

# PLANNING COMMITTEE AGENDA



**Wednesday 10 May 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 12 April 2017.

### 4. **ITEMS REQUIRING DECISION**

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

1. H/2015/0353 Land off Dalton Heights, Dalton Piercy (page 1)
2. H/2017/0118 Land adjacent to Hart on the Hill, Dalton Piercy Road, Dalton Piercy (page 29)
3. H/2017/0115 Glendower, 38A Egerton Road (page 41)
4. H/2017/0107 Church Street / Church Square (page 55)

### 5. **ITEMS FOR INFORMATION**

- 5.1 Appeal at Crescent House, South Crescent, Hartlepool – *Assistant Director (Economic Growth and Regeneration)*
- 5.2 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*



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

### **EXEMPT ITEMS**

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

### **8. ITEMS REQUIRING DECISION**

- 8.1 Complaint Cases to be Closed (paras 5 and 6) – *Director of Regeneration and Neighbourhoods*

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

### **10. FOR INFORMATION**

Site Visits – Any site visits requested by the Committee at this meeting will take place on the morning of the next scheduled meeting on Wednesday 7 June 2017



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **12<sup>th</sup> April 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,  
Trisha Lawton, Brenda Loynes, Ray Martin-Wells,  
George Morris and Jean Robinson

In accordance with Council Procedure Rule 4.2 Councillor George Springer was in attendance as substitute for Councillor Tim Fleming.

Officers: Peter Devlin, Chief Solicitor  
Jim Ferguson, Planning and Development Manager  
Mike Blair, Technical Services Manager  
Helen Heward, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

## **102. Planning and Development Manager**

The Chair congratulated Jim Ferguson on his recent appointment as Planning and Development Manager. He also thanked Andrew Carter the previous Planning Services Manager.

## **103. Apologies for Absence**

Apologies were submitted by Councillor Tim Fleming.

## **104. Declarations of interest by members**

Councillor Ray Martin-Wells declared a personal interest in application H/2017/0085 (Crookfoot Farm).

Councillor Ray Martin-Wells declared a prejudicial interest in application H/2017/0057 (Oak Ridge). He would leave the meeting during consideration of this item but intended to speak as a Ward Councillor.

Councillor Rob Cook declared a non-prejudicial interest in application H/2017/0057 (Oak Ridge).

Councillor Stephen Akers-Belcher declared a non-prejudicial interest in application H/2017/0057 (Oak Ridge).

Councillor Brenda Loynes declared a personal interest in application H/2017/0085 (Crookfoot Farm).

Councillor George Morris declared a personal interest in application H/2017/0085 (Crookfoot Farm).

## 105. Confirmation of the minutes of the meeting held on 15<sup>th</sup> March 2017

Minutes approved

## 106. Planning Applications *(Director of Regeneration and Neighbourhoods)*

**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

This item had previously been deferred for a site visit. The Planning and Development Manager advised that since then the applicant had amended the proposal to move the side walls of the outbuilding in 10cm from the neighbouring boundary. Members queried what safeguards were in place to ensure that the building could not be used for commercial enterprise or converted to a dwelling. The Planning and Development Manager confirmed that both of these were covered in the conditions and could lead to enforcement.

Members were sympathetic with the objector but could find no reason to refuse on planning grounds. They approved the application unanimously.

**Decision:** Planning Permission APPROVED

**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans (Location Plan received 09/09/2016, Drawing No: 16/KIRBY/001 C Proposed Drawings - Planning received 31/03/2017, Drawing No: 16/KIRBY/004B Proposed Plan on Topo received 31/03/2017) 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.
6. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

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**Number:** H/2017/0085

**Applicant:** MRS SHADFORTH COAL LANE ELWICK  
HARTLEPOOL

**Agent:** Planning House Mrs C Pipe 24 Briardene Way  
PETERLEE

**Date received:** 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

The Planning and Development Manager referred to the site's 'complex and protracted' planning history, advising that a cabin was currently on site despite the planning permission for its retention having expired in 2014 and planning permission for its retention having been refused (and the refusal subsequently upheld by the planning inspector). A breach of condition notice had been served but not complied with. Subsequently a case of prosecution for non-compliance was due to be heard before Magistrates in May. A not guilty plea had been entered

The Applicant, Mrs Shadforth, urged members to support the application which would provide disabled accommodation of a type greatly needed in the area. There were currently only 3 wheelchair accessible holiday homes less than an hour away from Hartlepool and this was the only one which could accommodate family pets. She accepted that the appearance of the cabin would have an impact but hoped that the design of the roof and landscaping would help to negate this impact

Mr Sutcliffe spoke against the application. His property lay 20 metres away from the cabin. He referred to the planning history on the site, noting that on a number of occasions planning permission had been refused, these refusals had been backed up by the planning inspector and enforcement action had been taken. The cabin did not comply with current planning policy and there was nothing material in its favour. If planning permission was given neighbouring properties would be severely impacted visually and in terms of noise and disturbance from dogs and children. He urged members to go with officer recommendations to refuse, commenting that if they did not he would ask the national planning casework unit to intervene.

A member felt it was hypocritical to refuse this application on the basis of protection of the countryside while approving large applications such as the South West extension and asked that planning policy be looked at. The Chief Solicitor referred to the Council's recent submission of the draft Local Plan to the Secretary of State and suggested that these issues (in particular rural policies 7 and 20) be highlighted at future public hearings into the soundness of the Local Plan submission document .

A member indicated his intent to support the application as it would provide a much needed facility for the disabled with little impact on the neighbouring property. However other members referred to previous refusals and the pending court case, querying whether they could defer their decision until May. The Chief Solicitor cautioned against deferral on this basis.

Members voted to refuse the application by a majority

**Decision:** **Planning Permission REFUSED**

**REASONS FOR REFUSAL**

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.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2017/0057
<b>Applicant:</b>	DR M MENABAWAY THE PARADE HARTLEPOOL
<b>Agent:</b>	DR M MENABAWAY OAK RIDGE THE PARADE HARTLEPOOL
<b>Date received:</b>	13/02/2017
<b>Development:</b>	Change of use of garages to granny annexe with games room over and garden store to rear
<b>Location:</b>	OAK RIDGE THE PARADE HARTLEPOOL

Councillor Ray Martin-Wells spoke in his capacity as Ward Councillor. He urged the Committee to support the application saying that while he acknowledged the annexe would be large the main house was also large therefore the annexe would, he felt, be ancillary to it. He referred to the recommendation to refuse based on the proposal being out of keeping with the character and appearance of the conservation area, commenting that a number of other properties had been approved which were also out of character. The Applicant had made this application for personal not financial reasons and should he wish to convert the annexe into a separate dwelling for future sale he would need permission from the Council to do so.

**Councillor Ray Martin-Wells left the meeting**

Members expressed their support for the application and recorded the following reasons for their decision i) Design was considered to be in keeping with the Conservation Area ii) The development would be of an appropriate scale in relation to the main house.

Members approved the application by a majority.

**Decision:** **Planning Permission APPROVED – conditions delegated to the Planning and Development Manager in consultation with the Chair or Vice Chair of the Planning Committee**

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**Councillor Ray Martin-Wells returned to the meeting.**

**107. Appeal at 406 Catcote Road** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had been submitted against the Council's decision (delegated through the Chair of Planning Committee) to refuse permission for a change of use to a hot food takeaway. The application had been refused as it was felt that it would have a detrimental impact on the health and wellbeing of the population and contribute to a proliferation of hot food takeaways within that area. The Planning and Development Manager felt this appeal would be a good test of the policy in the emerging Hartlepool Local Plan (2016) .

**Decision**

That officers be authorised to contest the appeal

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

Members were informed of 20 ongoing issues currently being investigated. A member asked that in future a differentiation be made between new and ongoing issues.

**Decision**

That the report be noted



**109. 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))*

Deferred to a future meeting

**Decision**

That the report be deferred

**110. Local Government (Access to Information) (Variation Order) 2006**

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

Minute 111 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (paras 5 and 6) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

**111. Enforcement Action** *(Director of Regeneration and Neighbourhoods)*

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

Details are given in the exempt minutes.

**Decision**

Details are given in the exempt minutes

The meeting concluded at 11:05am.

CHAIR

**No:** 1  
**Number:** H/2015/0353  
**Applicant:** WYNYARD HOMES LTD  
**Agent:** GAP DESIGN MR GRAEME PEARSON CHANTRY  
COTTAGE 11 THE GREEN ELWICK HARTLEPOOL  
TS27 3ED  
**Date valid:** 06/10/2015  
**Development:** Residential development comprising 31 two, three and four bedroomed bungalows  
**Location:** Land off Dalton Heights Dalton Piercy HARTLEPOOL

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## 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.

## PROPOSAL

1.2 Planning permission is sought for residential development comprising 31 bungalows. This comprises 5 x 3 bedroom detached dormer bungalows, 8 x 3 bedroom detached bungalows, 15 x 2 bedroom detached bungalows 2 x 2 bedroom semi-detached bungalows and 1 x 4 bedroom bungalow. All properties have either a single or double garage within the curtilage.

1.3 The proposed site layout has been amended since originally submitted due to issues raised in relation to the impact on trees, ancient woodland, a public footpath, a water main crossing the site, concerns regarding onsite relationships and access. The proposed number of dwellings has been reduced from 34 to 31.

## SITE CONTEXT

1.4 The application site extends to approximately six acres and is currently in agricultural use. The site is irregular in shape and is currently undeveloped Greenfield land outside the village envelope as identified within the adopted Hartlepool Local Plan (2006). To the south of the site are residential properties. To the north/north east of the site are woodland and Dalton Beck and beyond are open fields to the A19.

1.5 There is a hedgerow boundary to the west, with a public footpath running along the western boundary, this footpath will need to be diverted to accommodate the development beyond are fields. The north/north eastern boundary is adjacent to the Howls, a Local Wildlife Site (LWS) and area of Ancient Woodland as designated within the Hartlepool Local Plan (2006) this area consists of trees and open ground.

1.6 The access to the development will be taken from the public highway between 3 and 4 Dalton Heights. The site lies approximately 1.3km from the A19.

1.7 Dalton Piercy is a village accommodating approximately 90 dwellings. The village has grown incrementally over time, for example with the addition of modern housing sites of 10, 11, 15 dwellings added at various times. There are a number of traditional houses facing the village green and through road. To the west of the village lie modern additions to the village. The village has a mix of traditional and modern properties but all of them appear to have a large amount of amenity space thus giving an overall low density for the village.

1.8 The application has been referred to Planning Committee owing to the number of objections received and the nature of the development.

## **PUBLICITY**

1.9 The application has been advertised by way of neighbour letters (83), site notices (4) and press notice. To date, there have been 65 letters of objection which include multiple objections from single households and multiple letters from individuals. A petition of objection has been received with 79 signatures from 49 properties. Further consultations were carried out on amended plans and information received which resulted in a further 72 objections. There were 2 letters of no objection received.

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

- Inadequate footways provided
- Highway safety
- No justification to build on greenbelt land
- Inadequate road access
- Inadequate bat survey
- Inadequate archaeological information provided
- Flooding and drainage issues
- Footways should be on both sides of the access
- Poor line of sight
- Close to natural pond to which there is no reference made
- Damage to character and amenities of the established residential environment
- Limited services
- Unsustainable development
- Limited bus service
- Disruption and noise from construction traffic
- Ancient woodland would be affected
- Negative impact on wildlife
- Not in keeping with rural landscape
- Development is a threat to the community
- Not in keeping with village development
- Properties too close to tree line
- No kerb or pavement
- Overdevelopment
- Increase in traffic
- Not enough infrastructure to support any more dwellings especially those which are primarily aimed at the elderly

- Development goes through existing public footpath
- Development will remove the ancient ribbon village character
- No demand for more housing in village
- Brownfield sites should be used
- Development is on greenbelt rural land
- Outside village envelope
- Development against the NPPF
- Character of the village will be changed
- Roads cannot cope with the development
- Contrary to the rural plan
- Lack of amenities and facilities in the village
- Ecology issues
- Exacerbate existing traffic problems
- Development disproportionate to the village
- Access road not wide enough
- SHLAA published December 2014 stated that this site was unsustainable
- Cumulative impact from other development within Hartlepool
- Sewerage issues
- No benefits from this development
- Already empty properties within village
- Parking issues
- No play area provided
- This is a village not a town

1.11 The following comments were made by those objecting to the amended plans:

- Amendments do not address concerns
- Inadequate distance from the howls
- Still does not comply with imminent rural plan
- Road width not wide enough
- Visibility issues
- None of the issues have been addressed
- Flooding
- Highways issues
- Original objections stand
- Reduction in housing numbers does not address concerns
- Greenbelt shouldn't be built on
- New local plan should be taken into account
- Reiterate previous objections
- Loss of footpath adjacent to the bridle way is an issue
- Buffer zone still using part of the gardens
- No justification for this development
- Drainage issues
- No footpaths

1.12 Copy Letters **A**

1.13 The period for publicity has expired.

## CONSULTATIONS

1.14 The following consultation replies have been received:

**HBC Traffic & Transport:** The proposed development is accessed from Dalton Heights, the carriageway is below the minimum width 4.8 metres for a residential road for a distance of approximately 25 metres. At its narrowest it is approximately 4.2 metres. This may lead difficulties for vehicles passing particularly if parked cars are present.

The immediate access to the site shows a carriageway with a footway either side, this would require a carriageway width of 8.8 metres (4.8 metre carriageway and 2x 2metre footways). The available carriageway width in this location is 7.1 metres. The development will lead to a small increase in the number of traffic movements at the A19 / Dalton junction. There are concerns with the safety at this junction particularly with right turning traffic with 8 recorded accidents in the past 5 years (5 slight, 2 serious and 1 fatal). I would not consider that the impact on this junction would be severe.

The applicant has shown an area of public open space, which may become adopted highway verge. A commuted sum will be required for maintenance of this area once the development is adopted.

A plan should be supplied which details the carriageway gradients. The HBC Design Guide and Specification recommends that the maximum longitudinal gradient is 5%. If the gradient is greater than this then the Developer should with the agreement of the Councils Highways Section use a carriageway surface with a high skid resistance and provide Grit bins at agreed locations.

The roads and footways to be designed and constructed in accordance with the HBC Design Guide and Specification either through Section 38 agreement or Advanced Payment Code agreement.

### Amended details - comments

The proposed access has now been amended to provide a 4.8 metre carriageway with a 2.0 metre footway on the west side of Dalton Heights, this will connect into the existing footway. The omission of a footway on the eastside would be acceptable as there's no existing path on this side.

The proposed plans show the 4.8 metre carriageway extending directly up to the boundary of No.4 Dalton Heights, this would not be acceptable as the public highway should be retained by a kerb, this will require a minimum 300mm verge / kerb installing. This would also help protect the boundary at No.4 from passing vehicles. The provision of kerb / verge would therefore reduce the carriageway width to 4.5 metres. I have also measured the carriageway width in this location as 6.7 metres not 6.8 metres as per the plan. The carriageway would therefore be reduced from 4.8 metres (this is the minimum width for an adopted highway) to 4.4 metres. The reduced width would make it difficult for vehicles to pass each other comfortably and may lead to minor collisions.

The amended internal highway layout is now acceptable.

The remaining previous comments are still valid.

The development will lead to a small increase in the number of traffic movements at the A19 / Dalton junction. There are concerns with the safety at this junction particularly with right turning traffic with 8 recorded accidents in the past 5 years (5 slight, 2 serious and 1 fatal).

I would not consider that the impact on this junction would be severe. The applicant has shown area of public open space, which may become adopted highway verge. A commuted sum will be required for maintenance of this area once the development is adopted.

A plan should be supplied which details the carriageway gradients. The HBC Design Guide and Specification recommends that the maximum longitudinal gradient is 5%. If the gradient is greater than this then Developer should with the agreement of the Councils Highways Section use a carriageway surface with a high skid resistance and provide Grit bins at agreed locations.

The roads and footways to be designed and constructed in accordance with the HBC Design Guide and Specification either through Section 38 agreement or Advanced Payment Code agreement.

#### Additional Comments

The proposed amendment to the carriageway layout on Dalton Heights at the start of the site would be acceptable. The amendment provides a 300 mm verge/kerb detail providing a boundary with No.4 Dalton Heights. A 4.8 metre wide carriageway, this is the recommended width for a residential carriageway and a 1575mm wide footway over a length of 33 metres. This is below the recommended 2.0 metre width but over relatively short distances a reduction in footway is permissible.

I can confirm that the access arrangements to plot 30 and 31 are now acceptable.

**HBC Transport Services:** Home to School Transport Provision - Travel assistance will be provided free of charge for students accessing their nearest school, if that school is more than 3 miles from their home address in the case of Secondary schools and 2 miles in the case of primary schools.

Travel assistance will also be provided to students whose walking route to their nearest school would be deemed unsafe, in line with LARSOA Guidance

At present there are two buses accessing the village to provide transport for students to St Peters Primary School in Elwick Village and High Tunstall Secondary School. Students accessing other schools would not be attending their nearest school and would therefore not be entitled to Home to school travel assistance.

**HBC Arborist:** The proposed development impacts on adjacent trees on plots 16, 17 and 29 all of which are important features and need to be retained. This is not

mentioned on the application form which states under Q. 15 that no trees adjacent to the site will be affected. The adjacent woodland known as The Howls is a designated Local Wildlife Site and two trees adjacent to plots 29 and 30 are on a Tree Preservation Order (TPO 72). BS 5837 specifically mentions the need to define minimum separation distances from trees and any new construction and advises that an Arboricultural Impact Assessment is needed to identify the position of the trees and thereafter to establish an Arboricultural Constraints Plan. This could mean that the plots mentioned may have to be altered. Additional landscaping is mentioned in the Heritage Design and Access Statement and in Clause 1.21 it is proposed that large areas of planting and open spaces are being incorporated within the scheme. In this respect I will need to see further details on this. In respect of Policy GEP 12 of the adopted Local Plan and addressing my concerns about the impact on trees on this site, I need to see an Arboricultural Impact Assessment and an Arboricultural Constraints Plan to avoid any conflict with adjacent trees. I also need to see details of the proposed landscaping that is to be incorporated into the design.

#### Amended Plan/Details submitted

The amended plan shows the properties in plots 29 and 30 marginally relocated away from trees in the adjacent farmland two of which are on Tree Preservation Order no.72. One significant Ash tree which is on the TPO is not shown on the plan drawing submitted and is directly next to the garage shown on plan between plots 29 and 30. The distance of the building on plot 29 needs to be a minimum of 10m from this tree and likewise the garage previously mentioned. The two Ash trees that are shown adjacent to plot 30 are not on an Order. In addition to this there is supposed to be a minimum buffer zone clearance of at least 15m between the ancient semi-natural woodland known as The Howls and plots 16, 17, 20, 21, 22, 23, 24 and 27. This is mentioned in the Planning and Development standing advice published by Natural England and the Forestry Commission. It is even more prevalent in this case because of the steep drop at the back of these properties down to the stream below.

#### Additional Comments

I refer to my previous correspondence regarding legally protected trees on the Eastern boundary (see 12/1/2016) and the implications that nearby buildings would have on them. I note that this has now been addressed and I am satisfied that they are no longer under threat. Having said that, I still need to see sight of a drawing showing where the temporary protective fencing around the roots of these trees is to go a root constraint plan - to avoid damage being caused by site traffic etc. during construction work. This should be marked on a plan showing the exact position where it has to go (The root protection area is normally transcribed as a radius 12 times the diameter of the stem from the tree in question). This temporary protective fencing will then need to be erected before any work starts in that area should planning permission be granted.

**HBC Ecology:** In summary it is recommended that the following ecological issues need to be further addressed before the application can be determined:

- Clarification of whether the hedge on the western boundary would be affected by the development and, if so, survey and assessment of the impacts on the hedge.



- A suitable level of bat activity survey spread throughout the bat activity season, in line with current guidelines.

Furthermore it is recommended that a suitable buffer should be provided between the development and The Howls ancient woodland in line with Natural England's standing advice. In addition it is recommended that proposed measures to enhance biodiversity are provided. These could include measures in the vicinity of the development site if these aren't possible on the site itself. Such measures could be provided by way of a condition or part of the S106 of any permission.

#### Amended Plan/Details submitted

There will be a 10m gap (to buffer the priority woodland) which will be measured from the post and wire fence to the rear garden fences. The spec for the rear garden fence is 1.8m high timber vertical boarded screen fence. I am satisfied that this will discourage house owners from throwing garden waste into the woodland buffer area and that it will discourage people, dogs and cats from accessing the woodland. As a 5m no development zone within the gardens would be difficult to enforce I do not need this retaining.

Within the 10m gap there will be planted a native species hedge, made up largely of thorny species. This will provide a continuous, linear barrier and will help to secure the woodland from recreational access while strengthening the edge character of the wood. The hedge will be planted in two staggered rows at 1m intervals. It will grow to fill much of the 10m gap but without greatly overhanging or over-shadowing the gardens. This could be conditioned with standard landscaping requirements of stakes and tree guards and a three year aftercare period including the replacement of any failed trees (beating up). Subject to details of a scheme conditioned there are no objection on ecological grounds.

**HBC Countryside Access Officer:** There is a public footpath that will be affected by the development this will need to be diverted at the developers expense. A site meeting has taken place whereby it was agreed that should permission be granted then diversion of the footpath would proceed.

**HBC Heritage and Countryside:** This application uses an established access which runs alongside a designated heritage asset (College Farm, grade II listed building).

The NPPF states, When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation...Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.

It is considered that given that the access is already established this development will not impact on the significance of the heritage asset.

**HBC Public Protection:** No objection

**HBC Engineering Consultancy:** I have reviewed both the FRA and the Phase 1 Desk Study and would like to make the following comments;

1) Although the development proposes to discharge into Northumbrian Water services, I would still need to request a drainage condition to ensure that sufficient storage could be achieved on site.

2) Following a review of the Ph1 Desk Study I am satisfied with its conclusion and the recommendation for some intrusive testing. With this in mind can I request a Contaminated Land condition.

**Hartlepool Water:** In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assessed the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development.

Having assessed the proposed development against the context outlined above I can confirm the following.

- Within the development area there is an existing 30" strategic water main which would require major diversion works or a re-design of the site.
- In addition to the above we are currently designing an additional large diameter water main to run parallel to the 30" main in the vicinity of this development.
- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed development, although some off-site up-grade work will be necessary.
- We have no objection to this development.

**Northumbrian Water:** In making our response Northumbrian Water 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 NWL have the following comments to make:

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled "*Flood Risk Assessment*". In this document it states that foul water will connect to manhole 3202 & that no surface water will enter the public sewerage system.

We would therefore request that the *Flood Risk Assessment* form part of the approved documents as part of any planning approval and the development to be implemented in accordance with this document.

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference.

The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

**Natural England:** Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Natural England's comments in relation to this application are provided in the following sections.

#### Relationship with the Draft Local Plan

Your Authority should consider work being carried out in relation to the Draft Local Plan. The Habitats Regulations Assessment (HRA) of the Local Plan has highlighted potential impacts as a result of recreational pressure on the Northumbria Coast SPA and Tees and Cleveland Coast SPA and considers potential options to mitigate impacts. Proposed mitigation has been discussed and ongoing work is required, including the preparation of a Supplementary Planning Document to outline appropriate mitigation, which may include access management measures such as educational signage and access management within the SPA, to ensure the coast is used in an appropriate way, which does not result in harm to its interest features

It will be necessary to ensure consistency between the evidence base work for the Local Plan and any required avoidance and mitigation measures for this proposal. Given that evidence is already available in relation to the Core Strategy this should assist your Authority in considering the need for any avoidance and mitigation measures under the requirements of the Habitats Regulations.

#### Protected species

We have not assessed this application and associated documents for impacts on protected species. Natural England has published Standing Advice on protected species. You should apply our Standing Advice to this application as it is a material consideration in the determination of applications in the same way as any individual response received from Natural England following consultation.

The Standing Advice should not be treated as giving any indication or providing any assurance in respect of European Protected Species (EPS) that the proposed development is unlikely to affect the EPS present on the site; nor should it be interpreted as meaning that Natural England has reached any views as to whether a licence is needed (which is the developer's responsibility) or may be granted. If you have any specific questions on aspects that are not covered by our Standing Advice for European Protected Species or have difficulty in applying it to this application please contact us with details at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk).

#### Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

Green Infrastructure

The proposed development is within an area that Natural England considers could benefit from enhanced green infrastructure (GI) provision. Multi-functional green infrastructure can perform a range of functions including improved flood risk management, provision of accessible green space, climate change adaptation and biodiversity enhancement. Natural England would encourage the incorporation of GI into this development.

Biodiversity enhancements

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. Section 40(3) of the same Act also states that *'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'*.

Landscape enhancements

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Sites of Special Scientific Interest Impact Risk Zones

The Town and Country Planning (Development Management Procedure) (England) Order 2015 requires local planning authorities to consult Natural England on "Development in or likely to affect a Site of Special Scientific Interest" (Schedule 4, w). Our SSSI Impact Risk Zones are a GIS dataset designed to be used during the planning application validation process to help local planning authorities decide when to consult Natural England on developments likely to affect a SSSI. The dataset and user guidance can be accessed from the [data.gov.uk](http://data.gov.uk) website

**Highways Agency:** We have reviewed the details of the application and would not wish to offer any objection. However, we do wish to mention that while there is no formal direction made, we do have general concerns about the intensification of use of the A19 junctions at this location. While it would be very difficult to quantify the increased risk of movements from this development, an increase is nevertheless inevitable. Please will you therefore ensure any planning reports highlight this increased risk and that due weight is given to it in making recommendations.

**Cleveland Police:** I would always recommend that the principles of secured by design are considered in all developments. I have no concerns with the proposed layout but would recommend the following:

#### Boundary Treatments

I would recommend rear gardens are protected by a close boarded fencing to a min of 1.8m with any rear and side boundaries backing onto open ground 2m. side gates should be the min of 1.8m and be lockable, minimum sub fencing 1.4m

#### Lighting

All street lighting including shared drives and non adopted road should comply with BS5489 2013 with a min colour rendering index of 60RA.

**Tees Archaeology:** The applicant has submitted a desk based archaeological assessment prepared by Archaeological Services, Durham University.

The document states that although there are no known archaeological deposits in the development area there is archaeological potential, particularly for prehistoric to Roman archaeology based on knowledge of surrounding area. The report recommends that an archaeological field evaluation is carried out to fully determine the nature of this archaeological potential. I support this recommendation.

The field evaluation should take the form of a geophysical survey with trial trenching if necessary and dependant on the results. This should be carried out prior to a planning decision being made in order that a proper assessment can be made on the impact of the proposal on the significance of archaeological deposits (NPPF para 128). I would request that a planning determination is deferred until this information is available.

#### Amended Plan/Details submitted

My previous comments remain valid. Prior to any decision being made we would require to see the geophysics and possibly trial trenching. This is in line with the previous advice and NPPF (para 128). An evaluation report has been provided. The trial trenching has confirmed the presence of prehistoric settlement on the site, and possibly early medieval activity. The report recommends a programme of archaeological excavation targeted on the north of the proposed development area in order to mitigate the impact of the development on the archaeological resource. I agree with this recommendation. It would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). This should be controlled by condition.

**Emergency Planning:** After reviewing the documents we don't have any objections to the proposal.

**Environment Agency:** No objection or comments

**The Ramblers Association:** The site contains no recorded rights of way. The eastern boundary of the development site is contiguous with the BW Dalton Piercy 03 which joins BW Elwick 07). Should the council be minded to consent to the application we ask, that in line with the National Planning Policy Framework Section

8 'Promoting healthy communities', links are provided to the BW, so allowing residents the opportunity of circular walks in the nearby countryside.

The consideration might be given to linking the site to the paths developed by Elwick Parish Council, landowners and the council's Countryside Access Team (Paths for Communities Scheme). We object to the development as the developer has not put forward proposals for the treatment of FP03.

**Tees Valley Wildlife Trust:** Tees Valley Wildlife Trust objects to this application. The development will have an adverse impact on Ancient Woodland and to approve the application would be contrary to both central government advice and to the Natural Environment and Rural Communities Act (2006).

The Government has published advice for planning authorities for applications which affect Ancient Woodland. This clearly states that Planning Authorities should refuse planning permission for developments that would lead to loss or deterioration of irreplaceable habitats.

Ancient Woodlands are irreplaceable. They take hundreds of years to establish and are considered to be important for wildlife, soils, recreation, cultural value, history and their contribution to landscapes. Every care should be taken to protect such woodlands from damaging impacts.

The applicant has submitted an Ecological Study which has recognised the presence of Ancient Woodland adjacent to the development site and also recommends that this is protected using a buffer zone in which construction works or excavations may not occur. The applicant has chosen to ignore this advice in the application.

Government advises that developments leave an appropriate buffer zone of semi-natural habitat between development and ancient woodland and that a minimum buffer should be at least 15 metres. This has clearly been contravened in the proposal.

Section 40 of the Natural Environment and Rural Communities Act (2006) states that Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity.

Not only must the planning authority ensure its decisions will not result in damage to one of Hartlepool's few areas of ancient woodland, but it should also go further and ensure that the development makes a positive contribution to wildlife; Section 40(3) of the same Act states that conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat

**Dalton Parish Council:** The basis of DPPC objection in summary are: Transport/Traffic, Environmental, Commercial and flooding, I have provided detail to each point of our objection below.

Traffic/Transport The traffic survey upon which the developers rely is flawed in that it was done during the summer months, so less busy and not including school buses and also at times that do not reflect times when the proposed development would be busiest. We also note that despite it being a requirement the transport assessment included did not address sustainability of transport nor did it address the safe and suitable access to the current bus service.

A19: The junction at the A19 has been the site of several fatalities, the developer has quoted an additional 121 cars which will increase the risk of further fatalities, and is against the advice of the coroner following the last fatality, this is also raised by Highways England in their objection.

Access to Dalton Height: There is a 4 way junction on a blind bend (if turning right towards A19 from Dalton Heights) within 20m of each other. This leads down from Dalton Heights which is on a steep bank that often during the winter month's freezes causing vehicles to not access their properties, block the road & then trying to find parking elsewhere in the village. The road to Hartlepool is narrow, unlit & if a car goes off the edge of the road which can & does happen if meeting anything larger than a car then there is potential for that vehicle to lose control as in many areas there are deep welts. This is obviously recognised in part by HBC as these are sometimes filled with dolomite but has limited sustainable rectification. We also believe that road to the proposed site from Dalton Heights is totally unsuitable in width even with the revised plan to be able to either meet the HBC published guidelines or safely cope with the suggested 121 cars.

Bus Service: The current bus service, runs 3 days per week with limited times, the bus is jointly funded by HBC, Elwick and Dalton, it is currently funded until March 2016 when a further decision on ongoing support will be made but it be unwise to rely on it in any decision.

Environmental The site is adjacent to 2 ancient woodlands north and east sides, and the site to the east is also a nature reserve, both sites are recorded in Natural England site list. The nature reserve on the eastern boundary known as the "Howls", this is home to some 53 species of birds including owls, skylarks during the summer, and a number of small and large mammals including voles, bats and Roe deer. The bats can be seen leaving their roosts in the trees on the eastern edge of the field particularly during dusk in the summer. The deer use the field as a crossing to the spinney running alongside the footpath to Elwick as this has a number of hedgerow food sources.

At the bottom of the Howls is Dalton Beck which then runs into a Site of Special Scientific Interest just before the bridge at the eastern end of the village. Any run-off during construction of the development would likely contain a range of contaminants and because of the topography this would run straight down into the Dalton Beck and therefore to the SSSI leading to its contamination and damage to both flora and fauna. Even the revised plan it only shows a limited buffer zone or root protection and does not meet the requirements recommended by Naturally Wild and therefore if approved the site will have significant impact on the trees and their inhabitants. We acknowledge that a single bat survey has been undertaken in the autumn, this does not meet the national requirements in order to assess the potential impact, if the development was to be considered then 2 further bat surveys would be required.

In addition to the above, as the field is often flooded during the winter months and the water then runs off into the heart of village causing flooding, HBC have been called out twice between December and January to deal with the flooding. The impact of the proposed development with more hard landscaping will cause further problems, this run could also run into the Howls and increase flow rates in the stream causing erosion downstream in particular to the sandstone banks which are of Noted Geographical interest.

The environmental reports submitted by the developer states there is no pond within 500M of the site, this is incorrect, the village pond, which we understand is the only natural pond in Hartlepool is c. 300m of the site. The environment report has not addressed the significant wildlife in the pond which may include newts in addition to toads and frogs.

Commercial In the planning application it is stated that this development will allow HBC to meet its housing provision as detailed in the Strategic Housing Land Availability Assessment, yet this site is not included and indeed HBC have recently approved over 2,000 new builds across 5 sites, and the plan states 'This illustrates a potential ability to more than meet the requirement, allowing flexibility over the choice of the most appropriate sites from the SHLAA list to be allocated in the Local Plan'. There is no justification for adding this site.

In the HBC SHLAA the site was identified as unsustainable and was excluded from the Draft Rural Plan for HBC and shown as a 'strategic gap' area and at the time there were no objections to this exclusion from the land owner, in reviewing the application now we would draw the councils attention the following guidance from the Rural Plan "Development within the Green Gaps shown on the Proposals Map will only be permitted in exceptional circumstances where it is connected with the essential functioning of agriculture or forestry and does not compromise the openness of the countryside between the villages, Hartlepool and Billingham."

Within Dalton Piercy, there is currently 3 brown field sites with outline planning covering some 15 dwellings/plots, none of which yet have progressed, in addition there are currently of further 8 properties for sale giving a total of 23, there can be no commercial justification for another 34 properties.

Flooding/Sewage The supporting report on flooding, completed in August, the village has historically not experienced any flooding in August!

The proposed development site has areas of flooding for 3-4 months of the year, this can be viewed in the field currently and on the grass growth areas on google maps and adjacent property owners are often required to dig drainage channels including in December 2015. The village as a whole regularly suffers from flooding with properties at Abbots Lea requiring to use sand bags, the main cause of the flooding is the inability of the road drains to remove the run off water for the surrounding fields this has occurred 3 times in December and January with HBC having to attend on 2 occasion. Removing field and adding hard surface will only increase this, the developers have limited options to address this as there are nature conservation areas on 2 sides, where increased water flow will be detrimental to the areas of local importance and the feed pipe from Dalton Heights is only 150mm.



The village has seen a steady growth in homes over the last 25 years and as indicated has outline planning for an additional 15 already, the sewage system is the original system and has not been upgraded, the village has experienced sewage coming back up through manholes in recent times, particularly at times of increased rainfall, the Environment Agency have been alerted on these occasions.

Despite the neutral response from NWL experience on the ground suggests that both ground water and sewage systems are under pressure and we do not believe that these concerns have been sufficiently addressed in the supporting evidence.

General Planning Considerations Dalton Piercy is an ancient “Ribbon Village” with most of the development over the last 50 years following the ribbon of the main road through the village. The proposed development is completely the opposite of the developments so far and would fundamentally change the character of the village.

We would wish to draw the following core planning principal to the committee’s attention:

- 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;
- 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 this Framework;
- Be genuinely plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area

### RURAL COMMITTEE DECISION

Just about two years ago the land owners surrounding Dalton Piercy Village put their entire land forward as possible development land to the rural planning committee. After a lot of consideration and various studies regarding the needs of the village, the rural committee decided there was no land suitable for any needs for future development in Dalton Piercy.

### **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.

### Adopted Local Plan (2006)

1.16 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
GEP9	Developers' Contributions
GEP10	Provision of Public Art
GEP12	Trees, Hedgerows and Development
Hsg5	Management of- Housing Land Supply
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Rec 2	Provision of play in New Housing Areas
Rur1	Urban Fence
Rur3	Village envelopes
Rur7	Development in the Countryside
RUR18	Rights of Way

#### Emerging Local Plan (Publication Stage December 2016)

1.17 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	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
Inf1	Sustainable Transport Network
Inf2	Improving Connectivity in Hartlepool.
Inf4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP7	Energy Efficiency
Hsg1	New Housing Provision
Hsg2	Overall Housing Mix
Hsg9	Affordable Housing
Rur1	Development in the Rural Area
Rur2	New Dwellings Outside of Development Limits
NE5	Playing fields, tennis courts and bowling greens

#### Rural Neighbourhood Plan

1.18 The Neighbourhood Plan Publication Draft was consulted on between February and April this year. An independent inspector has now been appointed to examine the plan prior to a public referendum. The relevant policies are:

Policy Gen1 – Village Envelopes  
 Policy Gen2 – Design Principles  
 Policy H1 – Housing Development – does not identify any sites in Dalton Piercy  
 Policy H2 – Affordable Housing

Policy H4 – Housing in the Countryside – housing will only be supported in exceptional circumstances – links to national criteria in the NPPF.

Policy T1 – Improvements to the Highway Network

Policy T2 – Improvements to Public Transport

Policy T3 – Improvement and extension of the public and permissive rights of way network

Policy C1 – Safeguarding and improvement of community facilities

Policy PO1 – Planning Obligations

### National Policy

1.19 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:

- 2 Application of planning law (development plan and material considerations)
- 6 Purpose of the planning system – creation of sustainable development
- 7 Three dimensions to sustainable development
- 9 Pursuing sustainable development
- 11 Determination of applications
- 12 Statutory status of the development plan
- 13 The National Planning Policy Framework constitutes guidance
- 14 Presumption in favour of sustainable development
- 17 Core planning principles
- 29 Facilitating sustainable developments
- 30 Solutions to reduce greenhouse gas emissions
- 32 Transport statement or transport assessment
- 34 Minimising the need to travel by car
- 35 Sustainable transport modes
- 36 Travel Plan
- 47 Boost significantly the supply of housing
- 49 Housing and the presumption in favour of sustainable development
- 55 Sustainable development in rural areas

56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
61	The connections between people and places
64	Improving the character and quality of an area
66	Community involvement
69	Social interaction and healthy, inclusive communities
72	School Places
93	Planning and climate change.
96	Minimise energy consumption
118	Conserving and enhancing biodiversity
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

## PLANNING CONSIDERATIONS

1.20 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, (including Planning Obligations) the impact upon the character and appearance of the surrounding area, the impact on neighbouring residents, highway safety, flooding and drainage, ecology/landscaping/public rights of way, archaeology and loss of agricultural land.

## PRINCIPLE OF DEVELOPMENT

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

1.22 NPPF paragraph 7 sets out the three dimensions to sustainable development: economic, social and environmental and the role that each element has within the planning system, the roles are summarised below:

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land is available in the right places and at the right time to support growth and innovation;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet present and future needs, 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.

1.23 Having viewed, NPPF, NPPG and the main concern with the proposal is that Dalton Piercy is a rural village with no services other than a village hall and a bus with a very limited service. If approved this development could lead to an increased need to travel by car which will have resultant negative impact in terms of emissions and exacerbating climate change.

1.24 The Council has recently submitted its emerging Local Plan to the Secretary of State. Whilst the plan has not yet been through Examination, the plan is at an advanced stage and identifies sufficient housing sites, along with existing planning permissions to demonstrate a five year housing land (which also frontloads 20% into the first five years from later in the plan period). As such policies such as Rur3 (Village Envelopes) and Hsg5 (Housing Land Supply) within the 2006 Local Plan can now be considered to hold full weight.

1.25 There is recently adopted evidence which has been prepared to support the development of the new Local Plan. This includes the following documents which have relevance to applications for housing:

1.26 The Strategic Housing Market Assessment 2015 (SHMA) states that within the Rural Ward there is a need for 1-3 bedroom detached houses/cottages, 1-2 bedroom semi-detached house/cottage, 1-2 bed and three bed + terraced house/cottage, bungalows and flats and a significant need for affordable dwellings

1.27 The 2015 Strategic Housing Land Availability Assessment – this document assessed a wide number of locations across the Borough to assess their suitability for inclusion within the Local Plan as a housing site. This site was put forward for consideration as part of the SHLAA.

#### Allocation within the Hartlepool emerging plan

1.28 An element of the site was submitted as part of the SHLAA process, however the site was deemed to be inappropriate for residential development due to its unsustainable location. The SHLAA was endorsed by the Council in December 2014 and forms part of the Emerging Local Plan and decision making evidence base.

#### Allocation within the Hartlepool Rural Plan

1.29 The draft Rural Plan was consulted upon in May 2105 and it did not include any proposed allocations within Dalton Piercy village. The Neighbourhood Plan, once made, will form a part of the Council's Local Development Framework and due regard should be had to any compliance or conflict within decision making. The recent consultation on the Final Draft Rural Plan which between February and April 2017 again did not include any housing sites at Dalton Piercy and in fact the application site is identified as green gap/strategic gap between Dalton and Elwick on the proposals map. The proposal is therefore contrary to the emerging Hartlepool Rural Plan. At this stage it is considered limited weight can be applied to the policies of the Rural Plan.

#### Conclusion on Policy

1.30 It is considered that the Authority can now demonstrate a five year housing land supply. The site lies outside of the limits to development/village envelope in both the

2006 Local Plan and the emerging Local Plan (2016) and therefore the proposal is contrary to the policies of the development plan.

1.31 In determining applications Local Planning Authorities are required to determine applicants for planning permission in accordance with the development plan unless material considerations indicate otherwise. These matters will be considered in the conclusion to this report.

### Planning Obligations

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

1.33 In terms of the required planning obligations for the current proposal, these are set out below.

- A contribution to provide a six day, 8am to 6pm bus service for a period of 10 years.
- Elements of open space/landscaping
- Bat bricks, raised ridge tiles and bird boxes
- Grounds maintenance contribution if a management plan is not undertaken
- Play Park on site
- 20 years maintenance contribution
- Playing pitches £7231.99
- Tennis courts £1767.62
- Bowling greens £154.07
- Green infrastructure £11,500
- Built sports facilities £7,750
- Education contribution based on 31 dwellings (£91,677.08) north-west planning area.
- Six affordable units on site

1.34 The applicant is proposing to provide £66,000 towards developer contributions and 2 intermediate tenure semi-detached bungalows which would be 20% discount to market value. It should be noted that these proposed contributions fall significantly below the requested contributions and the developer submitted a viability assessment to justify the reasons the scheme could not provide the required contributions. This was accepted however the lack of provision does not add to the sustainability of the development in that it cannot afford to fully address the infrastructural impacts arising from development and these costs will ultimately potentially need to be borne by others including this Council.

### IMPACT UPON THE CHARACTER AND APPEARANCE OF THE AREA

1.35 Objections to the development has been received relating to the impact on the character of the village. The National Planning Policy Framework 2012 (NPPF) sets

out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 63 and 64 of the NPPF state that, 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. Further, 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.

1.36 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should normally be of a scale and character which is in keeping with its surroundings and should not have a significant detrimental effect on the occupiers of adjoining or nearby properties, or the environment generally. Policy GEP1 of the 2006 Local Plan states that development should take into account issues such as, the external appearance of the development, its relationships with the surrounding area, visual intrusion and loss of privacy. Policy QP4 of the Emerging Local Plan states that all new development should be designed to take into account a density that is reflective of the surrounding area.

1.37 Officers consider that the density of the site is acceptable. The separation distances proposed between dwellings within the site accords with and in many instances exceeds the guidance set out in the Hartlepool Local Plan 2006. The proposed layout includes areas of open space and retained landscaping. It is acknowledged that no formal play area is accommodated and this is a short coming within the scheme, however open space areas will afford some opportunity for informal play.

1.38 Officers consider that the character and appearance of Dalton village as a whole is varied, consisting of a mixture of house types, ages and styles. Given the context of the area in general and taking into consideration the mixed appearance of the neighbouring properties/premises, in terms of both scale and design, it is considered that the design, scale and massing of the proposed dwellings are acceptable and will not detrimentally impact upon the character and appearance of the area. It is acknowledged that the development will represent a significant extension to the village increasing the number of properties by some 34% but it is not considered this is so significant as to warrant a refusal of the application.

1.39 It is acknowledged that the development will not entirely accord with the original linear character of Dalton Piercy Village with traditional dwellings facing onto the village green. However there are newer properties on the northern edge of the village which also do not follow this pattern and the proposed development will not be widely visible given the landform and tree cover afforded to the site. It is not considered therefore that the proposed development form would have such a detrimental impact in terms of visual amenity and impact on the character of the village to sustain a reason for refusal.

## IMPACT ON NEIGHBOURING PROPERTIES

1.40 It is considered that the layout of the 31 dwellings upon the site has been designed in such a way as to restrict the impact upon the residential amenity of

neighbouring properties in terms of loss of light, privacy, outlook and any overbearing effect. The layout of the site has been amended since it was originally submitted to reduce the number of dwellings. It is considered that the scale of the dwellings, are proportionate to that of neighbouring properties within the vicinity. It is considered that the relationships between the properties and premises adjoining the site and in the immediate vicinity and the proposed dwellings are acceptable. The separation distances between all of the properties proposed with regard to the front, side and rear of the neighbouring properties comply with the guidance outlined in the Hartlepool Local Plan 2006 and are therefore considered acceptable.

1.41 The layout of the site is considered to be acceptable and in terms of appearance will assimilate itself quickly into the wider streetscene. The wider area of the site has mature trees and hedgerows which will to an extent screen the development from the public highway.

1.42 Access to the development site is taken from an existing access road. There are two existing properties either side of the access road, 3 Dalton Heights which is set back from the road with the main front elevation approximately 6m reducing to 3m given the design of the property within the plot. There is a low brick boundary wall and railing detail with planting behind along the frontage of the property. The property opposite, 4 Dalton Height sits in an 'L' shape within the plot with a side gable wall adjacent the access road approximately 5m. There is a high boundary fence and dense shrubbery and trees along this boundary. No objections have been raised by HBC Public Protection. It is considered that the relationship between these properties and the access is acceptable. It is considered that the impact on neighbouring properties is acceptable.

#### IMPACT UPON HIGHWAY SAFETY

1.43 Objectors have raised concerns regarding the impact of the scheme on highway and pedestrian safety, in particular the potential for the scheme to exacerbate existing access/parking problems and the impact on the existing network in terms of capacity.

1.44 Within the new development a 2 metre footway has been provided on both sides of the carriageway until the start of the shared surface area, this type of carriageway is commonly used in cul-de-sacs where footways are not provided because traffic flow and speed are expected to be low. The design of the shared surface meets Hartlepool Borough Council's Design Guide requirements.

1.45 The access point is constrained by the fact that adjacent land is not within the applicants ownership where the new development meets the existing access road it has been agreed with HBC Transport and Engineering that the developer can provide a 4.8 metre carriageway, a 300mm verge/kerb on the eastern side of Dalton Heights and a 1.575m footway (including kerb and pin kerb) on the western side. It is acknowledged that the footway is below the 2.0 metre provision specified in the Hartlepool Design Guide and Specification for Residential Estates, however, in this instance the reduced footway width is over a short section of carriageway (25 metres) when it meets the existing footway. The footway width is over 1.5 metres which would allow a pedestrian/wheelchair user to pass each other comfortably.



1.46 Developers in Hartlepool are encouraged to design highways in accordance with the Design Guide which is based upon the Department for Transport's Manual for Streets, departures from this guidance can however be made if agreed by the authorities Engineer. In this instance it was considered by the Engineer that a footway width of 1.575 m could safely serve the existing and proposed dwellings due to the light traffic and pedestrian flows, especially as the reduced width is over a short stretch of carriageway.

1.47 It is considered that residents living on the eastern side of Dalton Heights will be able to safely cross over the road to use the existing footway.

1.48 Highways England have been consulted on the application and raised no objection to the proposal though they have raised general concerns regarding the intensification of the use of junctions on the A19.

1.49 The NPPF indicates that account should be taken of whether improvements can be undertaken within the transport network that cost-effectively limits the significant impacts of development. It goes on to advise that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The Council's Traffic and Transport section do not consider that the traffic movements associated with an additional 31 dwellings within the village would result in a severe residual impact.

1.50 In view of the above, it is considered that the proposal is acceptable in terms of its impact on highway and pedestrian safety.

## DRAINAGE AND FLOODING

1.51 Objections have been received with respect to the proposed development exacerbating existing drainage and flooding problems within the area. The latest flood map from the Environment Agency website illustrates that the area is located within flood zone one and is a low risk area in terms of flooding. The application is accompanied by a Flood Risk Assessment (FRA) and Drainage Impact Assessment.

1.52 With regard to foul and surface water drainage from the site, the supporting documents state that this will discharge in to Northumbrian Water services at restricted rate, Northumbrian Water raise no objections to this but request final details to be conditioned. The Environment Agency and the HBC Engineering Consultancy raised no objection to the proposal.

1.53 It is acknowledged that there has been flooding within the village in the past. The Council has undertaken works to clear out drainage ditches and lowering the grass verges to help prevent surface run off issues. Remedial works have taken place to direct water towards existing gullies. Whilst it is acknowledged that there continues to be some surface water issues within the main road of the village it is not considered that with appropriate measures in place this development will exacerbate any problems. If a positive recommendation were made final details of drainage to ensure adequate provision can be achieved onsite would be conditioned. It is therefore considered the proposal in terms of drainage and flooding is acceptable.

## ECOLOGY/LANDSCAPING/PUBLIC RIGHTS OF WAY

1.54 Concerns have been raised from residents with regard to the potential impact the development will have on the ancient woodland 'The Howls'. The woodland at the Howls is classed as Ancient Semi-Natural Woodland and is also designated as a Local Wildlife Site. There are several potential effects from the proposed development, however there are mitigation measures that can be taken to protect the Ancient Woodland and enhance biodiversity. It has been confirmed that the existing hedgerow to the west of the site is to be retained. This can be secured by condition. A buffer zone area is required to be maintained between the ancient woodland and any development boundary, this can vary dependant on the type of development. In this instance it has been recommended that a 15m buffer zone be provided which includes a 5m 'no build' area within the rear garden boundaries of plots 15 to 23 (inc) and a 10m zone from the rear boundary fence to the tree line with a new hawthorn hedge planted along the length of this boundary. The Councils Ecologist has been consulted on the proposal and raises no objections subject to conditions securing the mitigation measures. It is therefore considered the proposal acceptable in Ecology terms.

1.55 There were initial concerns raised with regard to the potential impact on trees which are covered by a Tree Preservation Order No.72, however an amended site layout has been provided which shows that the proposed buildings will be satisfactorily sited in relation to these trees. The HBC Arborist has raised no objections to the proposal, however tree protection measures are required during construction works. These can be secured by condition.

1.56 The Ramblers Association and the Council's Countryside Access Officer have provided comment on the proposal. There is a public rights of way that runs through the development site and it will need to be diverted under section 257 (1), or the Town and Country Planning Act 1990 as "...it is necessary to do so in order to enable development to be carried out...". The effect of a development on public rights of way is a material consideration in the determination of applications for planning permission. With regard to the diversion it is proposed that the right of way will be rerouted onto an existing permissive path. It is considered that the proposed diversion will improve the safety of users of the footpath as it will be overlooked and illuminated. The diversion of the right of way will be subject to a separate application considered outside the planning system. In terms of its impact on right of way the proposal is considered acceptable.

## ARCHAEOLOGY

1.57 Following the initial submission, Tees Archaeology requested that further works be carried out prior to determining the application, in the form of a geophysical survey and archaeological trial trenching. The subsequent report confirms the presence of prehistoric settlement on the site, and possibly early medieval activity. The report recommends a programme of archaeological excavation targeted on the north of the proposed development area in order to mitigate the impact of the development on the archaeological resource. In light of this Tees Archaeology raise no objections to the scheme but advise that it would be reasonable to request that

the developer records any archaeological remains that will be destroyed by the development, this would be in line with NPPF paragraph 141, and can be secured by condition. The proposal is therefore considered acceptable in terms of archaeology.

## AGRICULTURAL LAND

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

## CONCLUSION

1.59 The Council has recently submitted its emerging Local Plan to the Secretary of State. Whilst the plan has not yet been through Examination, it is at an advanced stage and identifies sufficient housing sites, along with existing planning permissions to demonstrate a five year housing land (which also frontloads 20% into the first five years from later in the plan period). As such housing policies such as Rur3 (Village Envelopes) and Hsg5 (Housing Land Supply) within the 2006 Local Plan can now be considered to hold full weight. In this respect the site lies outside the limits to development/village envelope and housing in this location is therefore contrary to the policies of the Hartlepool Local Plan 2006. Similarly in the emerging Hartlepool Local Plan 2016 the site is not identified as a housing site and lies outside the limits to development /village envelope again the proposal is considered contrary to the policies of the emerging Hartlepool Local Plan 2016. In determining applications statute, and government advice, is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

1.60 It is acknowledged that the proposal offers a number of economic and social benefits and these material considerations must be weighed in the decision on the planning application to determine whether a departure from policy is appropriate in this instance. The benefits of the proposal are acknowledged. These include the delivery of 31 Bungalows for which there is an acknowledged need within the Borough. Further the applicant in terms of affordable housing has agreed to provide two intermediate tenure properties. The applicant has also agreed to provide £66,000 towards developer contributions (though it is acknowledged for reasons of viability this falls below the figure for the infrastructural requirements identified). Other benefits include the developments contribution to economic growth with potential for the development to generate jobs (particularly through the construction phase) and the increased expenditure in the Borough that is likely to be generated from an increased population. In addition whilst local services and community facilities are limited an increased population in the village may well help to sustain those that do exist.

1.61 In terms of the three dimensions of sustainability economic, social and environmental whilst the economic and social benefits of the scheme are acknowledged above in environmental terms the site is located in a village which offers very limited services. The location of the development is considered

unsustainable with no shops, school, medical facilities, public house and very limited public transport. Given the nature of the highways linking the site to the main urban area and other villages which might offer services and the distances involved, it is considered inevitable that residents would generally have to rely principally on the use of the private car, rather than sustainable modes of transport (walking, cycling, public transport) to access these services and employment elsewhere with resultant negative impacts on carbon emissions and efforts to move to a low carbon economy and address climate change. It is considered therefore that on balance overall the proposal does not represent sustainable development. Further, it is also apparent that due to viability issues the scheme is unable to provide sufficient developer contributions to address all infrastructural impacts arising from the development which adds to the unsatisfactory nature of the proposal in terms of its sustainability.

1.62 Given the unsustainable nature of the site, whilst the economic and social benefits of the scheme are acknowledged, on balance it is not considered that these considerations would outweigh the adverse impacts of what is considered to be unsustainable development. It is not considered therefore that material considerations would indicate that the development should be approved contrary to the policies of the development plan. The application is therefore recommended for refusal.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.63 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

1.65 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – REFUSE** for the following reason:

1. In the opinion of the Local Planning Authority it is considered that the proposed site is outside the limits of development/village envelope as defined by the adopted Hartlepool Local Plan (2006) and the emerging Local Plan (2016). The village is located in an area that has very limited sustainable transport links and local services. It is considered that the proposal does not constitute sustainable development. The proposal is therefore contrary to paragraphs 29, 32, 34 and 35 of the NPPF, saved Policies Gep1, Gep2, Rur 1, Rur3 and Rur7 of the Hartlepool Local Plan (2006), and policies SUS1 and QP3 of the emerging Hartlepool Local Plan (2016).

## **BACKGROUND PAPERS**

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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>26.04.17</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0353</b>	REV

**No:** 2  
**Number:** H/2017/0118  
**Applicant:** MAJOR H AND MRS M WALKER 3 SWINBURNE ROAD  
 EAGLESCLIFFE STOCKTON ON TEES TS16 0AA  
**Agent:** ASP Associates Mr David Loughrey 8 Grange Road  
 HARTLEPOOL TS26 8JA  
**Date valid:** 15/03/2017  
**Development:** Erection of two detached dwelling houses with detached  
 garages, formation of access and erection of fences and  
 gates  
**Location:** LAND ADJACENT HART ON THE HILL DALTON  
 PIERCY ROAD DALTON PIERCY HARTLEPOOL

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## 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 H/2000/0109 – Conversion of existing barn to dwellinghouse – Approved

H/2000/0654 – Amendment to previously approved plans to include new toilet and link to garage – Approved

H/2001/0498 – Erection of a stable unit – Approved.

H/2007/0665 - Erection of 2 holiday cottages in two double storey block with associated access, car parking and landscaping works – Withdrawn

H/23016/0456 – Erection of two detached dwelling houses with detached garages, formation of access and erection of fences and gates - Refused

## PROPOSAL AND SITE CONTEXT

2.3 The application site relates to land adjacent to 'Hart on the Hill' located in open countryside to the east side of Dalton Piercy Village. The site is currently characterised by extensive planting of trees and shrubs. There is a vehicle access to the eastern end of the site which currently provides access to 'Sparrow Lodge' which sits behind 'Hart on the Hill'. Sparrow Lodge is a converted barn which was part of Hart on the Hill. Planning permission was granted in 2000 for the conversion of the barn to a dwellinghouse.

2.4 A previous application for two dwellings on the site was recently refused planning permission as the applicant failed to demonstrate sufficient justification for residential development outside the limits of development.

2.5 The site is located within the open countryside and beyond the urban fence.

2.6 The application seeks planning permission for the erection of two detached dwellings with detached garages and formation of access, including the erection of fencing and gates. This is a resubmitted application which shows a slight amendment to the position of plot 2.

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

## **PUBLICITY**

2.8 The application has been advertised by way of neighbour letters (5). To date, there have been 2 letters of support and 1 letter of objection from the Civic Society.

Those supporting the application raise the following issue:

- New dwellings will provide additional security and peace of mind for the occupiers of the existing adjacent dwelling.

Copy Letters **B**

The period for publicity has expired.

## **CONSULTATIONS**

2.9 The following consultation replies have been received:

**HBC Engineer Consultancy:** A condition is required to ensure that surface water can be adequately discharged.

**HBC Public Protection:** No objection

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

**HBC Arborist:** My earlier comments submitted in respect of H/2016/0456 apply equally to this application namely:

I refer to the revised plan Drawing no. AIATPP Rev. A (Tree Protection Plan) which shows the access road realignment and retention of most of the mature roadside trees. This retains the more prominent trees at the front with the exception of T89C which was categorized as only fair. Those trees in and around the proposed new dwelling footprint that are to be removed have all been planted around 1970 which have not undergone any thinning and is reflected in the Arboricultural Consultants report where many are described as having distorted crowns due to group pressure. The access road into the two properties traverse past a mature Ash tree (T92B)



which is a prominent feature tree and follows after a line of mature Sycamore and Ash.

Where the access road runs over the roots of these trees, special precautions will need to be incorporated into the design to avoid damage through compaction and this can be overcome by using a geocell method of construction beneath the final wearing course to dissipate localised loading. This will need to be put in place prior to construction vehicles accessing the site if they are going to come in using this route.

The loss of those trees from the centre of the site should not detrimentally affect the overall tree cover, especially as most of these are fairly recent additions to this area and the latest application sees one other tree removed from the centre which is T58 (Plot 2) but my comments on this is the same as before.

No objection providing that the drive way into the property is constructed so as not to damage any roots within the root protection area as shown on plan AMS TPP Rev. A (Document Ref. 13664799).

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

**HBC Ecologist:** Ecological mitigation for the loss of trees and biodiversity enhancement as per NPPF will be required. All About Trees has provided an amended report following further on-site investigations – ‘Phase 1 Habitat Survey and Bat Tree survey at Hart on the Hill, Hartlepool, Revision A, December 2016’. I agree with the proposed mitigation given on pages 29 and 30 and would like to see conditions to cover the following:

The retention of roadside trees and a portion of the existing roadside hedge.  
A low level lighting scheme along the entrance driveway.

The inclusion of bat bricks/ integrated bat boxes in the two new buildings, ideally on western walls and at a height of >3m.

If work is undertaken during the bird nesting season (March to August inclusive), the site must be checked for nesting birds by a professional ecologist and all nesting birds protected.

I also recommend issuing of the Hartlepool BC informative – that work should stop immediately if bats are found and that advice be sought from Natural England and the Durham Bat Group.

**Tees Archaeology:** No objection it is considered that the proposal would not have a significant impact on any known heritage assets.

**Natural England:** No comments to make on this application

**Northumbrian Water:** No comments to make at this stage

**Hartlepool Civic Society:** The Society has studied the re-submitted plans and we consider that our comments re H/2016/0456 – 26 January 2017 are still relevant we would therefore like these to go forward for the re-submitted application.

*‘The Society has examined the plans and is very concerned. There appears to be a growing pressure for development within the rural area of Hartlepool. Combined with the perceived need for the Town to expand westward, the attractive countryside which provides the setting for Hartlepool could be considered to be at grave risk.*

*The design and access statement which accompanies this application quotes the approval of hundreds of properties in the area as grounds for justifying this proposal. The hundreds quoted, including Quarry Farm, are urban extensions – not developments in the countryside. If there is a need for more housing in the countryside itself – these should be directed to the villages where they would support the future of the villages. Outside urban fence or village envelope, clearly – this is a plan for development in the countryside. There is no justification for this development on the grounds of providing for essential rural workers.*

*The design of the two houses is said to have the appearance of a traditional country-style residence. The Society questions this justification of this claim, these two houses would not be out of place in the urban area or any suburban location – they do not reflect the character of the traditional country residences to be found in any of the adjacent villages. It requires more than coping and clay pantiles to capture the character of the locality and neither are exclusive to the countryside.*

*The evidence of previous building on this site and for it therefore being brownfield is limited. Old ordnance survey maps indicate nothing other than for possibly some building in one corner attached to Hart on the Hill house itself.*

*Hart on the Hill is a landmark property which is particularly attractive. It is located on a low hill and is visible for many miles around. The adjacent site to which this application relates, even with a partial screen of trees, is also a prominent location. The design proposed fails to rise to the standard justified by such a location.*

*The access to this site is via a narrow country lane, that linking it to the nearest village, Dalton Piercy, is particularly winding and narrow with difficult sight lines. There is no footpath along this land for pedestrians. Although there is a newly installed bus stop adjacent to this site there is no bus service running regularly through the day. Any new residents would be required to rely on a car for all their needs.*

*The developers have quoted large sections from the 2016 Publication Document of the Local Plan to support this application – most of which are irrelevant for this application. The Society believes this application to be contrary to: NPPF Paras 55 and 58 and Local Plan Policy RUR2.’*

## **PLANNING POLICY**

2.10 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)

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

GEP1: General Environmental Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 GEP12: Trees, Hedgerows and Development  
 Hsg9: New Residential Layout - Design and Other Requirements  
 Rur1: Urban Fence  
 Rur3: Village Envelopes  
 Rur7: Development in the Countryside  
 Rur12: New Housing in the Open Countryside

#### Emerging Local Plan (Publication Stage December 2016)

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

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

LS1: Location Strategy  
 SUS1: The Presumption in Favour of Sustainable Development  
 CC1: Minimising and adapting to Climate Change  
 CC2: Reducing and Mitigating Flood Risk  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 QP7: Energy Efficiency  
 HSG1: New Housing Provision  
 RUR1: Development in the Rural Area  
 RUR2: New Dwellings Outside Development Limits

#### National Policy

2.14 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 009: Sustainable development  
 PARA 011: Planning law and development plan  
 PARA 012: Statutory status of development plan  
 PARA 013: NPPF is material consideration  
 PARA 014: Presumption in favour of sustainable development  
 PARA 017: Role of planning system  
 PARA 047: Significantly boost the supply of housing  
 PARA 049: Housing applications and sustainable development  
 PARA 055: Homes in the rural area and isolated homes in countryside  
 PARA 056: Design of built environment  
 PARA 057: High quality and inclusive design  
 PARA 196: Planning system is plan led  
 PARA 197: Presumption in favour of sustainable development

## **PLANNING CONSIDERATIONS**

2.15 The main planning considerations with respect to this application are the principle of development and whether the proposal accords with national and local planning policies, the impact on the character and appearance of the surrounding area, the impact on the amenity of neighbouring land users and the impact on highway safety.

### Principal of Development

#### Hartlepool Local Plan

2.16 The proposed development is located within open countryside and beyond the urban fence. Saved policy Rur1 (Urban Fence) of the Hartlepool Local Plan 2006 strictly controls development beyond the urban fence. Rur1 stipulates that development in the countryside will only be permitted where it meets the criteria set out in policies Rur7 and Rur12. Saved policy Rur3 (Village Envelopes) does not permit expansion beyond the defined village envelopes around the villages of Hart, Greatham, Elwick, Dalton Piercy and Newton Bewley.

2.17 Saved policy Rur12 (New Housing in the Open Countryside) restricts the development of isolated new dwellings in the open countryside unless related to the efficient functioning of agricultural, forestry or other approved or established uses in the countryside and subject to considerations of the viability of the enterprise, the scale of the development and the impact on the character of the rural environment. The proposal in this instance does not fulfil the provisions of this policy.

2.18 Saved policy Rur7 (Development in the Countryside) of the Local Plan 2006 seeks to protect the countryside from inappropriate development. The policy preamble states that most new development in the wider countryside should be resisted in order to retain the natural beauty and landscape diversity of rural areas. The policy itself sets out a number of criteria to consider development proposals against including the visual impact on the landscape and the compatibility of the design of the development within its setting and the landscape generally.

#### Emerging Hartlepool Local Plan

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

2.20 Emerging policy RUR2 (New Dwellings Outside of Development Limits) was largely supported through the Preferred Options public consultation stage. Emerging policy RUR2 seeks to protect the countryside by only permitting new dwellings outside of development limits if there is clear justification in line with 2006 Local Plan policy, for example where it can be demonstrated that the development is necessary for the function of an established and financially sound rural enterprise or the development would represent the best viable use or secure the future of a heritage asset. Emerging policy RUR2 also permits new dwellings outside of development limits in exceptional circumstances in instances of outstanding, groundbreaking and innovative design, in line with paragraph 55 of the NPPF. It is considered that the proposal in this instance does not fulfil the provisions of the emerging policy or SPD.

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

#### National Planning Policy Framework

2.22 It is acknowledged that the Council cannot currently demonstrate a 5 year supply of deliverable housing sites in accordance with NPPF paragraph 47 and as such reduced weight must be given to policies which seek to restrict additional housing provision, such as saved policies Rur1, Rur3 and Rur12 and emerging policies LS1, CC1 and RUR2, in accordance with NPPF paragraph 49. As a result, the NPPF as a whole, with specific regard to paragraph 55, should be used as the primary basis on which to determine this planning application, alongside 2006 Local Plan policies, particularly policies GEP1 and Rur7.

2.23 Notwithstanding this, it is considered that the contribution that the proposed two new additional dwellings would make in achieving a 5 year housing land supply is negligible and as such limited weight should also be given to the significance of the lack of a 5 year housing land supply in determining the application.

2.24 National planning policy contained within the National Planning Policy Framework (NPPF) paragraph 55 states that Local Planning Authority's should avoid

new isolated homes in the countryside unless there are special circumstances such as:

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

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

2.25 It is considered that the proposal does not satisfy any of the criteria set out in paragraph 55 of the NPPF therefore failing to conform to national planning policy.

#### Strategic Housing Market Assessment (Shla)

2.26 In addition, the Council's Strategic Housing Market Assessment (SHLA) (March 2015) indicates that there is sufficient supply of detached 4 bedroom properties within the Rural West ward in which the site is located and as such it is considered there is not a need in terms of market aspirations for this type of dwelling in this location.

2.27 It is considered that there is insufficient justification for the development in this instance and, whilst the Council currently maintains a shortage in housing land supply, given the limited contribution the proposal would make to the housing supply and the lack of need for this type of dwelling in this location, it is considered on balance that this would not outweigh the detrimental impact of the proposal on sustainability objectives and the character and appearance of the countryside. It is therefore considered that the proposal would not be acceptable in principle as it fails to conform to both national and local planning policy as set out above.

#### IMPACT ON THE VISUAL AMENITY OF SURROUNDING AREA

2.28 The site consists of a triangular shaped plot of land principally laid out to rough grass with an assortment of trees ranging in age from newly planted to mature. The north western boundary has hawthorn planted in a linear alignment along with some young trees and holly. The northern side of the boundary contains the access road leading to the neighbouring property Sparrow Hall. The south eastern boundary consists of an established hedge which is overgrown. There are several mature trees. To accommodate the development a number of trees will need to be removed and improvement works to the existing access road.

2.29 The Council's Arboricultural Officer raises no objection to the removal of the trees, however adequate provision must be made for the protection of the tree roots of those trees that are to be retained this can be achieved by condition. The Council's Ecologist raises no objection subject to adequate condition for the enhancement/mitigation for biodiversity enhancement.

2.30 Notwithstanding the above it is considered that there is insufficient justification for the development and the proposal would represent unacceptable residential development in the open countryside to the detriment of its character and appearance. The proposal is therefore considered to be contrary to the provisions of the NPPF and the relevant saved Local Plan Policies.

#### AMENITY

2.31 Whilst the proposal is likely to result in an increase in activity within the site, the proposed dwellings are considered to be satisfactorily sited in respect of separation distances and relationships to neighbouring properties. It is therefore considered that the proposal will not result in an adverse loss of privacy or amenity for surrounding properties including noise disturbance. The Council's Public Protection team have been consulted and raised no objections to the proposal.

#### HIGHWAY SAFETY

2.32 Concerns have been raised with regard to the narrow roads and the access taken from a bend in the road. The Council's Traffic and Transport section have been consulted and have raised no highway objections. The proposal is considered to be acceptable in this respect.

#### DRAINAGE

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

2.34 The submitted application forms indicate that the proposed dwelling would connect to a septic tank of which details of percolation tests and feasibility of mains sewer connections have been provided. Northumbrian Water has provided no objections to the scheme whilst the Council's Engineering Design section has raised no objections subject to a condition requiring details of surface water drainage. This can be secured accordingly. The scheme is therefore considered to be acceptable in this respect.

#### CONCLUSION

2.35 It is considered that the applicant has not demonstrated sufficient justification for the development outside the limits of development and the proposal would therefore result in unjustified isolated dwellings in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraph 55 of the NPPF, saved Policies Gep1 and Rur7 of

the Hartlepool Local Plan (2006) and the Local Planning Authorities 'New Dwellings outside of Development Limits Supplementary Planning Document March 2015.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

2.36 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

2.38 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – REFUSE** for the following reason:

1. In the opinion of the Local Planning Authority the applicant has not demonstrated sufficient justification for residential development outside the limits of development and the proposal would therefore result in unjustified isolated dwellings in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraph 55 of the NPPF, saved Policies Gep1 and Rur7 of the Hartlepool Local Plan (2006), the Local Planning Authorities 'New Dwellings outside of Development Limits' Supplementary Planning Document March 2015 and policies RUR2 and LS1 of the emerging Hartlepool Local Plan (2016).

## **BACKGROUND PAPERS**

2.40 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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## LAND ADJACENT HART ON THE HILL



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26.04.17</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0118</b>	REV

**No:** 3  
**Number:** H/2017/0115  
**Applicant:** LGFR PROPERTIES LTD RICHMOND HOUSE  
WALKERN ROAD STEVENAGE HERTFORDSHIRE  
SG1 3QP  
**Agent:** MR S LITHERLAND 29 SILVERBIRCH ROAD  
HARTLEPOOL TS26 0BA  
**Date valid:** 10/03/2017  
**Development:** Erection of a 3/4 bedroom dormer bungalow and  
modification of existing driveway  
**Location:** GLENDOWER 38A EGERTON ROAD HARTLEPOOL

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## 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 following applications are of relevance.

H/2008/0309- A dormer bungalow was refused at the site on July 2008 on the grounds of intensification of the private drive leading to a detrimental impact upon highway and pedestrian safety and additional noise and disturbance resulting in a detrimental impact upon the amenity of surrounding neighbouring properties. An appeal was submitted (Appeal reference APP/H0724/A/08/2081827) and the inspector concluded that the proposal was acceptable in terms of highway safety and impact upon the amenity of number 38 Egerton Road however dismissed the appeal on the grounds of impact upon the amenity of neighbouring properties as a result of noise disturbance from the turning area in particular.

H/2009/0519- Approval was granted for a dormer bungalow on the site which included an acoustic fence to protect the amenity of number 40 Egerton Road however this approval was never implemented.

## PROPOSAL

3.3 Approval is sought for the erection of a dormer bungalow within the garden area serving Glendower, Egerton Road. The host property is set significantly further back from the main highway and as such is screened from view from Egerton Road by the existing neighbouring properties. As such the side/front garden where the proposed dormer is located is set significantly further back from the properties fronting on to Egerton Road. The proposed dormer bungalow will be accessed from the same private drive as that serving the existing host property.

3.4 The proposed property predominantly consists of an L shaped property with an attached single storey garage projecting from the western elevation. The main bungalow will measure 11 metres wide and approximately 10.2 metres in length with a single storey element which projects a further 2.2 metres to the front, giving an overall length of approximately 12.3 metres. The proposal incorporates a pitched roof with a maximum height of 6.8 metres. The proposed layout includes a hall, living room, kitchen and dining room, utility room and two bedrooms at ground floor with a bathroom and two further bedrooms, one including dressing room and en-suite, at first floor. A single garage is proposed attached to the western elevation which will measure 3.2 metres by 6 metres and includes a pitched roof with a maximum height of 5.5 metres. Two incurtilage car parking spaces are also proposed on the driveway serving the property. A lawn area is proposed to the front of the proposed property with a garden area to the rear. There are a number of mature trees on the site which are proposed to be retained.

3.5 In the process of this application an amended layout was submitted to move the driveway access slightly to be approximately 1.5 metres further from the southern boundary of the site than originally proposed. This is proposed to ensure the proposal will not impact upon the trees adjacent to the southern boundary of the application site. A further reconsultation was sent to neighbours following submission of this plan.

## **SITE CONTEXT**

3.6 The application site forms part of the side/front garden serving Glendower, Egerton Road. The existing private driveway is enclosed by a wall and hedge along the boundary with number 40 Egerton Road and a 1.8 metre high fence along the boundary with number 38 Egerton Road. The actual site where the dormer bungalow is proposed is currently enclosed by a fence and mature hedging along the northern and eastern boundaries. The southern boundary shared with the rear garden of number 40 is enclosed by a low fence. There are a number of mature trees along the southern boundary.

3.7 The surrounding area is predominantly residential in nature with properties consisting of an individual design. As such there are various styles and designs in the immediate vicinity of the site.

## **PUBLICITY**

3.8 The application has been advertised by way of neighbour letters (10). To date, there have been 4 objections received.

3.9 The concerns raised are:

Density of development is out of character with surrounding properties

Overdevelopment of the plot

Loss of view

Additional pressure for car parking on the public highway resulting in a detrimental impact upon highway and pedestrian safety

Noise disturbance from additional vehicles/people/dogs along the shared drive adjacent to garden areas of adjacent properties  
 Additional pollution from additional cars  
 Poor visibility from access  
 Detrimental impact upon existing trees  
 Overlooking of rear garden and habitable rooms in the rear of adjacent properties  
 Access to the property is from a narrow drive. This will make lorry access and deliveries difficult resulting in additional parking on Egerton Road and highway obstruction.  
 Nuisance to neighbours from the bins that will need to be on the verge for collection  
 Narrow access will be difficult for emergency vehicles  
 Inconvenience to properties either side of the application site  
 There are covenants on the property regarding the gated nature  
 Future precedent for similar back land development

Copy Letters **C**

3.10 The period for publicity has expired.

## CONSULTATIONS

3.11 The following consultation replies have been received:

**HBC Traffic & Transport:** As you are aware we objected to the original application due to the narrow drive width.

The drive width would not allow 2 vehicles to pass and due to the length of the drive and poor forward visibility the likelihood of vehicles entering the drive and then having to reverse out the way of vehicles coming in the opposite direction is high. The visibility onto Egerton Road is acceptable although the trees and high fence line restricts the view of pedestrians crossing the drive.

Given that the previous application was approved on appeal I do not consider that we could sustain a further objection.

**HBC Public Protection:** No objection

**HBC Engineers:** No objection to this but would recommend a surface water condition.

**HBC Landscape:** The previous application for this site (H/2009/0519) contained 3 conditions to cover tree and landscaping issues, these were 7, 8 and 9. The current proposal is an improvement on the previous application and the applicant mentions that no trees are to be removed to accommodate the dwelling.  
 No objection providing that the conditions mentioned are complied with.

**Cleveland Fire Brigade:** I can confirm that if the access to the premises has not been improved in any way as to comply with AD B Vol 1 Section 11 including Table 8 then the requirement for a domestic sprinkler system still remains as per the correspondence in 2009.

## 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 Principles  
 Gep2: Access for All  
 Gep3: Crime Prevention by Planning and Design  
 Hsg9: New residential Layout

### 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.

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

LS1 Locational Strategy  
 SUS1 Presumption in Favour of Sustainable Development  
 CC1 Minimising and adapting to Climate Change  
 INF1 Sustainable Transport Network  
 QP3 Location, Accessibility, Highway Safety and parking  
 QP4 Layout and Design of development  
 HSG1 New Housing Provision

### National Policy

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

previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

PARA 007 : 3 dimensions of sustainable development  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system Significantly boost the supply of housing  
 PARA 049 : Housing applications and sustainable development  
 PARA 056 : Design of built environment  
 PARA 064 :Refusal for development of poor design  
 PARA 203 : Can unacceptable development be made acceptable  
 PARA 204 : Planning obligations to meet tests  
 PARA 206 : Planning conditions  
 PARA 196: Primacy of the Development Plan  
 PARA 197: Presumption in favour of sustainable development.

## **PLANNING CONSIDERATIONS**

3.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan, the amenity of neighbouring properties, character of the surrounding area, landscape, highway safety, drainage and residual matters.

### Principle of Development

3.18 The application site is located within the defined limits to development within walking distance to existing shops and services reasonably expected to serve residential properties. The site is also within walking distance to a bus route with bus stops located on Elwick Road which provides links to the town centre and wider public transport network. As such the site is considered to be a sustainable location for residential development. Furthermore the principle of residential development has been accepted on the site through the approval of a dwelling on the site in 2009 (H/2009/0509). Planning Policy were consulted on the proposals and have raised no objections subject to other material planning considerations being considered to be acceptable. Therefore, taking into account the presumption in favour of sustainable development, the principle of development is considered to be acceptable subject to consideration of material planning considerations as detailed below.

### Amenity of neighbouring properties

3.19 Objections have been received from neighbouring residents on the grounds of the impact upon the adjacent properties in terms of loss of privacy and noise and disturbance in particular as a result of the intensification of the private driveway which is adjacent to the side boundary of number 38 and 40 Egerton Road.

3.20 In terms of the impact upon residential amenity as a result of intensification of the private driveway, in considering the previous appeal the inspector noted that it was likely that the proposal would result in a significant increase in vehicle

movements into and out of the site. However the inspector noted that given the distance of the habitable room windows of nos 38 and 40 from the access road and the presence of the close boarded fence the inspector considered that the noise of additional traffic would be unlikely to cause unacceptable disturbance to the residents of these properties when in their homes. Furthermore the inspector considered that the passing vehicles would be no closer to the front of the new dwelling than is the case with many houses fronting residential roads.

3.21 The garages serving the adjacent properties (number 38 and 40 Egerton Road) are directly adjacent to the driveway. As such there are no habitable room windows within the side elevation of the adjacent properties which face directly on to the driveway. As such the Inspector in his original report concluded that whilst limited disturbance would be caused to the rear of 38, it would not be sufficient to justify refusal of planning permission in its own right. Given that the layout is similar (in terms of access arrangements) it is considered that the impact upon 38 Egerton Road would be acceptable in this instance.

3.22 However the proposed layout includes a shared access road and reversing area for the proposed dwelling which would be in close proximity to the rear garden of number 40 Egerton Road and in particular its patio area in the corner of the garden most likely to benefit from afternoon and evening sun. The inspector dismissed the appeal in 2008 on the basis that the proposal would result in an unacceptable detrimental impact upon this neighbouring property due to this relationship. To address these concerns the proposal was resubmitted in 2009 (H/2009/0519) including an acoustic fence adjacent to the rear boundary with 40 Egerton Road. This was subsequently controlled by means of a planning condition. As such it is considered necessary to impose a condition requiring the acoustic fence adjacent to this boundary. The Council's Head of Public Protection has no objection to the scheme however has commented that as a condition was imposed on the previous approval to ensure an acoustic fence was erected to protect the amenity of the neighbouring property this condition should be imposed on the current proposals. Therefore a condition is recommended accordingly.

3.23 In terms of separation distances requires Supplementary Guidance Note 4 to the Hartlepool Local Plan 2006 advises that there should be a separation distance of 20 metres between principle elevations and 10 metres between gable walls and principle elevations.

3.24 The proposed front elevation of the bungalow would be approximately 23 metres from the rear elevation of number 40 Egerton Road at its closest point. This is similar to the relationship which has previously been approved at the site and is in excess of what is required by Supplementary Guidance Note 4. Furthermore a condition is recommended to ensure details of boundary treatments are submitted which will allow the Local Authority to ensure screening is provided. As such taking into account what has previously been approved at the site and the proposed separation distance it is not considered that the proposed development will result in a detrimental impact upon the amenity of number 40 Egerton Road in terms of overlooking, appearing overbearing or loss of light.

3.25 The separation distance between the corner of the proposed dormer bungalow and the rear elevation of number 38 Egerton Road will be approximately 24.5



metres. Which is in excess of what is required by Supplementary Guidance Note 4. Furthermore due to the position of the proposed development towards the north west of this property there would be no direct overlooking and a significant amount of screening would be provided by the existing boundary treatments. This relationship was considered in the 2008 appeal and the inspector did not consider that the proposed dwelling would result in a detrimental impact upon the amenity of this neighbouring property. Taking into account the separation distances and existing screening it is not considered that the proposed development would result in a detrimental impact upon number 38 Egerton Road in terms of overlooking, appearing overbearing and loss of light.

3.26 The proposal includes a kitchen window at ground floor and a bedroom window at first floor within the eastern elevation of the proposed dormer bungalow. This elevation is approximately 4 metres from the shared boundary with the rear garden serving 19 Coniscliffe Road. The ground floor kitchen window will largely be screened by the existing fence and hedge which encloses the eastern boundary of the site. Whilst the first floor window will have a view above the boundary treatments the rear garden measures some 66 metres in length therefore the window would only have direct views of the garden area furthest away from the house and there are mature trees within the garden area of this neighbouring property which would provide some screening. Nonetheless to prevent overlooking of the garden area of this neighbouring property a condition is recommended to ensure this window is obscurely glazed.

3.27 The separation distance proposed between the front elevation of the host property and the proposed side elevation of the attached single storey garage will be 20 metres. The proposed side elevation does not contain any habitable room windows, as such it is not considered that the proposed dormer bungalow would result in a detrimental impact upon the amenity of the host property in terms of overlooking, appearing overbearing or loss of light.

3.28 There is a large separation distance, well in excess of what is advised in guidance note 4 to the Hartlepool Local Plan, to the neighbouring property to the rear which fronts on to Coniscliffe Road. As such it is not considered that the proposal will result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, overshadowing or appearing overbearing.

#### Character of the surrounding area

3.29 Objectors have raised concerns that the proposed dormer bungalow would be out of keeping with the character of the surrounding dwellings which are well spaced and set within generous plots.

3.30 It is noted that the surrounding properties consist of individual designs with properties in the immediate setting of the application site comprising bungalows and two storey dwellings of various scales. Furthermore the proposal includes a garden area to the front and rear with the proposed dormer bungalow being approximately 4 metres from the eastern boundary and some 2.5 metres from the western boundary shared with the detached garage of the host property. As such the proposed dormer bungalow is set well within the boundaries of the application site with sufficient

amenity space to serve the dwelling. As such the proposed dormer bungalow is considered to be in keeping with the character of the surrounding area in terms of scale and design.

3.31 The proposal is set within the front/side garden of the host dwelling which itself is set back from the main highway to the front and is accessed from a private drive. As such the proposal would be set back from the main highway and would largely be screened by the existing properties fronting on to Egerton Road. Therefore it is not considered that it would result in an incongruous feature within the street scene.

3.32 As such the proposed dormer bungalow is considered to be in keeping with the surrounding properties in terms of scale and design and it is not considered that the proposal would result in a detrimental impact upon the character or appearance of the surrounding area.

### Landscape

3.33 The previous application for this site (H/2009/0519) was approved subject to conditions to cover tree protection and landscaping. The Council's Arborist was consulted on the proposals and has commented that the current proposal is considered to be an improvement on the previous application as no trees are proposed to be removed in connection with the proposed development. As such the Arborist has no objections to the proposal subject relevant conditions which are recommended accordingly.

### Highway Safety

3.34 The Council's Traffic and Transport section were consulted on the proposals and have commented that they previously objected to the original application in 2008 due to the narrow drive width. This was on the basis that the drive width would not allow 2 vehicles to pass and due to the length of the drive and poor forward visibility the likelihood of vehicles entering the drive and then having to reverse out the way of vehicles coming in the opposite direction is high.

3.35 In considering the appeal in 2008 the inspector considered that

*“very occasionally it would be likely to be necessary for a vehicle entering the site to have to reverse along the access back on to Egerton Road. Whilst the driver's visibility would be restricted at the junction with Egerton Road, drivers and pedestrians on this road would have a relatively good view of the emerging vehicle. Given this, the likely speed of the reversing vehicle and the infrequency of such an occurrence, I consider that, even at peak times, the proposal would be unlikely to result in any significant harm to vehicular or pedestrian safety. I have also borne in mind that there are a number of nearby properties on Egerton Road from which I envisage vehicles reverse on to the road on a daily basis. In accordance with policy GEP1 of the adopted Hartlepool Local Plan I have taken account of the proposal's effect on highway safety and conclude that it is unlikely that material harm would be caused”.*

3.36 Taking into account the conclusions of the inspector and that the proposed access is the same as considered to be acceptable in considering the appeal, the Council's Traffic and Transport section do not wish to object to the proposed access.

3.37 Concerns from objectors regarding the visibility are noted however the Council's Traffic and Transport section consider that the visibility onto Egerton Road is acceptable despite the fact that the trees and high fence line restrict the view of pedestrians crossing the drive. As such given the Inspector's comments on a previous application the Council's Traffic and Transport section have raised no objections to the proposed development.

3.38 Therefore it is not considered that the proposed development will result in an adverse impact upon highway safety.

#### Drainage

3.39 The submitted application form states that drainage associated with the proposed dwelling will be connected to the existing foul and surface water system that runs along the existing private driveway and ultimately into Egerton Road. The Council's engineers were consulted on the proposal and have raised no objections subject to a condition requiring details of surface water management. As such a condition is recommended accordingly.

#### Residual Matters

3.40 Objections have been received on the grounds that emergency vehicle access would be difficult due to the narrow access. However this access serves an existing residential property. Cleveland Fire Brigade were contacted for comments on the current application. There have been no improvements to the proposed access therefore the Fire Brigade comments recommend a condition to ensure a residential sprinkler system is installed at the property. The previous condition required the system to be to a recognised British Standard or equivalent and the water supply would need to be adequate to supply the system. The sprinkler would need to be designed and installed by a competent person to ensure the above requirements were satisfied. Taking into account the comments from Cleveland Fire Brigade a condition is recommended to ensure the provision of a domestic sprinkler.

3.41 An objector has raised concerns regarding loss of view however this is not a material planning consideration and as such cannot be considered when assessing this application.

3.42 An objector has raised concerns regarding a covenant on the property however this is a civil matter which is not covered by planning legislation. As such this cannot be considered under planning legislation.

3.43 Although concerns are raised regarding a precedent for development being set, each application is considered on their own merit. As such it is not considered that any approval on the site would set any undesirable precedent.

#### Conclusion

3.44 The proposed development is considered to be acceptable in terms of principle of development, amenity of neighbouring properties, character of the surrounding area, landscaping, highway safety and all other residual matters and is therefore recommended for approval subject to conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

3.45 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

3.47 There are no Section 17 implications.

## **REASON FOR DECISION**

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

**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 Proposed Plans received by the Local Planning Authority on 29th March 2017.  
For the avoidance of doubt.
3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.
4. Prior to the commencement of development hereby approved a scheme detailing acoustic fencing (of a height of not less than 2m from ground level as taken from the rear garden of 40 Egerton Road extending the full length of the driveway adjacent to the rear patio area of 40 Egerton Road) shall be submitted to and approved in writing by the Local Planning Authority. The fencing shall then be implemented strictly in accordance with the agreed details and shall thereafter be retained in accordance with those details for the lifetime of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

In the interest of amenity of the adjacent neighbouring property.

5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details and retained for the life of the development.  
In the interests of visual amenity.
6. No development shall take place until a comprehensive survey of all trees on the site, including their exact location, species and crown spread, including confirmation of the trees to be retained has been submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.  
To preserve the landscape features on the site in the interest of visual amenity.
7. No development shall take place until a detailed scheme of tree and shrub planting has been submitted to and approved in writing by the Local Planning Authority. The scheme must specify sizes, types and species, indicate the proposed layout of the planting, include a programme of the works to be undertaken, and thereafter be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details 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.
8. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2005 (Trees in relation to construction - Recommendations), has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.  
In the interests of the health and appearance of the preserved tree(s) on site.
9. 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.

10. 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 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.
11. The development hereby approved shall not commence until details of a domestic sprinkler system have been submitted to and approved in writing by the Local Planning Authority in consultation with the Cleveland Fire Authority and the Local Authority Building Control Section. The approved sprinkler system shall be installed prior to the occupation of the dwelling hereby approved and remain operational through the lifetime of the development unless otherwise agreed in writing by the Local Planning Authority. In the interests of health and safety.
12. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To prevent increased risk of flooding from any sources in accordance with the NPPF.
13. The proposed bedroom window in the eastern elevation shall be fixed (i.e. no opening) and glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscurity or equivalent which shall be installed before the dwelling is occupied and shall thereafter be retained at all times while the window(s) exist(s). The application of translucent film to the window would not satisfy the requirements of this condition. To prevent overlooking.

## **BACKGROUND PAPERS**

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

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

## **CONTACT OFFICER**

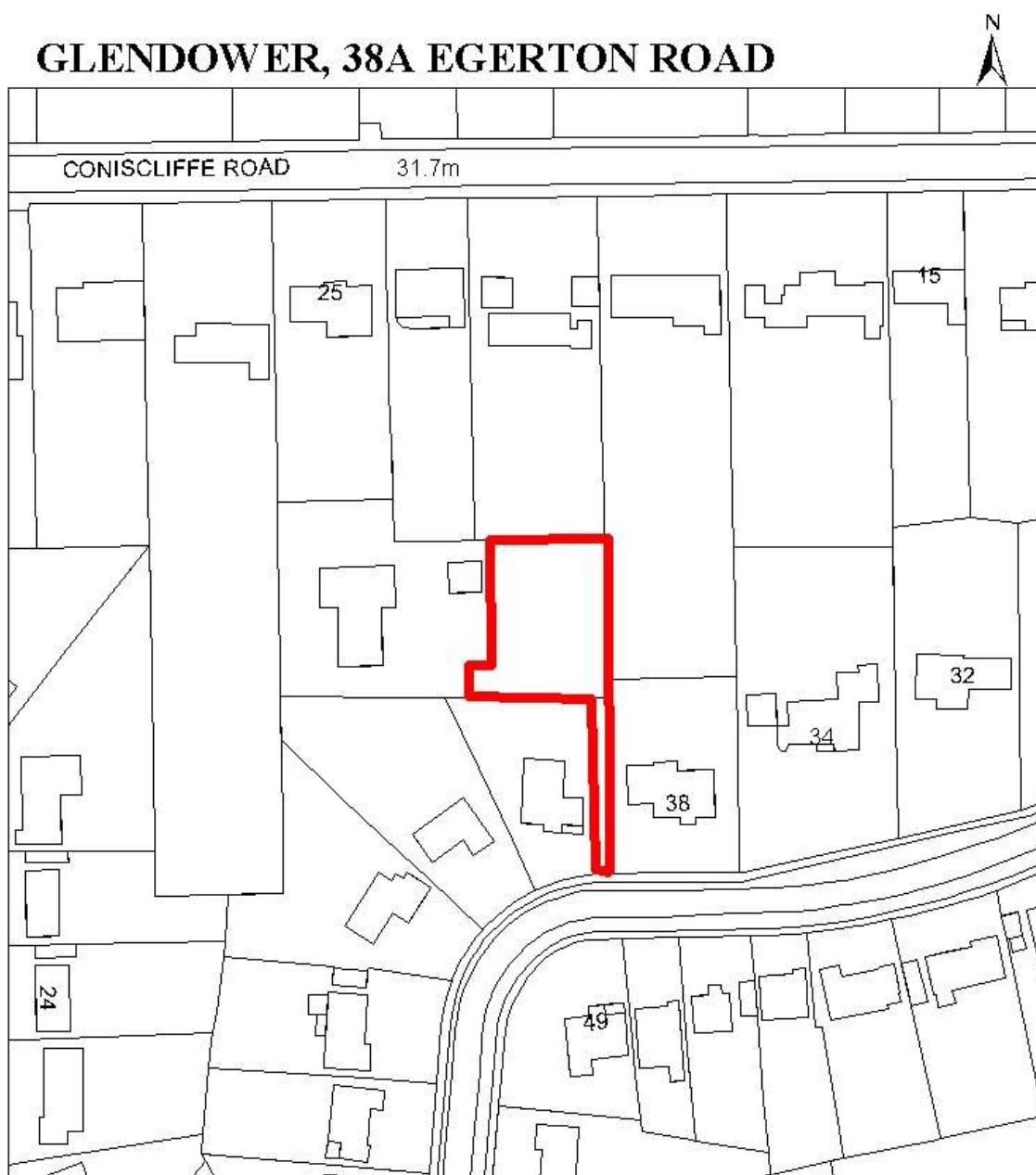
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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26.04.17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0115</b>	REV



**No:** 4  
**Number:** H/2017/0107  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
 VICTORIA ROAD HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR STEVE  
 WILKIE CIVIC CENTRE VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Date valid:** 06/03/2017  
**Development:** Public realm improvement to Church Street including  
 replacement of existing surfaces, re-alignment of southern  
 footway kerblines; relocation of lighting columns,  
 refurbishment of street furniture; removal of bus lay-bys  
 and shelters, removal of existing trees and creation of two  
 temporary events areas and to Church Square including  
 replacement of surfaces and lighting column, street  
 furniture, signage and soft landscaping and creation of  
 permanent events area  
**Location:** CHURCH STREET/CHURCH SQUARE HARTLEPOOL

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## PURPOSE OF REPORT

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

## PROPOSAL

4.2 The scheme of works proposed for Church Street and Church Square involves the complete refurbishment of pedestrian surfaces throughout the area as well as a significant proportion of the highway. The area amounts to approximately 1.88 hectares with an increase of the footpath area by approximately 360 square metres.

4.3 The overall intention of the scheme is to de-clutter the area. The proposed replacement surfacing to Church street is to be granite-aggregate topped pre-cast concrete paver, natural granite will be used for features such as tactile paving to crossings in a grey palette with colours to demarcate uncontrolled crossing. Dished drainage channels are proposed to feature paving associated with listed buildings and locally listed buildings which will incorporate interpretive text.

4.4 Highways works are proposed to reduce levels to make the footpath more pedestrian friendly. Kerblines are proposed to be re-aligned to widen the footway and reduce the impact of the highway and provide greater pedestrian space.

4.5 The existing trees are proposed to be removed from the street approximately two-thirds of them will be replaced with species which will present a smaller mature form. It is envisaged that this will open up the frontage of the buildings. Although

originally there was no tree planting along church street this has become an increasingly recognised element of the street over the past twenty years.

4.6 The existing lamp columns will be retained with some minor relocations (in association with kerb realignment), the existing bollards will also be reclaimed however street furniture such as bins and benches will be replaced to reduce clutter.

4.7 Two areas of Church street have been designed to be block paved to allow temporary closures if/when necessary in connection with the overall use of the area by creative industries including the college.

4.8 The Church Square proposals include a fully pedestrianised public realm with only limited vehicle access for event traffic and emergency vehicles. The proposal includes the creation of a central events area which will be surrounded by granite strips in the floorscape and raised seating to create an identifiable space. The grassed area to the front of Christ Church will be reduced to allow the events area to frame the church. Small areas of lawn and tree planting are proposed to screen the highway.

4.9 Multi-directional street lighting is proposed to provide a good quality pedestrian level lighting scheme with a reduced number of columns. Detail of street furniture is to be agreed at a later date and is subject to a planning condition.

4.10 The majority of the works proposed could normally be carried out under permitted development rights of the Local Authority however the areas conservation area status and the presence of listed building require a planning application to be submitted.

## **SITE CONTEXT**

4.11 The application site runs from Mainsforth Terrace in the east with a slight incline up Church Street to Church Square which is adjacent to Hartlepool Transport Interchange. The street runs east to west and provides access to the Town Centre. To the north of the site is the train line beyond which is the marina area, to the south are side streets which lead to modern residential properties.

4.12 Church Square is located towards the west of the application site and centres around Christ Church which is a Grade II\* Listed building. Church Square is terminated by the A689 dual carriageway which is adjacent to the west of church square. There are also a number of listed buildings adjacent to the application site.

4.13 The application site is located within Church Street Conservation Area. There are 10 listed buildings within and adjacent to the application site and 13 Locally Listed Buildings. It is also the centre of Hartlepool Borough Council's Innovation and Skills Quarter programme which intends to develop the area for creative industries.

4.14 There are a number of mature trees within the site which are proposed to be removed as part of the application.

## PUBLICITY

4.15 The application has been advertised by way of neighbour letters (243), site notice and press notice. To date, Five letters of support have been received from adjacent properties. One letter of concerns has been received with regard to the viability of an existing ATM machine requesting that the layby adjacent to the former Yorkshire bank should be retained to ensure people can still gain access from the highway to the ATM.

Copy Letters **D**

4.16 The period for publicity has expired.

## CONSULTATIONS

4.17 The following consultation replies have been received:

**HBC Public Protection:** No objections

**HBC Economic Development:** Fully support the application

**HBC Traffic & Transport:** No highway or traffic concerns

**HBC Engineers:** No increase in flood risk anticipated, therefore I have no objection to the proposed works.

**HBC Landscape:** There are a large number of trees in Church Street and Church Square that are becoming well established and contribute to the visual amenity here. That said when these were first planted there was an expectation that their survival rate would be poor and the chosen variety was selected for its robustness rather than its aesthetic features. That said they have succeeded but as a consequence of this there are associated problems such as overshadowing the adjacent buildings which is going to require being regularly cut back. There is also root disturbance to the pavement and security camera issues. The trees in Church Square are prominent features and I am reluctant to see these removed however I do realise that the new design will be compromised should they remain. I am pleased to see, however, a more diverse selection of trees being used and hope that the architects accommodate the roots in a larger purpose made root containers to aid establishment and avoid future conflict with walkways etc., rather than shoe horn them into pits that are not conducive to their long term sustainability. Other than the loss of perfectly good trees which I hope will be mitigated by successful establishment of the new ones, I do not object to the scheme proceeding as shown.

**HBC Conservation:** There are 10 listed buildings within the application site. The proposed public realm works will impact on the setting of these structures. Attention should be paid to the desirability of preserving the setting of the listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local

planning authorities to take account of the significance of a designated heritage asset and give great weight to the assets conservation (para 132, NPPF).

There are 13 locally listed buildings within the application site. 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).

Church Street Conservation Area has been assessed using the Historic England criteria as being 'at risk'. The recently published local plan states that, 'Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.'

The significance of Church Street is also aesthetic with the variety of buildings which as a whole contribute to the character of the area. They are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation. The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows. Of particular note in the Church Street area are the shop fronts, some original examples of which survive. These often have highly decorative features such as moulded corbels above pilasters, cornice moulding to fascias, and decorative mullions and transoms.

The current street surfaces throughout the area were renewed in the 1990s. They are now in a poor state of repair with uneven surfaces and a mismatch of materials.

This is a comprehensive scheme which will bring together Church Street and Church Square using a common pallet of materials.

The new street layout to Church Street will allow vehicular access but also make the area pleasanter for pedestrians providing a wider footpath to the south side of the street. The use of granite aggregate topped paving with natural granite used for feature areas will simplify the materials used within the street, providing an enhanced setting for the buildings. In particular the use of interpretation panels will provide areas of interest to break up the paving.

Removal of street trees in this area and their replacement with fewer trees, which will not grow to such a height, will provide an enhancement and this along with the removal of the shelter on the northern side of the street, will enable easier maintenance of the property.

The re-organisation of the layout of Church Square is welcomed. In particular the removal of cars from this area will do much to enhance the quality of the environment in this space. The creation of an ellipse shaped paving space to the front of the Art Gallery, echoes the original circus design of the square. Planting to the northern side where the square meets Church Street, along with the introduction of a grassed area is welcomed in creating a barrier to the busy road and going some way in closing the space. Furthermore the planting to the top of the square will provide an inviting link to Stockton Street and the proposed improved crossing. The proposals are carefully considered and take account of the setting of the listed buildings and locally listed buildings within the site.

In conclusion it is considered that this scheme will enhance this part of Church Street Conservation Area. No objections.

**Historic England:** Comments awaited

**Northumbrian Water:** No comments

**Environment Agency:** No objections

**Network Rail:** No objection in principle to the development, but below are some requirements which must be met. Additionally, as the proposals impact on the road links to Hartlepool Station, Northern who operate and maintain the station should also be contacted. Their Property Manager is Neil Coddington ([neil.coddington@northernrailway.co.uk](mailto:neil.coddington@northernrailway.co.uk)).

#### Access to Railway

All roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular in this instance, access to and from Hartlepool Station and the adjacent railway level crossing should remain clear and unobstructed at all times both during and after construction. It is imperative that the approaches/exits to the level crossing are not obstructed to ensure safe use and exit from the crossing area.

**Cleveland Fire Brigade:** No Comments

**Cleveland Police:** I have the following comments in relation to crime prevention and community safety

#### Landscaping

Landscaping should not conflict with proposed lighting and CCTV. Any shrubbery should not exceed 1metre in height and trees should not have branches lower than 2 metres in order not to restrict natural surveillance or provide hiding places. Planting immediately abutting footpath should generally be avoided to avoid over growth to footpath and creating pinch points and potential areas of concealment.

#### Lighting

All footpaths should have lighting levels that comply with the requirements of BS5489:2013

### Seating Areas

These areas should have good natural surveillance to help deter misuse and inappropriate loiters. All seats should be vandal resistance. Skateboarding misuse also requires consideration.

### Grassed Areas

These should be open aspect with good natural surveillance. Desire lines through grassed areas should be avoided. The proposed grassed area in front of Rosie Sandwich bar has the potential to have a desire line from lower Church Street to upper Church Street. Landscaping to the north boundary of this grassed area will help to deter any desire line through this grassed area.

**Hartlepool Civic Society:** At the last meeting of the Society the application was discussed and while not being opposed to the plans for remodel Church Square, the Society does have concerns regarding the use of trees in way which may obscure the appreciation of the architecture of the listed buildings and the conservation area. To do so could not possibly be considered a positive enhancement to the conservation area or better reveal the significance of the area (NPPF para 131 and Local Plan policy HE1).

The significance of Church Street is aesthetically contained in the variety of buildings which as a whole, contribute to the character of the area. They are generally Victorian with a number of late Victorian or Edwardian alterations. Some later alterations have added decorative features including stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor.

Some good examples of the shop fronts still survive. These often have highly decorative features such as moulded corbels above pilasters, corner moulding to fascias, and decorative mullions and transoms. There are also a number of impressive facades provided by banks and civic buildings.

Trees and other planting outside the confines of the 'churchyard' of Christ Church is a very new introduction. It is essential the ability to appreciate the features and details is not lost behind planting schemes.

The approach to Christ Church (Hartlepool Art Gallery) from Stockton Street is bounded on one side by a former Police Station and Municipal Buildings – both listed and now part of Cleveland College of Art and Design. On the other side is a row of shops and a former Masonic Hall.

The scheme proposed for this approach includes a row of trees, Golden Alder (*Alnus Incana* 'Aurea'), on one side in front of the shops and Masonic Hall. These trees will eventually grow to 26 to 32 ft high with a spread of 13 to 26 ft. The result will be to obscure the not unpleasant facades on this side of the street.

On the other side where open grass is proposed, a back alley formed by the least attractive parts of the listed buildings will be left open and exposed. The Society would suggest the central 3 or 4 trees be moved on to the other side where they could screen the alley and frame the listed buildings. This will also produce a more balanced view and approach to the tower of Christ Church with trees appearing to flank the tower.

The Society welcomes the denser planting on the north of the square which will help to provide a better sense of enclosure to the space and assist in separating it from the busy road. The tree-lined walk approaching the front of the former Municipal Buildings from the North-East is a pleasant idea, however with the trees being planted so close up to the Municipal Buildings there will be no sense of opening out – enabling the appreciation of the attractive facade. The Society would suggest omitting one Whitebeam/Rowan cross (*Sorbus Thuringiaca* 'Fastigata') closest to the Municipal Building to allow this townscape pleasure. These trees seem to have been omitted from the planting schedule on drawing RF16-361-L08.

It is understandable that the emphasis seems to be centred on Christ Church around which this 'square' was developed, but the Municipal Buildings also have an important role to play in this urban space. Perhaps a little re-alignment of the paving edge in front of the east facade of the Municipal Building would suggest a space that intends to service this building rather than simply being a filter to or product of the space provided for Christ Church, would be beneficial.

Also, the 3 Callery Pear (*Pyrus Calleryana* 'Redspire') between the oval and Municipal Buildings are under-planted by shrubs. These trees which grow to a height of 32' to 49' ft and spread 13 to 26 ft are recommended for screening purposes – why is the very attractive facade of the Municipal Buildings been so screened? This screening and separation of the Municipal Buildings from the main space is further reinforced by the under-planting of shrubs.

This is difficult to understand especially when a similar/mirroring group of Pear between the less attractive and unlisted original College of Art Buildings are planted directly into paving allowing much easier flow and connection. The Society would suggest reducing this planting from 3 to 2 trees, either side of the Sir William Gray Statue and that both sets of trees are planting directly into paving.

Regarding the changes in Church Street itself, the Society has no objections. The removal of the existing overpowering of trees is welcome. If new trees do have to be planted, we hope suitable smaller species with open habits are used and planted so as to frame but not obscure the fine architectural features to be found in Church Street.

It is unfortunate that almost all are planted on one side of the street as this gives a lop-sided appearance. The Society warmly welcomes the use of paving with historical interpretation, the length of the street. Perhaps this would also be considered in Church Square.

## **PLANNING POLICY**

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

### Local Policy

4.19 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  
 GEP10: Provision of Public Art  
 HE1: Protection and Enhancement of Conservation Areas  
 HE2: Environmental Improvements in Conservation Areas  
 HE12: Protection of Locally Important Buildings  
 Tra7: Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew  
 Com1: Development of the Town Centre  
 Com6: Commercial Improvement Areas  
 Rec13: Late Night Uses

### Emerging Local Plan

4.20 It is considered that the emerging Local Plan is now at an advanced stage (it has been through Publication) and therefore holds some weight under Paragraph 216 of the NPPF, dependent on the level of unresolved objections to specific policies. The current timescale for adoption of the emerging Local Plan is spring 2018

4.21 The following policies in the emerging Hartlepool Local Plan are relevant to the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development  
 LS1: Locational Strategy  
 NE2: Green Infrastructure  
 QP3: Location, Accessibility, Highway Safety and Parking  
 QP4: Layout and Design of Development  
 QP5: Safety and Security  
 QP6: Technical Matters  
 HE1: Heritage Assets  
 HE3: Conservation Areas  
 HE4: Listed Buildings  
 HE5: Locally Listed Buildings and Structures  
 RC3: Innovation and Skills Quarter  
 RC17: Late Night Uses Area

### National Policy

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



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

PARA 001 : Apply Policy  
 PARA 002 : Primacy of Development Plan  
 PARA 007 : 3 dimensions of sustainable development  
 PARA 009 : Sustainable development  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 056 : Design of built environment  
 PARA 057 : High quality and inclusive design  
 PARA126 : Positive strategy for the historic environment  
 PARA 128 : Heritage assets  
 PARA 131 : Viable use consistent with conservation  
 PARA 132 : Weight given to asset's conservation  
 PARA 137 : Opportunities for new development  
 PARA 196 : Planning system is plan led  
 PARA 197 : Presumption in favour of sustainable development  
 PARA 216: Emerging Plans

## **PLANNING CONSIDERATIONS**

4.23 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, impact upon the character of the conservation area and setting of adjacent listed buildings, amenity of neighbouring residents, highway safety, drainage and any residual matters.

### Principle of Development

4.24 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development (economic, environmental and social) is the golden thread running through the NPPF.

4.25 The proposed public realm works are located within the town centre as designated in saved policy Com1 of the Hartlepool Local Plan 2006. The works are also within the Church Street Conservation Area as set out in the 2006 Hartlepool Local Plan proposals map and affect the setting of a number of listed and locally listed buildings. The Church Street area is also designated as a Commercial

Improvement Area (saved policy Com6) in which the Council will carry out and encourage environmental improvement schemes where possible. The area is also considered to be appropriate for late night uses in accordance with saved policy Rec13

4.26 Saved policy GEP1 stipulates that the Borough Council in determining planning applications for development will take account of the external appearance of the development and its relationship with the surrounding area. It is considered that the proposed public realm works will provide for improvements to the overall appearance of the area and will enhance the pedestrian environment and links between the primary shopping area and Church Street, in accordance with saved policies Com1, Com6 and Tra7.

4.27 The proposed scheme is also located within the newly designated Innovation and Skills Quarter (emerging policy RC3) which seeks to encourage and promote the development of small scale commercial starter units in this area to address a current lack of suitable space for start-up companies and small firms and grow the local economy. It is considered that an enhanced physical environment would help to improve perceptions of Hartlepool as a place to live and work for pre-start, micro and Small and Medium-sized Enterprises (SMEs) and as such it is considered the proposed scheme is in accordance with and supported by the emerging policy position.

4.28 Planning Policy were consulted on the proposals and have no concerns with respect to the proposed scheme and welcome the enhancement of the public realm and environmental improvements in this area, as well as the associated economic benefits. The proposals are fully supported by the Council's economic development section.

4.29 It is considered that the proposed development will enhance the offer of Church Street and Church Square, having a positive impact on the environment, through the reconfiguration and enhancement of the public realm which will in turn have social benefits for users of the facilities and economic benefits to businesses operating within the area. This is particularly important due to the nature of the site being central to Hartlepool Borough Council's Innovation and Skills Quarter which intends to develop the area for creative industries. Therefore the principle of the proposals are considered to be acceptable subject to consideration of all other material planning considerations as detailed below.

#### Character of the Conservation Area and setting of Listed and Locally Listed Buildings

4.30 The application site is within the Church Street Conservation Area. The proposal is to carry out improvements to the public realm in Church Street and Church Square by realigning the carriage way along Church Street and removing traffic from Church Square. New paving surfaces will be introduced with new planting to both Church Square and Church Street. Hartlepool Civic Society have not objected to the scheme however have raised some concerns regarding the use of trees in ways which may obscure the appreciation of the architecture of the listed buildings and the conservation area.

4.31 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).

4.32 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.'

4.33 The recently published Local Plan 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.'

4.34 There are also 10 listed buildings adjacent to and within the application site. The proposed public realm works will impact on the setting of these structures. Attention should be paid to the desirability of preserving the setting of the listed building in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the assets conservation (para 132, NPPF).

4.35 There are 13 locally listed buildings adjacent to the application site. In considering the impact of development on non-designated heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF). Local Plan Policy HE12 recognises the importance of non designated heritage assets and seeks to protect them where possible. The recently published local plan states that the 'Borough Council will support the retention of heritage assets on the List of Locally Important Buildings'

4.36 The Church Street Conservation Area has been assessed using the Historic England criteria as being 'at risk'. The recently published local plan states that, 'Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.'

4.37 Contributing to the significance of Church Street Conservation Area is the historic associations of the street. It comprises the former historic and commercial area of West Hartlepool and played an important role in not only the development of this area but as the heart of West Hartlepool supporting the industrial development of

the area. The significance of Church Street is also aesthetic with the variety of buildings which as a whole contribute to the character of the area.

4.38 The current street surfaces throughout the area were renewed in the 1990s. The Council's Conservation manager has commented that these are now in a poor state of repair with uneven surfaces and a mismatch of materials. It is considered that the current proposals comprise a comprehensive scheme which will bring together Church Street and Church Square using a common pallet of materials.

4.39 The new street layout to Church Street will allow vehicular access but it is considered that the improvement works will make the area more pleasant for pedestrians by providing a wider footpath to the south side of the street. The use of granite aggregate topped paving with natural granite used for feature areas will simplify the materials used within the street, providing an enhanced setting for the buildings. In particular it is considered that the use of interpretation panels will provide areas of interest to break up the paving.

4.40 The proposal includes the removal of the existing street trees in this area and their replacement with fewer trees, which will not grow to such a height when mature. The Civic Society's concerns regarding the proposed trees are noted however the Council's Conservation Manager has commented that the replacement trees will provide an enhancement and given that the species of trees proposed will be lower in height when mature it is considered that views of the conservation area and listed buildings will be improved by the proposals.

4.41 The re-organisation of the layout of Church Square is welcomed by the Conservation Manager. In particular the removal of cars from this area is considered to be a significant enhancement to the quality of the environment in this space. The creation of an ellipse shaped paving space to the front of the Art Gallery, echoes the original circus design of the square. Planting to the northern side where the square meets Church Street, along with the introduction of a grassed area is welcomed in creating a barrier to the busy road and going some way in closing the space. Furthermore the planting to the top of the square will provide an inviting link to Stockton Street and the proposed improved crossing. The proposals are carefully considered and take account of the setting of the listed buildings and locally listed buildings within the site.

4.42 Whilst the concerns of the civic society are noted, it is considered that this scheme will enhance this part of Church Street Conservation Area therefore the Council's Conservation Manager raises no objections. As such it is not considered that the proposed development will result in an adverse impact upon the conservation area or the setting of the listed or locally listed buildings.

### Landscape

4.43 There are a large number of trees in Church Street and Church Square that are becoming well established and contribute to the visual amenity here. The Council's Arboricultural Officer has commented that when these were first planted there was an expectation that their survival rate would be poor and the chosen variety was selected for its robustness rather than its aesthetic features. As a consequence of

their success it is noted that there are associated problems such as overshadowing the adjacent buildings which would require trees being regularly cut back. There is also root disturbance to the pavement and security camera issues.

4.44 The trees in Church Square are prominent features and whilst some concerns regarding the loss of these trees are raised it is acknowledged that the new design will be compromised should they remain. Furthermore the Arborist supports a more diverse selection of trees as proposed. As such other than concern regarding the loss of perfectly good trees there are no objections from the Council's Arborist to the scheme proceeding as shown from a landscaping perspective.

4.45 Cleveland police have made comments on the proposed landscaping scheme and comments have been noted by the applicant. It has been confirmed in writing that under the proposals landscaping is restricted to tree planting at Church Street and tree and shrub/ornamental grasses at Church Square. Furthermore the applicant has liaised with the CCTV team regarding camera coverage, etc. All trees will have a clear stem. Where planting is adjacent to footpath areas the footways are of sufficient width to avoid the creation of pinch points. Planting will be of a height low enough to prevent its use for concealment.

4.46 As such the proposals are considered to be acceptable in terms of landscaping and taking into account the level of detail submitted no landscaping conditions are recommended provided the scheme is carried out in accordance with the submitted plans which are subject to condition.

#### Amenity of neighbouring Land users

4.47 The surrounding area is predominantly commercial in nature with various uses including education facilities, shops, public houses, cafes and restaurants in the Church Street/ Church Square Area. However there are some residential uses and it is noted that under permitted development rights residential flats could be created above the commercial properties without the need for planning permission.

4.48 The proposals include the creation of small events/market areas in Church Street and main events area in Church Square. It is envisaged that this will be used by the Local Authority and the College for events such as exhibitions and graduation ceremonies and other public events. This area is designated for late night uses and the surrounding public houses in particular have permission to operate until late in the evening and in some cases early morning. Furthermore the area in Church Square is currently used (predominantly by the Local Planning Authority and the College) for some events. The Council's Public Protection section were consulted and have raised no objections to the proposals, have made no comments and have not required conditions.

4.49 As such given the mixed use nature of the surrounding area it is not considered that the proposed improvements to the public realm will result in a detrimental impact upon the amenity of neighbouring land users.

### Highway Safety

4.50 The Council's Traffic and Transport section were consulted on the proposals and have raised no highway or traffic concerns. As such it is not considered that the proposal will have a detrimental impact upon highway safety.

### Drainage

4.51 The Council's engineers were consulted on the proposed development and have no comments. Therefore it is not considered that any conditions are required in respect of drainage.

### Residual Matters

4.52 Concerns have been raised regarding the impact of works to the highway upon an existing ATM. The concerns raised state that if the adjacent lay-by were to be removed this would have a commercial impact upon the ATM due to reduced car parking available. Whilst this is not a material planning consideration and cannot be considered when assessing the application, the submitted scheme demonstrates that the lay-by is not intended to be removed.

4.53 Network Rail were consulted on the proposed development and have raised no objection in principle to the development, however they have stated some requirements which must be met as the proposals impact on the road links to Hartlepool Station. As such an informative is attached to ensure that all roads, paths or ways providing access to any part of the railway undertaker's land shall be kept open at all times during and after the development. In particular in this instance, access to and from Hartlepool Station and the adjacent railway level crossing should remain clear and unobstructed at all times. This is essentially a matter for Highways nonetheless the applicant is aware of this requirement and has confirmed that it will be complied with.

4.54 Cleveland Police were consulted and have made a number of comments. With regard to seating the police consider these areas should have good natural surveillance to help deter misuse and inappropriate loiters. All seats should be vandal resistance. Skateboarding misuse also requires consideration. The applicant has confirmed that these matters were considered and have been incorporated into the design of the scheme.

4.55 In line with the police comments an informative is attached which states that All footpaths should have lighting levels that comply with the requirements of BS5489:2013

### Conclusion

4.56 The proposed development is considered to represent a significant improvement to the overall public realm and the appearance of the surrounding area. The scheme is considered to be acceptable in respect of the character of the conservation area and it is considered that it will enhance the setting of adjacent listed buildings. The development proposals are considered to be acceptable in

terms of amenity of neighbouring land users and highway safety and as such the proposal is recommended for approval subject to conditions.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.57 There is no evidence of equality or diversity implications.

## **SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS**

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

4.59 There are no Section 17 implications.

## **REASON FOR DECISION**

4.60 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 consideration by the Planning and Development Manager of any comments received from Historic England and the following conditions

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans:
  - Church Street Church Square Location Plan 300/75F L014
  - Church Street Draft Masterplan Revised Option 300/75F L008 Rev C
  - Church Street Master Plan Sheet 1 Tower Street-Church Square Link Drawing 300/75F L009 Rev A
  - Church Street Master Plan Sheet 2 Gateway Area & Interchange Drawing 300/75F L010 Rev A
  - Church Street Draft Masterplan Sheet 3 Upper Events Street Drawing 300/75F L011 Rev A
  - Church Street Draft Masterplan Sheet 4 Lower Events Street & Car Park Access Drawing 300/75F L012 Rev A
  - Church Street Draft Masterplan Option 2 Sheet 5 CCAD Frontage Drawing 300/75F L013 Rev B
  - Landscape General Arrangement RF16-361-L02 Rev A
  - Landscape Site Plan Church Square RF16-316-L03

All Received by the Local Planning Authority on 28 February 2017.  
For the avoidance of doubt.
3. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the development hereby approved

being brought into use, full details of all street furniture including waste storage and benches shall be submitted to and agreed in writing with the Local Planning Authority. These elements shall be carried out in accordance with the details so approved.

To ensure a satisfactory and sustainable form of development.

4. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of proposed hard landscaping and surface finishes (including the proposed floorscape artwork 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, and all construction details confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the operation of the site and/or the site being open to the public.  
To enable the local planning authority to control details of the proposed development, in the interests of visual amenity of the area.

## **BACKGROUND PAPERS**

4.61 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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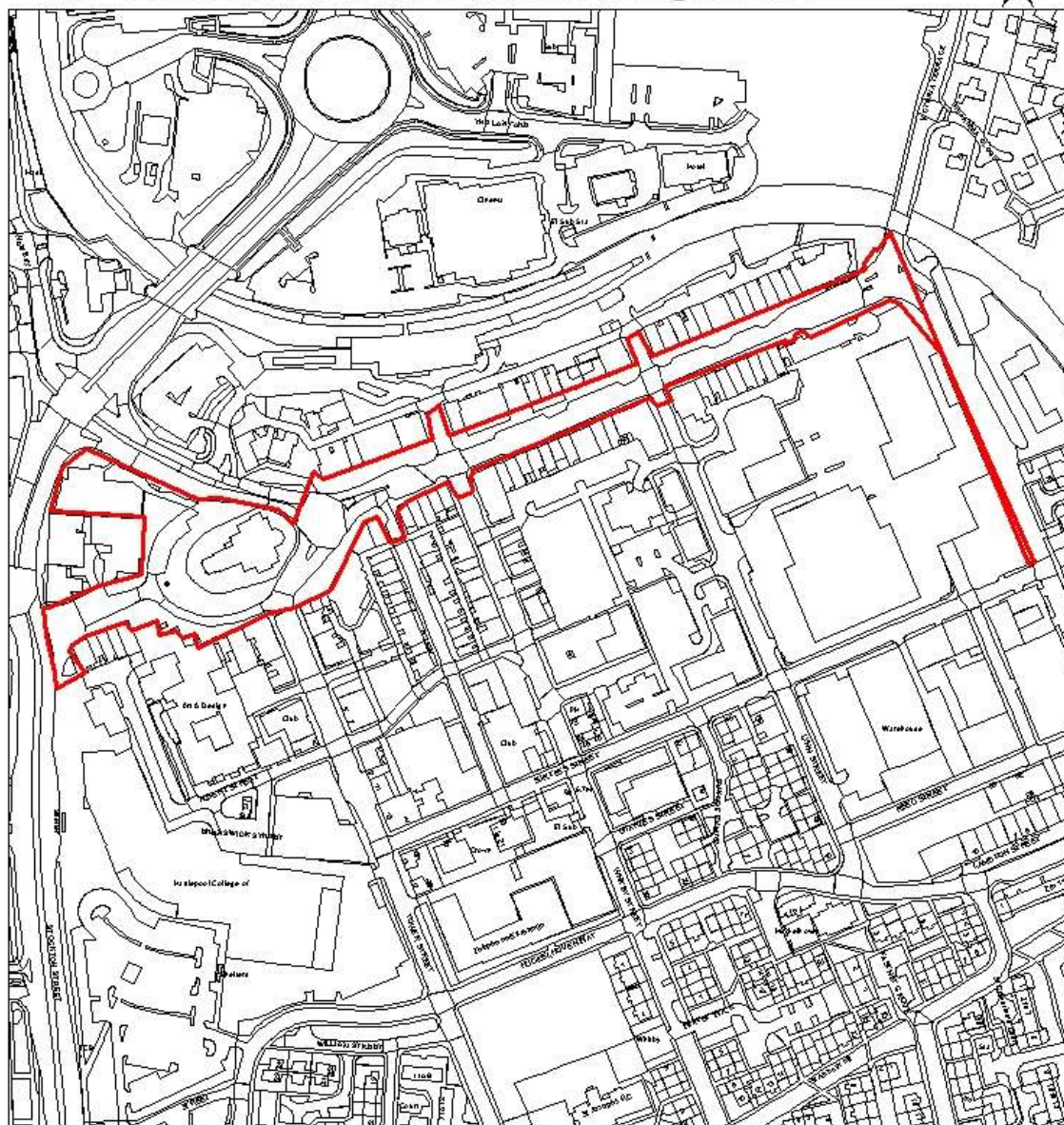
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## CHURCH STREET/CHURCH SQUARE



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26.04.17</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0107</b>	REV

## **POLICY NOTE**

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

### **ADOPTED HARTLEPOOL LOCAL PLAN 2006**

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

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

**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.

**GEP10** (Provision of Public Art) Encourages the provision of public art and craftwork as an integral feature of new development.

**GEP12** (Trees, Hedgerows and Development) States that the Borough Council will seek within development sites, the retention of existing and the planting of additional, trees and hedgerows. Development may be refused if

the loss of, or damage to, trees or hedgerows on or adjoining the site will significantly impact on the local environment and its enjoyment by the public. Tree Preservation Orders may be made where there are existing trees worthy of protection, and planning conditions will be imposed to ensure trees and hedgerows are adequately protected during construction. The Borough Council may prosecute if there is damage or destruction of such protected trees.

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

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

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

**Hsg5** (Management of Housing Land Supply) - A Plan, Monitor and Manage approach will be used to monitor housing supply. Planning permission will not be granted for proposals that would lead to the strategic housing requirement being significantly exceeded or the recycling targets not being met. The policy sets out the criteria that will be taken into account in considering applications for housing developments including regeneration benefits, accessibility, range and choice of housing provided and the balance of housing supply and demand. Developer contributions towards demolitions and improvements may be sought.

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

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

**Rec13** (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina

subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

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

**Rur3** (Village Envelopes) - States that expansion beyond the village limit will not be permitted.

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

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

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

**Tra7** (Pedestrian Linkages: Town Centre/ Headland/ Seaton Carew) - States that improvements will continue to be made to the pedestrian environment in the central area and improved links provided between the primary shopping area and other parts of the town centre. Pedestrian links will also be provided within and between the Marina, Seaton Carew and the Headland, including a proposed new pedestrian bridge at Victoria Harbour.

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

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

## **NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012**

**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.

**30.** Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans, local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

**32.** All developments that generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

**34.** Decisions should ensure developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. However this needs to take account of policies set out elsewhere in this Framework, particularly in rural areas.

**35.** Developments should be located and designed where practical to:

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;



- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable<sup>11</sup> sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable<sup>12</sup> sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

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

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

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

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

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

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

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

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

**69.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

- opportunities for meetings between members of the community who might not otherwise come into contact with each other, including through mixed-use developments, strong neighbourhood centres and active street frontages which bring together those who work, live and play in the vicinity;
- safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion; and
- safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas.

**72.** The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that

will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

**93.** Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.

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

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

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

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

- listed or proposed Ramsar sites; and—sites identified, or required, as compensatory measures for adverse effects on European sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.

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

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

**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.

**137.** LPA's should look for opportunities for new development within Conservation Areas and within the setting of heritage assets to enhance or better reveal their significance. Proposals to preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.

**196:** The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the

development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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

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

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

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

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

**216.** From the day of publication, decision-takers may also give weight<sup>40</sup> to relevant policies in emerging plans according to:

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

### **Emerging Hartlepool Local Plan Policies**

#### **Policy SUS1: The Presumption in Favour of Sustainable Development**

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

#### **Policy LS1: Locational Strategy**

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

**Policy CC1: Minimising and adapting to Climate Change**

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

**Policy CC2: Reducing and Mitigating Flood Risk**

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

**Policy INF1: Sustainable Transport Network**

INF1: The Borough Council will work with key partners, stakeholders and other local authorities to deliver an effective, efficient and sustainable transport network, within the overall context of aiming to reduce the need to travel. A range of measures are detailed in the policy.

**Policy INF2: Improving Connectivity in Hartlepool**

INF2: Delivering sustainable transport in Hartlepool will be achieved through a balanced package of measures that seek to maximise the level of sustainable access to areas of development, through good quality public transport services, pedestrian and cycle routes, and develop further opportunities for sustainable modes of transport to serve existing communities throughout the Borough. The Local Infrastructure Plan provides details of improvements needed to the bus network and rail services, as well as improvements to pedestrian and cycle routes to provide sustainable transport opportunities to new and existing developments. No permanent development will be permitted within land corridors shown on the Proposals Map that are reserved for the following road and rail schemes.

**Policy INF4: Community Facilities**

INF4: The policy sets out that to ensure that all sections of the local community have access to a range of community facilities that meet education, social, leisure/recreation, and health needs, the Borough Council will: protect, maintain and improve existing facilities where appropriate and practicable require and support the provision of new facilities to serve developments and to remedy any existing deficiencies. As part of the High Tunstall, South West Extension and Wynyard housing allocations the developers will be required to safeguard land for new primary schools.

**Policy QP1: Planning Obligations**

QP1: States that the Borough Council will seek contributions from developers for the provision of additional works deemed to be required as a result of the

development. The policy lists examples of works for which contributions will be sought.

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

### **Policy QP3: Location, Accessibility, Highway Safety and Parking**

QP3: The Borough Council will seek to ensure that development is safe and accessible along with being in a sustainable location or has the potential to be well connected with opportunities for sustainable travel.

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

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

### **Policy QP4: Layout and Design of Development**

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

### **Policy 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 QP6: Technical Matters**

QP6: The policy sets out that the Borough Council expects development to be incorporated into the Borough with minimal impact. On site constraints and external influences can often halt development. The Borough Council will work with developers to overcome such issues. The policy outlines issues which proposals should investigate and satisfactorily address.

### **Policy QP7: Energy Efficiency**

QP7: The policy sets out that the Borough Council will seek to ensure high levels of energy efficiency in all development. Notwithstanding the requirements of the Building Regulations all developments, where feasible and viable, will be required to:

- 1) Ensure that the layout, building orientation, scale and form minimises energy consumption and makes the best use of solar gain, passive heating and cooling, natural light and natural ventilation.
- 2) Ensure that green infrastructure is used appropriately to assist in ensuring energy efficiency.
- 3) Incorporate sustainable construction and drainage methods.

If by virtue of the nature of the development it is not possible to satisfy the above criteria then an attempt must be made to improve the fabric of the

building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).

#### **Policy HSG1: New Housing Provision**

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

#### **Policy HSG2: Overall Housing Mix**

HSG2: This policy states that all new housing, and/or the redevelopment of existing housing areas, must contribute to achieving an overall balanced housing stock that meets local needs and aspirations, both now and in the future. The Borough Council will give significant weight to housing need, as identified within the most up-to-date SHMA, when considering planning applications.

#### **Policy HSG9: Affordable Housing**

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

#### **Policy 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 RUR2: New Dwellings Outside of Development Limits**

RUR2: Seeks to protect the countryside by restricting new dwellings outside of the development limits unless there is clear justification and it can be demonstrated that there is a functional need pertaining to the effective operation of a rural enterprise; the rural enterprise is established, profitable, financially sound and is to remain so; the need could not be met by an existing dwelling; the dwelling is appropriate in scale; the proposal is in accordance with other relevant policies and, where relevant, the development would safeguard the future a heritage asset. Notwithstanding the above, new



dwellings outside of development limits may also be permitted in instances of exceptional design. Replacement dwellings will only be approved where the existing dwelling can no longer be used; the proposed development is similar in scale and where the design minimises visual intrusion but enhances the immediate setting. New housing development and re-use of existing buildings should not compromise the character and distinctiveness of the countryside. Occupancy conditions will be imposed where deemed necessary. Further guidance is provided in the New Dwellings Outside of Development Limits SPD.

### **Policy RC3: Innovation and Skills Quarter**

RC3: The policy encourages and promotes the development of a distinct Innovation and

Skills Quarter (ISQ). The policy sets out appropriate uses within the ISQ. The policy supports the positive development of shop fronts in accordance with the Shop Fronts SPD, enhancement of public realm across the area and protection and enhancement of the quality of the Church Street Conservation area.

### **Policy RC17: Late Night Uses Area**

RC17: the policy sets out the area which is deemed appropriate for the operation of businesses between 11:30 pm and 7 am, the policy also lists appropriate uses within the Late Night Uses area. Consideration of the must be given to the impact of such development on the character, appearance, function and amenity of the, property and the surrounding area, including the Church Street Conservation area. The policy to considerations of unit vacancy, impact on crime and fear of crime; public health and states that the design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

### **Policy HE1: Heritage Assets**

HE1: The policy states that 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 policy sets criteria for proposals for any development (including change of use, extensions, additions, alterations, and demolition (partial or total)) which has an impact on a heritage asset (both designated and non-designated) and its setting. Proposals which lead to substantial harm to, or result in the total loss of significance of, a designated heritage asset unless it is evidenced that the harm or loss is necessary to achieve substantial public benefit will be refused. A Heritage Statement should be provided with all applications affecting a heritage asset.

### **Policy HE3: Conservation Areas**

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

assessment of development proposals in conservation areas. Demolition will only be permitted in exceptional circumstances. The policy also covers development in the vicinity of conservation areas, such developments will only be acceptable where they are in line with this policy.

#### **Policy HE4: Listed Buildings and Structures**

HE4: The policy states The Borough Council will seek to conserve or enhance the town's listed buildings by resisting unsympathetic alterations, encouraging appropriate physical improvement work, supporting appropriate and viable proposals to secure their re-use and restoration. The policy sets out consideration for the assessment of proposals for alteration and demolition to and within the setting of listed buildings.

Developments to, or within the setting of, a listed building or structure which will result in the substantial harm or total loss of significance of a listed building will be refused unless it can be demonstrated that this loss and/or harm is necessary to achieve substantial public benefit which outweighs this loss and/or harm. Where it is considered that a proposal will result in less than substantial harm to the significance of a listed building or structure this harm should be weighed against the public benefits of the proposals.

#### **Policy HE5: Locally Listed Buildings and Structures**

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

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

#### **Policy NE2: Green Infrastructure**

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

#### **Policy NE5: Playing Fields, Tennis Courts and Bowling Greens**

NE5: The policy seeks to protect existing playing fields, tennis courts and bowling greens. The policy details the exceptional circumstances in which development and loss of such facilities may be acceptable.

When additional facilities are required to serve new housing developments and/or to meet an increase in demand for an activity, they should be concentrated together as a hub to ensure effective use by clubs and organisations as well as the wider community.

## PLANNING COMMITTEE

10th May 2017



**Report of:** Assistant Director (Economic Growth & Regeneration)

**Subject:** APPEAL AT CRESCENT HOUSE, SOUTH CRESCENT, HARTLEPOOL TS24 0QG APPEAL  
REF: APP/H0724/D/16/3165381 – Installation of replacement windows (H/2016/0454)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal in relation to the installation of replacement windows at the above property.
- 1.2 The Inspector issued a split decision approving some of the replacement windows but not others. It should be noted that most but not all of the replacement windows approved by the Inspector were also considered acceptable by the Council however the Council are not able to issue a split decision. The Inspector's decision letter is **attached**.

### 2. RECOMMENDATIONS

- 2.1 That Members note the outcome of the appeal.

### 3. CONTACT OFFICER

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## Appeal Decision

Site visit made on 27 March 2017

by **C L Humphrey BA (Hons) DipTP MRTPI**

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

Decision date: **31 March 2017**

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**Appeal Ref: APP/H0724/D/16/3165381**

**Crescent House, South Crescent, Hartlepool TS24 0QG**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Stephen Lamb against the decision of Hartlepool Borough Council.
  - The application Ref H/2016/0454, dated 13 October 2016, was refused by notice dated 12 December 2016.
  - The development proposed is described as 'Proposed replacement of existing defective timber vertical sliding sash window frames.'
- 

### Decision

1. The appeal is dismissed insofar as it relates to the windows on the north-east facing side elevation. The appeal is allowed insofar as it relates to the windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation and planning permission is granted for the installation of replacement windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation at Crescent House, South Crescent, Hartlepool TS24 0QG in accordance with the terms of the application, Ref H/2016/0454, dated 13 October 2016, and the plans submitted with it so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Block Plan, SL/001 Rev A, SL/002 Rev A.
  - 3) The windows hereby approved shall be coloured white unless otherwise agreed in writing with the Local Planning Authority.

### Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, the Council's decision notice describes the proposed development as 'Installation of replacement windows' and I note that the appellant has used this description on the appeal form. This revised description more appropriately describes the proposed development, and I have therefore considered the appeal on that basis as no party would be prejudiced or caused any injustice by me taking this course of action.
-

### **Main Issue**

3. The main issue is whether the appeal proposal would preserve or enhance the character or appearance of the Headland Conservation Area.

### **Reasons**

4. The appeal property is an imposing 2 storey end terraced house located on South Crescent within the Headland Conservation Area (the Conservation Area). The Conservation Area forms the original settlement of Hartlepool. Its unique character derives from the peninsula location and from the principally 19<sup>th</sup> century residential architecture.
5. The appeal property is one of a number of buildings within the Conservation Area which are subject to an Article 4 Direction. The Council's officer report makes reference to extracts from guidelines approved by the Council's Planning Committee in respect of replacement windows in Conservation Areas on unlisted buildings subject to an Article 4 Direction. The guidelines indicate that replacements of traditional windows should, in terms of design and detailing, be appropriate to the age and character of the building and the character and appearance of the conservation area. The guidelines further state that the use of traditional materials will be encouraged however the use of modern material will be accepted provided that the window is of a design, profile and opening mechanism matching those of the traditional window.
6. On the north-east facing side elevation, where the main entrance to the house is located, the existing windows are multi-paned 6/6 or 4/4 timber sliding sashes. The uniform appearance of the windows on this principal elevation presents a pleasingly cohesive façade to the street, and makes a positive contribution to the Conservation Area. On the south-east facing front elevation, the windows at the front of the bays are 2/2 timber sliding sashes and the windows at the sides of the bays are 1/1 sashes. Again, this consistency of design within the front elevation results in an attractive and unified appearance which contributes positively to the Conservation Area. The windows on the remaining elevations to the rear of the appeal property are diverse in terms of their design. Some have a 2/2 pattern of glazing and others have multiple panes, some have horns and others do not. These rear elevations are not particularly visible, and make a neutral contribution to the Conservation Area.
7. It is proposed that all the windows would be replaced with 2/2 uPVC sashes with the exception of the side windows on the front bays which would be 1/1 as existing. The windows would be heritage vertical sliding sashes. The Council has not raised any objections to the proposed materials, profile and opening mechanism of the replacement windows. On the basis of the submitted details and my observations on site, when I noted that a number of neighbouring properties appear to have similar replacement windows, I have no reason to take a different view. Rather, the Council's concern relates to the design of the proposed replacement windows on the rear and side elevations, with particular reference to the proposed replacement of the multi-paned sash windows with 2/2 sashes.
8. The loss of the historic multi-paned windows on the north-east facing side elevation would dilute the impressive appearance of this façade. As such, I conclude that this element of the appeal proposal would fail to preserve the character and appearance of the Headland Conservation Area, and would be

contrary to the design and heritage conservation and enhancement aims of Policy HE1 of the Hartlepool Local Plan and Part 12 of the National Planning Policy Framework (the Framework).

9. As set out in paragraph 132 of the Framework, 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. Any harm requires clear and convincing justification. In the parlance of the Framework, the identified harm to the designated heritage asset is less than substantial and should therefore be weighed against the public benefits of the proposal. The refurbishment of the appeal property and improvements to security, energy efficiency, internal comfort and future maintenance demands do not amount to public benefits sufficient to outweigh the harm caused to the designated heritage asset.
10. The Council raises no objection to the proposed replacement windows on the south-east facing front elevation. Their detailed design, profile and opening mechanism would match those of the traditional windows on this elevation and therefore I have no reason to take a different view. Whilst some of the existing windows on the north-east and north-west facing rear yard elevations and the south-west and north-west facing rear elevations are multi-paned, the majority are not. The replacement of all these windows, which are not highly visible within the Conservation Area, with 2/2 heritage vertical sliding sashes would not have a deleterious effect on these secondary elevations. I therefore conclude that these elements of the appeal proposal would preserve the character and appearance of the Headland Conservation Area. As such, these elements would accord with the design and heritage conservation and enhancement aims of Policy HE1 of the Hartlepool Local Plan and Part 12 of the Framework.

#### **Conditions**

11. I have imposed a condition specifying the relevant drawing as this provides certainty. In order to safeguard the character and appearance of the area, I have imposed a condition relating to the colour of the windows.

#### **Conclusion**

12. I note the appellant's reference to other uPVC replacement windows in the vicinity of the appeal site. However, in the absence of any details relating to the planning history or site circumstances of these other windows I cannot make any comparisons with the appeal proposal. In any event I must determine the appeal on its own merits, and have done so.
13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed insofar as it relates to the windows on the north-east facing side elevation and allowed insofar as it relates to the windows on the north-west facing rear yard elevation, the north-east facing rear yard elevation, the north-west facing rear elevation, the south-west facing rear elevation and the south-east facing front elevation.

*CL Humphrey*

INSPECTOR

# PLANNING COMMITTEE

10 May 2017



**Report of:** Director of Regeneration and Neighbourhoods

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 1. PURPOSE OF REPORT

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

1. An investigation has commenced in response to a complaint regarding the erection of a smoking shelter and installation of external lighting at a licensed premises on Wooler Road.
2. An investigation has commenced in response to a complaint regarding the erection of a timber outbuilding in the rear garden of a residential property in Ardrossan Road.
3. An investigation has commenced in response to a complaint regarding the untidy condition of an area of land at the rear of The Front, Seaton Carew.
4. An investigation has commenced in response to a complaint regarding the change of use from offices and storage (B1/B8) to a gym (D2) at a commercial premises in Havelock Street.
5. An investigation has commenced in response to a complaint regarding the use of a residential property in Warren Road for the storage of scrap vehicles.
6. An investigation has commenced in response to a complaint regarding non-compliance with conditions relating to tree protection at a residential property in Elwick Road.
7. An investigation has commenced in response to a complaint regarding the erection of a high timber fence to the front of a residential property in Wasdale Close.
8. An investigation has commenced in response to a complaint regarding the erection of a high timber fence to the front of a residential property in Portmadoc Walk.



9. An investigation has commenced in response to a complaint regarding excessive dust emissions from a housing development site at Coniscliffe Road.

1.2 Your attention is drawn to the following investigations that have been completed:

1. An investigation has been completed in response to a complaint regarding the erection of a side and rear extension not being completed in accordance with the approved plans at a residential property in Springston Road. It was found that the side and rear extension is being constructed in accordance with the approved plans and therefore no further action is necessary.
2. An investigation has been completed in response to a complaint regarding the use of a residential property in Marlowe Road as a temporary site office. As a result of the prompt and helpful co-operation of the company involved, the property is no longer being used as a temporary site office.
3. An investigation has been completed in response to a complaint regarding the temporary siting of portacabins at a public car park in Seaton Carew. The portacabins have now been removed. No further action necessary.
4. An investigation has been completed in response to a complaint regarding the erection of a high timber fence to the front and side of a residential property in Caithness Road. The height of the fence has now been reduced to within permitted development limits.
5. An investigation has been completed in response to a complaint regarding the installation of replacement uPVC windows at a listed residential property in Albion Terrace. A valid retrospective application seeking to regularise the development has been received.
6. An investigation has been completed as a result of a complaint regarding the extension of existing parking areas at land to the front of Dean Garth and North View, Dalton Piercy. A valid retrospective application seeking to regularise the development has been received.

## 2. RECOMMENDATION

- 2.1 Members note this report.

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