.6 Officers welcome the decision not to implement the proposed reduction to 3 or 2 years for payment of the New Homes Bonus. However, the reduction to 4 years, with an interim period of 5 years, will still result in a reduction in the payments that the Council would have received under the present system.

Reducing New Homes Bonus Payments for Homes Built on Appeal

- 4.7 If New Homes Bonus payments are reduced for homes built on appeal then there is a risk that financial considerations could be seen as driving decision making regarding planning applications. In respect of the financial implications, Members may recall the example that was provided in the previous report. For ease of reference, this is repeated below:
- 4.8 In recent years the Council has lost appeals on Worset Lane (7), Quarry Farm (81) and Tunstall Farm (110) which were subsequently granted after being refused. If this were to be repeated (to the level of approx 200

dwelling) under the proposed New Homes Bonus system (if the reduction in New Homes Bonus payments was 100%) the Council would stand to lose out on approximately £1.74m in New Homes Bonus payments going forward.

5. EQUALITY AND DIVERSITY CONSIDERATIONS

5.1 There are no equality or diversity implications.

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

6.1 There are no Section 17 implications.

7. RECOMMENDATIONS

7.1 That Members note the proposed changes to how the New Homes Bonus is awarded and the potential implications of the changes to the way the Council approaches Planning.

8. BACKGROUND PAPERS

8.1 The details of the Government's consultation is available on the following weblink:

New Homes Bonus Technical Consultation:
<https://www.gov.uk/government/consultations/new-homes-bonus-sharpening-the-incentive-technical-consultation>

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