

# PLANNING COMMITTEE AGENDA



**Wednesday 9 August 2017**

**at 10.00 am**

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

## MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Belcher, Buchan, Cook, Fleming, James, Lawton, Loynes, Martin-Wells, Morris and Sirs.

### 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 July 2017.

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

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

1. H/2017/0315 Oak Lodge Shooting Ground Brierton Lane (Page 1) - **UPDATED**
2. H/2017/0204 Headland Wall Sea Defence Adjacent York Place/Albion Terrace South Crescent to Redheugh Gardens (Page 15)
3. H/2017/0174 Land Adjacent to Milbank Close, Hart (Page 35)
4. H/2017/0185 Wynyard Village Extension (Phase A) Land to the South of Wynyard Woods and West of Woodside, Wynyard, Billingham (Page 47)
5. H/2017/0114 Former Schooner PH (One Stop), Warrior Drive, (Page 57)

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

5.1 Update on Current Complaints – *Director of Regeneration and Neighbourhoods*

### 6. **ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT**

#### **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 6 September 2017.



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **12<sup>th</sup> July 2017**

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

**Present:**

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Sandra Belcher, Tim Fleming, Trisha Lawton, Ray Martin-Wells, George Morris and Kaylee Sirs

Also Present: Councillor Kevin Cranney, Chair of Regeneration Services Committee

In accordance with Council Procedure Rule 4.2 Councillor Carl Richardson was in attendance as substitute for Councillor Marjorie James

Officers: Peter Devlin, Chief Solicitor  
Jim Ferguson, Planning and Development Manager  
Helen Heward, Senior Planning Officer  
Hayley Martin, Head of Legal Services, Place  
Julie Reed, School Place Planning, Admissions and Capital Manager  
Adrian Hurst, Environmental Health Manager  
Mike Blair, Technical Services Manager  
Robert Alstead, Graduate Assistant Planner  
Sarah Scarr, Heritage and Countryside Manager  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Denise Wimpenny, Principal Democratic Services Officer

### **129. Apologies for Absence**

Apologies for absence were submitted on behalf of Councillors Bob Buchan Marjorie James and Brenda Loynes.

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

None

## 131. Confirmation of the minutes of the meeting held on 7<sup>th</sup> June 2017

Confirmed.

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

---

<b>Number:</b>	H/2017/0245
<b>Applicant:</b>	MR C HUNTER GROVE CLOSE HARTLEPOOL
<b>Agent:</b>	MARK TAYLOR 24 SEDGEWICK CLOSE HARTLEPOOL
<b>Date received:</b>	24/04/2017
<b>Development:</b>	Erection of a single storey extension at the side and rear, addition of dormer window to side elevation, installation of bow windows to front, and alterations to fenestration.
<b>Location:</b>	5 GROVE CLOSE HARTLEPOOL

Members were advised that this application had previously been deferred pending a site visit, which had been held that morning, and that the application had been reported to the Planning Committee as a result of the number of objections that had been received in respect of the proposals.

A Member made reference to the concerns that had been expressed by an objector that works at the property had commenced without planning permission. The Planning and Development Manager advised that whilst minor works (foundations trenches, blocking of windows) had commenced, none of the substantive works which required planning permission appeared to have started. In response to a Member's request for clarification regarding concerns that not all of the submitted representations were on the Council's web-site, the Planning and Development Manager outlined the process and timescales for uploading information of this type on the website.

The applicant's representative, Natasha Crump, addressed the Committee and urged Members to disregard any personal views in relation to the objections that had been received and placed emphasis upon the application being determined on planning issues alone. The applicant indicated that in terms of visual amenity issues, the proposals would present very little change in appearance from the street view, the proposals were in keeping with the style of the property and would not impact on the privacy of neighbouring properties.

Rose Brierton, who resided at No 6 Grove Close, spoke against the application. The reasons for objections were outlined which included concerns around over development of the site, detrimental visual impact issues in terms of the character of the site, loss of privacy and light and an increase in vehicles parking and using Grove Close.

A Member questioned the concerns around loss of privacy given that the proposed dormer window would be a top opening window and obscure glazed and did not accept the views expressed that the proposals would result in an increase in vehicles accessing the site.

In the further discussion that followed Members considered the representations that had been presented and, whilst the majority of Members supported the application, a Member spoke against the proposals and in support of the issues raised by the objector in terms of balance and overdevelopment of the site.

Members voted and approved the application by a majority.

The Committee considered representations in relation to this matter.

**Decision: PLANNING PERMISSION APPROVED**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plans; the Location Plan, date received 24th April 2017 by the Local Planning Authority, and amended drawing numbers 1 (Existing Floor Plans and Elevations) 2 (Proposed Floor Plans) and 3 (Proposed Elevations) received by the Local Planning Authority on 31st May 2017.  
For the avoidance of doubt.
3. The external materials to be used in the construction of the single storey extension hereby approved shall match those used in the construction of the existing dwelling unless otherwise agreed in writing with the Local Planning Authority.  
In order to safeguard the character of the host dwelling and the visual amenity of the surrounding area in accordance with the provisions of Policies GEP1 and Hsg10 of the Hartlepool Local Plan and Section 7 of the National Planning Policy Framework.
4. The cheeks and front elevation of the dormer window, hereby approved, shall be tile hung using tiles that match in type, colour, texture, and that are laid in a manner to match, those used in the construction of the roof of the host dwelling unless otherwise agreed in writing by the Local Planning Authority.  
In order to safeguard the character of the host dwelling and the

visual amenity of the surrounding area in accordance with the provisions of Policies GEP1 and Hsg10 of the Hartlepool Local Plan and Section 7 of the National Planning Policy Framework.

5. The 2 no. windows to be formed within the south western facing elevation of the dormer window (serving 2 no. en-suites) hereby approved shall be glazed with obscure glass to a minimum of level 4 of the 'Pilkington' scale of obscuration or equivalent. The windows shall be fixed glazed with top opening windows as shown on approved drawing number 3. The glazing shall be installed before the enlarged roof space is first brought into use and shall thereafter be retained at all times that the windows exist. The application of translucent film to clear glazed windows would not satisfy the requirements of this condition.

To safeguard the amenities of the occupiers of 6 Grove Close in accordance with the requirements of Policies GEP1 and Hsg10 of the Hartlepool Local Plan.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting the Order with or without modification) no windows or other openings, other than those shown on the approved plans, shall, at any time, be formed in the dormer hereby approved without the prior written consent of the Local Planning Authority.

To safeguard the amenities of the occupiers of 6 Grove Close in accordance with the requirements of Policies GEP1 and Hsg10 of the Hartlepool Local Plan.

**Number:** H/2017/0229

**Applicant:** MR JOHN WOOD ADVANCED HOUSE WESLEY SQUARE HARTLEPOOL

**Agent:** MR DOMINIC MARSHALL 20 FERNWOOD COULBY NEWHAM MIDDLESBROUGH

**Date received:** 13/04/2017

**Development:** Display of two non illuminated hoardings

**Location:** ADVANCED HOUSE WESLEY SQUARE HARTLEPOOL

The applicant's agent, Mr Wood, was in attendance and addressed the Committee. The applicant outlined the background to this development and the benefits to the town of installing illuminated advertising hoarding signs. The Committee was advised that the signage would be utilised to promote local businesses, support in-house businesses and promote the regeneration of the town. Members were assured that the advertisement signage would be tastefully undertaken with no multi-national campaigns and would not be detrimental to the town.

The Chair of the Regeneration Services Committee, spoke in support of the application and highlighted that any regeneration and investment opportunities for the town would be welcomed. The Chair of the Regeneration Services Committee did, however, indicate that this application was a matter for Planning Members to determine based on planning considerations.

Members discussed the proposals and the majority of Members were in support of the application for the following reasons they considered that the impact on visual amenity was acceptable, the proposal would support the local economy and there were no highway objections.

The Committee considered representations in relation to this matter.

**Decision: ADVERTISEMENT CONSENT APPROVED**

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development hereby permitted shall be carried out in accordance with the Site Location Plan and Existing and Proposed Elevations DRG No. P166\_17/P/01 Rev 0 received by the Local Planning Authority on 13 April 2017.
- 

**Number:** H/2017/0028

**Applicant:** KANE ARCHITECTURAL SERVICES CASTLE EDEN  
HARTLEPOOL

**Agent:** KANE ARCHITECTURAL SERVICES THE OLD  
BREWERY BUSINESS CENTRE CASTLE EDEN  
HARTLEPOOL

**Date received:** 20/02/2017

**Development:** Outline application (all matters reserved) for residential development consisting of up to 13 no. dwellinghouses (demolition of existing buildings including bungalow)

**Location:** GLEBE FARM PALACE ROW HART HARTLEPOOL

In response to clarification sought in relation to the emerging rural plan and whether this had been approved by Council, the Senior Planning Officer advised that this had not yet been approved and was currently at the examination stage.

The application was approved unanimously.

**Decision:****OUTLINE PLANNING PERMISSION APPROVED**

subject to the completion of a legal agreement securing contributions towards primary education (£38,376.45) and secondary education (£25,101.56), built sports provision (£3,250), play facilities (£15,467), playing pitches (£3,042.77), tennis courts (£741.26), bowling greens (£64.61), highway mitigation works (£53,651) and green infrastructure/footpath links (£3,250), and an obligation requiring the provision and implementation of a scheme of ecological mitigation measures (household information packs); securing a local labour agreement; a scheme for the provision, maintenance and long term management of highways, landscaping, play facilities and permissive footpaths.

**CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the last such matter to be approved.  
To clarify the period for which the permission is valid.
2. Approval of the details of the appearance, layout and scale of the building(s) and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority.  
In order to ensure these details are satisfactory.
3. The development hereby permitted shall be carried out in accordance with plan No 16\_002\_001 Rev A (Planning Existing OS Plan) and 16\_002\_002 (Planning Existing Site Plan) date received by the Local Planning Authority 1st February 2017 and amended plan(s) No 16\_002\_101 Rev E (Planning Layout - Draft 3 - Indicative) date received by the Local Planning Authority 28th March 2017.  
For the avoidance of doubt.
4. The total quantum of development hereby approved shall not exceed 13 no. dwellinghouses (C3 use class).  
To ensure a satisfactory form of development and for the avoidance of doubt.
5. The details submitted at reserved matters stage shall be in general conformity with plan No 16\_002\_101 Rev E (Planning Layout - Draft 3 - Indicative) date received by the Local Planning Authority 28th March 2017.  
To ensure a satisfactory form of development.
6. Notwithstanding the submitted information and the measures outlined within the RAB Consultants Drainage Strategy Version 3.0, dated 20th

December 2016 (date received by the Local Planning Authority 23rd January 2017), no development shall take place until a scheme for a surface water management system 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 as to how the surface water management system will be managed and maintained thereafter 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 other 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 ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

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

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

8. No development shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

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



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

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

#### 2. Submission of Remediation Scheme

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

#### 3. Implementation of Approved Remediation Scheme

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

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

#### 4. Reporting of Unexpected Contamination

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

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

#### 5. Long Term Monitoring and Maintenance

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

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

Authority.

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (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, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

To ensure that the risks posed by the site to controlled waters and human health are assessed and addressed as part of the redevelopment.

9. Prior to the commencement of development, a detailed scheme of soft landscaping, hedge, tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme shall be in general conformity with plan 16\_002\_102 Rev D (Landscape Layout - Draft 3 - Indicative), date received by the Local Planning Authority 28th March 2017 and shall make provision for the use of native species. 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 and to ensure a satisfactory form of development.

10. 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 car parking areas, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details prior to the occupation of any of the dwellings hereby approved. Any defects in materials or workmanship appearing within a period of 12 months from completion of the total

development shall be made-good by the owner as soon as practicably possible.

To enable the Local Planning Authority to control details of the proposed development, in the interests of the visual amenity of the area and highway safety.

11. Prior to the commencement of development, details of the existing and proposed levels of the site including any proposed mounding and or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details. Such a scheme shall indicate the finished floor levels and levels of the garden areas of the individual plot and adjacent plots, and the areas adjoining the site boundary. Development shall be carried out in accordance with the approved details.

To take into account the position of the buildings and impact on adjacent properties and their associated gardens in accordance with saved Policy GEP1 of the Hartlepool Local Plan and to ensure that earth-moving operations, retention features and the final landforms resulting do not detract from the visual amenity of the area or the living conditions of nearby residents.

12. Notwithstanding the submitted information, details of all walls, fences and other means of boundary enclosure shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby approved is commenced. Thereafter and prior to the occupation of any individual dwelling, the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the amenity of the occupiers of the site.

13. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, including parking areas, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents and highway safety.

14. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

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

15. Prior to the commencement of development, a scheme showing how the energy demand of the development and its CO2 emissions would be reduced by 10% over the maximum CO2 emission rate allowed by the Building regulations Part L prevailing at the time of development, shall be first submitted to and agreed in writing by the Local Planning Authority. The development hereby approved shall be constructed in line with the approved scheme.

In the interests of promoting sustainable development.

16. No development shall commence until the Local Planning Authority has approved a report identifying how the scheme will generate 10% of the predicted CO2 emissions from on-site renewable energy. Before the development is occupied the renewable energy equipment, detailed in the approved report, shall be installed.

In the interests of promoting sustainable development.

17. No development shall take place until a Construction Management Plan has been submitted to and approved in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel and road cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Thereafter, the development of the site shall accord with the requirements of the approved Construction Management Plan.

To avoid excessive noise and disturbance to the occupants of nearby properties.

18. The external walls and roofs shall not be commenced until precise details of the materials to be used in the construction of the external walls and roofs of the building(s) have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

To enable the Local Planning Authority to control details of the proposed development and in the interests of visual amenity.

19. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a footway at the site entrance and a dropped crossing point for pedestrians to gain access from the application site to the footway on the north side of Palace Row has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the highway mitigation measures have been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

20. The proposed roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the

Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

In order to ensure the roads are constructed and maintained to an acceptable standard.

21. No development shall take place until a detailed design scheme for the provision of the proposed internal highway network including roads, footpaths, verges and associated street furniture and infrastructure has been submitted to and approved in writing by the Local Planning Authority. No dwelling shall be occupied until the internal highway network has been implemented in accordance with the approved scheme, to the satisfaction of the Local Planning Authority. The agreed scheme shall be retained for the lifetime of the development hereby approved.

To enable the Local Planning Authority to control details and in the interests of highway safety.

22. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.

In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

23. Notwithstanding the submitted information and prior to the occupation of the dwellings hereby approved, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. The agreed details shall be implemented accordingly.

To ensure a satisfactory form of development.

24. The dwellings hereby approved shall not exceed two and a half storeys in height with a maximum height to eaves of 6 metres and ridge of 10 metres.

In the interests of visual amenity.

25. Notwithstanding the provisions of Part 1 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) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings 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 visual amenity and the amenities of the occupants of adjacent residential properties.

26. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the agreed details under condition 12, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority

To enable the Local Planning Authority to exercise control in the interests of visual amenity.

27. No construction/building works or deliveries shall be carried out except between the hours of 08.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1.00 pm on Saturdays. There shall be no deliveries or construction activity including demolition on Sundays or on Bank Holidays.

To avoid excessive noise and disturbance to the occupants of nearby properties.

---

**Number:** H/2017/0276

**Applicant:** ONE STOP STORES LTD APEX ROAD WALSALL

**Agent:** CELL CM CHARTERED SURVEYORS MR S KNIGHT  
QUAYSIDE i4 ALBION ROW EAST QUAYSIDE  
NEWCASTLE UPON TYNE

**Date received:** 18/05/2017

**Development:** Installation of ATM with two stainless steel bollards at the front, alterations to door and window openings at the rear and installation of new security door and plant to side

**Location:** UNIT 1 FORMER SCHOONER PH WARRIOR DRIVE  
HARTLEPOOL

**Decision:** **PLANNING PERMISSION APPROVED**

#### **CONDITIONS AND REASONS OR REASONS FOR REFUSAL**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plans and details; drawing numbers ONE001-020-001 (Location Plan); ONE001-020-002 (Existing Details); ONE001-020-003 (Proposed Details); ONE001-020-004 (NW Elevation Details); ONE01-020-005 (SE Elevation Details); ONE001-020-006 (South West Elevation) and PS-RH-BL-10225 (Stainless Steel Bollard); the details shown on the drawings entitled 'PEA-RP Power Inverter Heat Pump'; 'Mitsubishi Electric Air Conditioning Product Information PKA-RP71KAL' and 'Daikin Refrigeration Technical Data ZEAS Condensing Units' and the details contained within the Noise Report by Northburn Acoustics, all plans and details date received 18th May 2017 by the Local Planning Authority.  
For the avoidance of doubt.

3. The bricks to be used to 'make good' the window and door openings in the rear (south eastern) facing elevation of the building shall match in type, colour, texture and course depth those used in the construction of the external walls of the existing building unless otherwise agreed in writing by the Local Planning Authority.

In order to safeguard the character of the host building and the visual amenity of the surrounding area in accordance with the provisions of Policy GEP1 of the Hartlepool Local Plan and Section 7 of the National Planning Policy Framework.

4. This permission relates solely to the installation of an ATM, two stainless steel bollards, alterations to the door and window openings and the installation of a new security door and plant. No other alterations other than approved shall be made to the building without the written consent of the Local Planning Authority.

For the avoidance of doubt.

5. The plant hereby approved shall operate at all times wholly in accordance with the details contained within the Noise Report by Northburn Acoustics received by the Local Planning Authority on 18th May 2017.

In order to safeguard the amenities of the occupiers of the neighbouring properties, in accordance with the provisions of Policy GEP1 of the Hartlepool Local Plan and Section 11 of the National Planning Policy Framework.

---

<b>Number:</b>	H/2014/0405
<b>Applicant:</b>	Mr Peter Jordan Persimmon Homes Ltd t/a Persimmon Homes Teesside Persimmon House Bowburn North Industrial Estate DURHAM
<b>Agent:</b>	Spawforths Mr Paul Bedwell Junction 41 Business Court East Ardsley LEEDS
<b>Date received:</b>	20/10/2014
<b>Development:</b>	Full planning application for demolition of buildings, construction of 144 dwellings (C3), construction of accesses to Stockton Road and Brierton Lane, roads, bridge with associated structures and associated earthworks, drainage features, public open space, landscaping, ecological works, electrical sub stations, vehicular circulation, pumping stations and infrastructure. Outline planning application for construction of up to 1,116 dwellings (C3), public house/restaurant (A3/A4) 500sqm, retail units (A1) 1,999 sqm, primary school (D1), medical centre (300sqm), public open space, playing fields, play spaces, drainage features, landscaping and ecological works, earthworks, electrical sub stations,

pumping stations, car parking and vehicle and pedestrian circulation

**Location:** Land between A689 and Brierton Lane South West Extension HARTLEPOOL

It was reported that the report presented to Committee today was for information purposes only and not for decision. The decision had been taken by this Committee some time ago.

**Decision:** **MEMBERS NOTED THE PLANNING OBLIGATIONS AND HOW THESE ARE TO BE DELIVERED**

---

### **133. Church Street Conservation Area Appraisal and Management Plan** (*Assistant Director (Economic Growth and Regeneration)*)

The report provided background information in relation to the requirement to produce a Management Plan for the Heritage Lottery Fund together with details of the Church Street Conservation Area Management Plan. The Plan would provide guidance on how the special historical architectural interest of the conservation area could be preserved and enhanced as part of the overarching regeneration strategy.

The Heritage and Countryside Manager outlined the threats to the special interest of the area together with recommendations as to how these should be addressed which included consideration of revising the boundary to the area to include the former GPO building on Whitby Street, the area north of the former Municipal buildings and Library, to incorporate the pocket of land forming their setting, and a small area of land, currently public realm, to the west of Upper Church Street, as shown in Page 3 of the Management Plan, attached at Appendix 1.

Public consultation events had been held with residents and business owners to discuss the proposals for Church Street and an on-line survey had also been undertaken, the outcome of which was provided.

#### **Decision**

The Committee noted the preparation of a Conservation Area Management Plan for Church Street Conservation Area and the proposed extension to the boundary of the conservation area.

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



Members were informed of 11 ongoing issues currently being investigated and 12 completed investigations.

### **Decision**

That the report be noted.

## **135. 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 item of business on the grounds that it 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 136 – (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 (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) 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.

## **136. Enforcement Action** (*Assistant Director (Economic Growth and Regeneration)*) This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) 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.

Members considered a request to issue an enforcement notice. Further details were provided in the closed minutes.

### **Decision**

Details were provided in the closed minutes.

## **137. Any Other Items which the Chairman Considers are Urgent**

The Chairman ruled that the following item of business should be considered by the Committee as a matter of urgency in accordance with the provisions of Section 100(B) (4)(b) of the Local Government Act 1972 in order that the matter could be dealt with without delay.

## **138. Any Other Business – Rural Plan**

A Member made reference to discussions earlier in the meeting in relation to the Rural Plan and expressed concerns that there had been an understanding by Members that the Town Plan would be signed off prior to any Rural Plans. Concerns were also expressed that there had been little or no consultation with Members regarding the Rural Plan. Members placed emphasis upon the importance of Ward Member input in relation to issues of this type. In response to a suggestion that representations in this regard be made to the Planning Inspectorate, the Planning and Development Manager commented on the background to the Government decision to transfer responsibility to unelected individuals and the limited powers available to the Council to control such matters.

### **Decision**

It was agreed that Members would be updated by e-mail on this matter.

The meeting concluded at 11.08 am

CHAIR

## UPDATED

**No:** 1  
**Number:** H/2017/0315  
**Applicant:** MRS K CALVERT LADY MANTLE CLOSE  
HARTLEPOOL TS26 0QD  
**Agent:** MRS K CALVERT 9 LADY MANTLE CLOSE  
HARTLEPOOL TS26 0QD  
**Date valid:** 05/06/2017  
**Development:** Erection of a detached dormer bungalow with single garage  
**Location:** Oak Lodge Shooting Ground Brierton Lane  
HARTLEPOOL

---

### PURPOSE OF REPORT

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

### BACKGROUND/ PLANNING HISTORY

1.2 H/FUL/0569/99 Temporary consent for the site as a shooting ground  
APPROVED

1.3 H/FUL/2001/0038 Renewal of Temporary consent APPROVED

1.4 H/FUL/2003/0646 Permanent use of the application site as a shooting ground  
APPROVED

1.5 H/2012/0158 variation of condition to allow longer opening hours, removal of condition to allow operation of shooting ground year round and erection of replacement club house APPROVED

1.6 H/2016/0273 Erection of a detached dwellinghouse with attached triple garage was refused in November 2016 on two grounds, firstly that it was considered that the submission failed to justify the need for the development to support the rural enterprise. Secondly that the scale of the development would not be commensurate with the turnover of the rural enterprise and would therefore result in an unjustified isolated dwelling in the open countryside to the detriment of the character and appearance of the rural area.

### PROPOSAL

1.7 Approval is sought for the erection of an L-shaped detached dormer bungalow consisting of a lounge, with kitchen and breakfast room, separate dining room, office and utility room with an attached garage at ground floor level and four bedrooms, 3 en suites and family bathroom at first floor level. The proposed dwelling is located towards the north west of the club house and will be accessed from the existing

## **UPDATED**

single lane track. The club house and shop are located approximately 40 metres from the proposed dwelling.

1.8 The proposed dwelling is L-shaped in design with dormer and rooflight windows within the front and rear roof slopes, the proposal would measure approximately 17.6 metres in length (at the longest point), with a depth of approximately 7.5 metres extending to 13.5 metres at its longest point. The maximum height of the dormer bungalow will be approximately 8 metres.

1.9 The applicant has submitted a planning statement which provides justification for the new dwelling on the grounds that there is a gun shop on site which stocks a large number of sporting firearms and associated ammunition. Due to their high monetary value and potential for further crime the statement asserts that the site attracts a high degree of risk for break in.

1.10 The applicant has also submitted letters of support for the development from the Clay Pigeon Shooting Association (CPSA) and British Association for Shooting and Conservation.

1.11 A request for the application to be considered by planning committee has been received by a Councillor.

### **SITE CONTEXT**

1.12 The application site is an area of land which currently forms park of Oak Lodge Shooting ground. The site was historically agricultural land and is bounded to the north and east by agricultural land. The shooting ground club house, associated car parking and shooting ranges are to the west of the proposed site. There is a bungalow directly to the south of the site which is owned by the previous owner of the shooting ground and as such is known as 'Oak Lodge'.

1.13 The shooting ground has a purposed built clubhouse and gun shop which would be approximately 70 metres to the west of the proposed dwelling.

1.14 The application site is located outside the limits to development and is largely rural in nature.

### **PUBLICITY**

1.15 The application has been advertised by way of neighbour letters (8) and site notice. There have been no representations received.

1.16 The period for publicity has expired.

### **CONSULTATIONS**

1.17 The following consultation replies have been received:

**HBC Public protection:** No objections

## UPDATED

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

**HBC Economic Development:** We have assisted with security grant in the past to a local business at the same location and believe that having people living on site will make the area more secure.

**HBC Community Safety:** There have been no ASB incidents in the immediate vicinity of the shooting ground. Incidents in the area are mainly confined to the residential streets / shopping parades / green spaces within the Owton Manor Estate.

**HBC Engineers:** I would need a surface water condition to cover the detailed design for this proposal. This is a pre-commencement requirement.

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

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

**Cleveland Police:** search was carried out on incidents reported to Police between 4.7.16 and 4.7.17 which revealed 2 Theft of clay pigeon traps. 3 Theft of cable to Traps 4 Theft of metal signs to site.

### Additional comments (from Firearms & Explosives Liaison Officer)

The clubhouse and the existing Registered Firearms Dealership located in a secure room within that building have been in place for three years without incident and the security at these premises is satisfactory, so this on its own does not justify the request for planning permission for an additional dwelling.

Furthermore, it is not the role of Firearms Licensing to lend its support to planning applications.

However, the theft of ancillary equipment, such as traps, cables and signage from the shooting ground is a separate issue and there is little doubt that the presence of a 'capable guardian' on site can be an effective deterrent to would be offenders, especially given that the site seems to be experiencing repeat victimisation. On these grounds, the argument for having an occupied dwelling on site is sound.

**Northumbrian Water:** Thank you for consulting Northumbrian Water on the above proposed development.

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

## **UPDATED**

Having assessed the proposed development against the context outlined above I can confirm that at this stage we would have no comments to make, as no connections to the public sewerage network are proposed in the application documents.

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

**Hartlepool Water:** No objections.

### **PLANNING POLICY**

1.18 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

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

GEP1: General Environmental Principles  
GEP3: Crime Prevention by Planning and Design  
Hsg9: New Residential Layout - Design and Other Requirements  
Rur7: Development in the Countryside  
Rur12: New Housing in the Open Countryside  
Rur14: The Tees Forest

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

1.20 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.

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

CC1: Minimising and adapting to Climate Change  
LS1: Locational Strategy  
HSG1: New Housing Provision  
RUR2: New Dwellings Outside of Development Limits  
SUS1: The Presumption in Favour of Sustainable Development  
QP3: Location, Accessibility, Highway Safety and Parking  
QP4: Layout and Design of Development  
QP5: Safety and Security

#### National Policy

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

## UPDATED

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 028 : Rural economic growth

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 060: Planning decisions

PARA 064 :Refusal for development of poor design

PARA 196 : Planning system is plan led

PARA 197 : Presumption in favour of sustainable development

PARA 203 : Can unacceptable development be made acceptable

### PLANNING CONSIDERATIONS

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

#### Principle of Development

1.24 Guidance contained in the National Planning Policy Framework states "*Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as the essential need for a rural worker to live permanently at or near their place of work in the countryside; or where such development would represent the optimal viable use of a heritage asset or would be*

## UPDATED

*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".*

1.25 The site lies outside the limits of development and is also therefore subject to saved Policies RUR7 and RUR12 (New Housing in the Open Countryside).

1.26 Saved Policy RUR7 and RUR12 seek to resist residential development in these locations unless there is strong justification for a dwelling for agricultural, or forestry or other appropriate countryside use which would justify harm to the character or appearance of the countryside. Similarly policy RUR2 of the emerging Local Plan seeks to resist unjustified isolated dwellings outside the limits to development.

1.27 Following the deletion of Annex A of former PPS7, the Council has adopted a Supplementary Planning Document – New Dwellings outside of Development Limits (August 2015) which provides a methodology and criteria against which the essential need for a rural worker to live permanently at or near their place of work in the countryside should be assessed. The SPD is considered to be in accordance with the provisions of the NPPF. For a new permanent dwelling, these require:

- A clearly established existing functional need;
- This need relates to a full time worker and not a part time requirement;
- The unit and activity concerned have been established for at least 3 years, profitable, financially sound and a prospect to remain as such;
- The functional need could not be met by any other available and suitable accommodation in the area.
- The dwelling proposed is of a size commensurate with the size/value of the rural enterprise that it is supporting

1.28 The applicant has submitted a planning statement which accompanies the application. This claims that there is a need for a dwelling on the site to provide security due to the storage of guns and ammunition at the site.

1.29 The applicants (Mr & Mrs Calvert) purchased the property from Mr Calvert's father (also Mr Calvert) however Mr Calvert sold the business separately from the residential property on the site (Oak Lodge).

1.30 Table 1 of the adopted Supplementary planning Document : New Dwellings outside of Development Limits (NDODL) outlines the justification test assessment criteria. This states that there should be a functional need for a dwelling outside development limits connected with a rural enterprise. This test requires justification that it is essential for a full time presence at the site. For example the requirement is such that a full time worker would need to tend to the rural enterprise business at short notice to quickly deal with emergencies that could otherwise cause loss of stock. It also requires a full time worker to protect business infrastructure from theft and/or vandalism.

1.31 The applicant's planning statement asserts that a dwelling is required on the site in order to deter anti-social behaviour and crime particularly as the site stocks and sells firearms and ammunition.



## UPDATED

1.32 The application has been discussed with Cleveland Police who have confirmed that the site currently meets all requirements to sell firearms without the need for a dwelling on site. The requirements of the security of a building which stores firearms (such as reinforced walls and roof) is such that, in itself, this building provides security for stock. In addition to this it is a requirement from the police that the alarm system is maintained and approved to a minimum standard and this would trigger an armed response at the site should a break in occur.

1.33 Cleveland Police have confirmed that these requirements are met at the current rural enterprise and the site is fully licensed. Therefore Cleveland Police have confirmed that the building has been in place for three years without incident and as such the business can continue to function as it is currently doing therefore this would not justify a dwelling on the site.

1.34 It is noted in the supporting statement that there have been incidents of theft from external areas of the shooting ground. Cleveland Police have confirmed that between 4 July 2016 and 4 July 2017 there have been three incidents reported to the police at the site which consist of theft of clay pigeon traps, theft of cable to traps and theft of metal signs to site. These thefts are noted by the Cleveland Police response to the proposal. The response states that theft of ancillary equipment is separate to the licensing of the building and whilst 'presence of a capable guardian' on site can be a 'deterrent' they have confirmed that it is not the role of Firearms licensing to lend its support for planning applications.

1.35 In terms of security, given the nature of the business, should a break in occur, it is considered that the most prudent course of action would be for the applicants to wait for the police armed response. This would occur as a matter of course due to the nature of the alarm system. As such in terms of response to any incident on the site the presence of a dwelling is unlikely to affect the response. The applicant has indicated that it would be more convenient to be on site should the alarm sound due to the distance from the applicants home however convenience for the applicant would not justify a dwelling in the countryside.

1.36 The Council's Community Safety section have confirmed that they have no records of crime or anti social behaviour on the site.

1.37 In addition it is noted that the site has successfully operated for a number of years (since it was sold by Mr Calvert to the applicants) without a dwelling on site. This, along with confirmation by Cleveland Police Firearms licensing indicate that a dwelling on the site is not required to ensure the function of the rural enterprise.

1.38 Furthermore, it is understood that the applicant is not employed full time at the enterprise. This in itself is considered to be a failure against the criteria of the justification test which requires the dwelling to be for a full time worker. This requirement to be full time employed by the rural enterprise is also reiterated in adopted and emerging Local Planning Policy.

1.39 Therefore it is not considered that sufficient evidence has been submitted to demonstrate that an on-site residential presence is required to support the function

## UPDATED

of the existing rural enterprise. As such the application does not satisfy criteria 1 (a) of the Justification test assessment within the New Dwellings Outside of Development Limits SPD.

1.40 Criteria 1 (b) of the Assessment test within the SPD requires the rural enterprise to submit evidence to demonstrate that it has operated for at least 3 years and has been profitable for 1 of those years. The applicant has submitted unaudited accounts which have been examined by the Council's accountants which have confirmed that the business has been operational for 3 years and profitable for at least 1 year.

1.41 Therefore the applicant has satisfactorily demonstrated that the site has operated for 3 years and was profitable for at least one of those years thereby satisfying criteria 1 (b).

1.42 Criteria 1 (C) requires assessment as to whether the need could not be met by another existing dwelling nearby. Whilst it is not considered that there is a need for a dwelling to support the rural enterprise (as detailed above) it is noted that when the applicants bought the shooting ground, the previous owner had a property adjacent to the business which was not sold with the business. In planning terms this is acceptable as there were no planning conditions tying the house and business together. However notwithstanding this, the business was sold separately to the house and the previous owner remains in the house. Whilst the Local Planning Authority do not agree that a dwelling is needed on site for the function of the business it is considered that any need has been artificially created by the sale of the business separate to the house.

1.43 HBC Planning Policy were consulted on the proposed development and have commented that they are not convinced that the existing suitable dwellings nearby cannot meet the housing need. No evidence has been submitted to confirm that there are no alternatives available. Furthermore planning policy also states in criteria 1(c) that if dwellings or buildings suitable for conversion have been sold separately from the business holding, such a sale(s) could constitute a lack of housing need. Given that the business was sold separate to the house in which the previous owner resides (and owned when operating the business) it is considered the proposal does not fully meet the requirements of justification criteria 1(c).

1.44 Further to the above concerns the Functional Test Criteria (d) requires a proposed dwelling to be of a commensurate size/value of the rural enterprise it is supporting.

The applicants have provided no evidence to support the need for a dwelling of the scale proposed relative to the functional requirements of the rural enterprise. The Council's accountants have reviewed the submitted accounts and have confirmed the limited wage bill for the business (approximately £10, 000 in each year). The applicant has confirmed this wage bill pays for a chef and some casual staff to assist with the operation of the shooting ground when it is operational (at weekends and on a Wednesday evening).

1.45 The Council's accountant also confirmed that the applicants have taken 'drawings' from the business across the accounts submitted. This has varied across the years submitted however the applicants (Mr & Mrs Calvert) have each taken

## UPDATED

approximately £10,000 in the last year. However the applicant has confirmed in a telephone conversation that both Mr and Mrs Calvert are employed elsewhere. Therefore it is understood that neither Mr or Mrs Calvert actually take their main wage from the shooting Lodge. Therefore given that the business does not pay the applicants a wage it is not considered that the proposed dwelling would be supported by the size/value of rural enterprise that it would be supporting.

1.46 It is noted that the proposed development is smaller than that which was previously refused at the site in 2016. However the proposed dwelling still consists of a substantial scale, comprising 4 large bedrooms and considerable ground floor living accommodation. The main reduction in size of the proposal relates to the removal of the triple garage and games room replacing it with a single garage. However it is not considered that the proposed dwelling would be commensurate with the size and value of the existing rural enterprise, particularly when reviewing the accounts which show a relatively modest profit across the accounts submitted and no wages being paid to the applicants.

1.47 In light of the above, given that the applicants are not paid a full time wage from the rural enterprise and taking into account the principles within paragraph 55 of the NPPF, policy Rur 7 of the Hartlepool Local Plan, policy Rur2 of the emerging Local Plan and requirements of the adopted New Dwellings Outside of Development Limits SPD the principle of a dwelling in this location, without the justified essential need for a rural worker, should be avoided. As detailed above it is considered that insufficient justification has been provided for the proposed dwelling and the assessment criteria has not been met. Therefore it is considered that the principle of the proposed dwelling outside the development limits would result in an unjustified isolated dwelling in the open countryside contrary to paragraph 55 of the NPPF, policy Rur7 Of the Hartlepool Local Plan, policy Rur2 of the emerging Local Plan and New Dwellings Outside of Development Limits SPD (March 2015).

### CHARACTER OF THE AREA

1.48 As described in detail above the proposed development is considered to consist of an unjustified dwelling within the open countryside. It is noted that there are other dwellings within the immediate setting of the application site which are considered to consist of a relatively small scale and simple rural design. The proposed dwelling will consist of a large dormer bungalow of generous proportions. Therefore it is considered that the proposed dwelling would be out of keeping with the scale of surrounding properties and the rural nature of the surrounding area.

1.49 Therefore it is considered that the proposed development would result in an isolated dwelling within the open countryside which would appear as an incursion into the open countryside, without sufficient justification, resulting in an incongruous feature to the detriment of the rural character and appearance of the surrounding area. Therefore by virtue of the scale, proportions and design of the proposed dwelling it is considered that the proposed dwelling would be contrary to paragraph 55 of the NPPF and Local Plan policies Gep1 and Rur7 and guidance within New Dwellings Outside of Development Limits SPD (March 2015).

### AMENITY OF NEIGHBOURING PROPERTIES

## UPDATED

1.50 The application site is set within a largely agricultural area therefore there is a large separation distance to other residential properties. The closest residential property would be the house which was originally owned by the same owner as the shooting ground, known as Oak Lodge. This property would be approximately 60 metres from the proposed dwelling at its closest point. This exceeds the requirements within Guidance Note 4 of the Hartlepool Local Plan. As such it is not considered that the proposed development would result in a detrimental impact upon the amenity of neighbouring residential properties.

### DRAINAGE

1.51 Surface water is intended to be discharged into a soak-away. The Council's engineers have raised no objections to this proposed drainage subject to a surface water condition to ensure a satisfactory design detail and that the ground conditions are suitable for this method of disposal. As such, should the application have been recommended for approval a condition requiring drainage details would have been recommended.

### HIGHWAY SAFETY

1.52 Vehicle access is proposed to serve the dwelling from the existing access track to the shooting lodge. Furthermore incutillage car parking is proposed within the triple garage and car parking with turning head to the front of the proposed dwelling. The Council's Traffic and Transport section were consulted on the proposed development and have confirmed that they have no objections. As such it is not considered that the proposed development will result in an adverse impact upon highway safety.

### CONCLUSION

1.53 The proposal is considered to be acceptable, subject to appropriate conditions, in terms of residential amenity, drainage and highway safety. The accompanying planning statement outlines the applicant's justification for the dwelling contending that the dwelling will prevent crime and anti social behaviour at the site. However the requirements of firearms licensing (such as reinforced building materials and a maintained alarm which alerts a police armed response) is considered to provide sufficient security for the site. Cleveland Police have confirmed although there have been 3 incidents of theft at the shooting ground within the past 12 months that the site is fully licensed and a dwelling on the site is not required for the site to continue to operate. This is demonstrated by the fact that the site has been operating without a dwelling associated with the business since the business was sold separately to the house adjacent to the shooting ground. Additionally the accounts submitted demonstrate that the applicants are not being paid a full time wage by the business with the applicant taking limited drawings dependent on profitability. The principle of a dwelling to support the rural enterprise is not sufficiently justified by the current submission.

1.54 Therefore the requirements of the functional test within New dwellings outside the development limits SPD are not satisfied by the submission therefore the

## **UPDATED**

proposal is considered to be contrary to paragraph 55 of the NPPF and policy Rur7 of the Hartlepool Local Plan.

1.55 Furthermore taking into account the financial information submitted by means of accounts, it is not considered that the proposed dwelling, which is considered to be of generous proportions, would be commensurate to the size and value of the rural enterprise it is supporting. Therefore it is considered that the proposal would result in an unjustified dwelling in the open countryside to the detriment of the character and appearance of the rural nature of the surrounding area. As such the proposal is considered to be contrary to paragraph 55 of the NPPF, policies Gep1 and Rur 7 of the Hartlepool Local Plan, policy Rur2 of the Emerging Local Plan and requirements of New Dwellings Outside the Development Limits SPD (2015).

### **EQUALITY AND DIVERSITY CONSIDERATIONS**

1.56 There is no evidence of equality or diversity implications.

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

1.57 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.

1.58 There are no Section 17 implications.

### **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority the applicant has failed to justify the need for a dwelling outside the limits to development to support the rural enterprise contrary to the requirements of 'New Dwellings outside of Development Limits Supplementary Planning Document' March 2015 and paragraph 55 of the NPPF.
2. In the opinion of the Local Planning Authority, the size and scale of the proposed dwelling would not be commensurate with the turnover of the rural enterprise it would support and would therefore result in an unjustified isolated dwelling in the open countryside to the detriment of the character and appearance of the rural area. Therefore the proposal is contrary to paragraph 55 of the NPPF, Policies Gep1 and Rur 7 of the Hartlepool Local Plan, 'New Dwellings outside of Development Limits Supplementary Planning Document' March 2015 and policy Rur2 of the Emerging Local Plan.

### **BACKGROUND PAPERS**

## **UPDATED**

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

### **CONTACT OFFICER**

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

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

### **AUTHOR**

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

Tel: 01429 523433  
E-mail: [Helen.Heward@Hartlepool.gov.uk](mailto:Helen.Heward@Hartlepool.gov.uk)

**UPDATED**

**OAK LODGE SHOOTING GROUND, BRIERTON LANE**



Copyright Reserved Licence LA09057L

**THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY**

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26/07/17</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0315</b>	REV

**No:** 2  
**Number:** H/2017/0204  
**Applicant:** HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE  
 VICTORIA ROAD HARTLEPOOL TS24 8AY  
**Agent:** HARTLEPOOL BOROUGH COUNCIL MR BRENDON  
 COLAROSSİ CIVIC CENTRE VICTORIA ROAD  
 HARTLEPOOL TS24 8AY  
**Date valid:** 25/05/2017  
**Development:** Application to strengthen/replace sections of the existing  
 sea defence walls (and ramp) including the demolition of  
 part of existing wall (parapet to be removed) adjacent to  
 Redheugh Gardens/South Crescent. Works include the  
 installation of precast concrete wall units and copings  
 along with new ferrocass post and rail fencing. Sea  
 defence works also include proposed revetments  
 (stepped, sloped, rock) along promenade and paddling  
 pool (adjacent to York Place/Albion Terrace/South  
 Crescent).  
**Location:** HEADLAND WALL SEA DEFENCE ADJACENT YORK  
 PLACE/ALBION TERRACE SOUTH CRESCENT TO  
 REDHEUGH GARDENS HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND/RELEVANT PLANNING HISTORY

2.2 The current application is for coastal protection works. In relation to such works within this part of Hartlepool, three other applications have been approved of which the works are part of the coastal defence strategy for this part of Hartlepool;

2.3 **H/2014/0400** - application for the construction of a reinforced concrete wall on top of the Ancient Monument Town Wall, including large culvert to control the water that overtops the wall, approved 18.12.2014.

2.4 **H/2014/0517** - application for works between the Ferry Landing and The Fish Quay to dismantle stone parapet to the Scheduled Ancient Monument between the Ferry Landing and The Fish Quay (approximately 15 metres in length) and replace the support to the parapet before rebuilding it with the same materials, approved 16.01.2015.

2.5 **H/2014/0516** - planning permission was granted on 24.02.2015 for the strengthening of existing coastal protection works by the construction of a new



reinforced concrete wall and additional toe protection provided at critical points with the use of rock armour stone. The areas of the approved work included;

1. A stepped revetment in concrete from the Pilot Pier to the Heugh Breakwater.
2. Rock armour positioned at the base of the sea wall east of the Heugh Light House around the coast line to the area north of Fairy Cove Terrace.
3. Reinforcement of the sea wall from the Pilot Pier to the Heugh Breakwater in part and then the continuous reinforcement of the wall from the Breakwater to the end of Marine Drive.
4. The removal of stepped access to the lower promenade at the junction of Marine Drive and Thorpe Street.
5. Two temporary compound and storage areas to the lower north and south of the Heugh Gun Battery.
6. A temporary compound and storage area to the lower promenade and beach for approximately 165 metres in length including a temporary access ramp adjacent to Sea View Terrace and Marine Drive.

2.6 This application was accompanied by an Environmental Statement. Works have since commenced on site.

2.7 The current application is being reported to committee as it concerns a substantial site located adjacent to the Headland Conservation Area and a number of heritage assets. Furthermore, 3 or more objections have been received as set out below.

## PROPOSAL

2.8 Hartlepool Borough Council (HBC) is two years into the delivery of a sea defence scheme on the Headland as part of planning approval H/2014/0516, set out above. The submitted supporting information states that the original approved scheme (H/2014/0516) *“has been subject to a review and has subsequently a section has been redesigned. Although some minor changes have been made, the overall purpose of the proposed development has remained constant”*.

2.9 The current planning application (H/2017/0204) has been submitted and this has two main elements which take account of the additions and amendments to the previous approval (H/2014/0516):

2.10 1. The strengthening/replacement of sections of the existing sea defence walls (and ramp) including the demolition of part of an existing wall (parapet to be removed) adjacent to Redheugh Gardens/South Crescent.

2.11. The proposed works consist of the cladding and strengthening of the existing sea wall, new post and rail fencing and new concrete copings as per the original permission, but with the following change in detail: the existing parapet wall including coping stones, between the Heugh breakwater and Redheugh Gardens and the parapet to the pedestrian access ramp onto the foreshore in the same location, will be demolished and replaced. The re-building will now include inset sandstone walling into the precast concrete coping on the inland side of the wall. This will match the stone work to Redheugh Gardens. The proposal for the ramp is a

precast concrete coping, with a post and rail fence system. The ramp will need to be widened by approximately 0.75m to re-align the ramp as part of the works.

2.12 2. The sea defence works also include proposed revetments (stepped, sloped and rock design) along the lower promenade and paddling pool (adjacent to York Place/Albion Terrace/South Crescent), which is an amendment to the design of the previously approved scheme H/2014/0516 which primarily used a stepped revetment design. The proposal involves the strengthening of approximately 400m of the existing sea wall by constructing a new sea wall with revetments in front of it and rock armour boulders in locations at the foot of certain sections of the wall.

2.13 The application is accompanied by an addendum to the original Environmental Statement (ES) that was submitted with the original approval H/2014/0516. The ES addendum report contains an appraisal of the impacts upon the original environmental statement caused by the changes in this current proposal. The supporting information states that since the compilation of the original ES, the baseline condition of the site has not changed.

2.14 The proposed works would fall within a 5 year phased programme of construction. The submitted information indicates that, subject to planning approval, construction would commence on this phase in March 2018 with a completion date of October 2019.

## **SITE CONTEXT**

2.15 The application site is in the Headland Conservation Area of Hartlepool. The application site runs along the current sea wall from Redheugh Gardens, down to the Breakwater and then along the lower promenade to the Pilot Pier. These three prominent features of the Headland have all been identified as locally listed buildings and therefore are recognised as heritage assets. Furthermore of the buildings facing on to the site including a number located on Albion Terrace, South Crescent and York Place are grade II listed buildings and therefore designated heritage assets.

2.16 As detailed above, works have commenced under approval H/2014/0516 further around the coast line opposite Marine Drive.

## **PUBLICITY**

2.17 The application was advertised by way of neighbour letters, site notices (x4) and a press notice. A further 21 day re-consultation was undertaken on amended plans and an updated application description.

2.18 To date, 12 objections have been received (including more than 1 objection from the same objector in a number of instances). These objections and concerns can be summarised as follows;

- Adverse impact on the character of the conservation area, removing a historic section of the sea wall
- The replacement walls and coping should be in keeping with the existing walls at Redheugh Gardens

- The parapets should be replaced on a like for like basis
- The proposed materials will look unsightly and ruin the overall feel for the area
- Part of the wall facing Redheugh Gardens has already been removed
- Residential properties have been/would be affected by vibrations from construction works and heavy machinery and the proposal could cause structural damage to surrounding properties
- Any further strengthening works should be undertaken on the seaward side of the parapet wall
- The proposal is contrary to the work residents have put into improving/conserving their properties in the area
- Permission has been refused for domestic extensions and alterations. Why is the current proposal acceptable?
- Money and resources would be better spent on the Heugh breakwater
- Unclear as to why the works are required and what is the duration of the works
- The proposed wall will pose a safety problem should people climb on it
- The application description and supporting information is unclear/misleading
- The proposals make no reference to any drainage provisions and that the proposals could cause further drainage problems
- A site visit should be undertaken by planning committee.

2.19 To date, 6 letters of 'no objection' or support have been received.

2.20 Copy Letters **A**

2.21 The period for publicity has expired.

## CONSULTATIONS

2.22 The following consultation replies have been received:

**HBC Heritage and Countryside;** The application site is on the Headland Conservation Area; a designated heritage asset. It runs along the current sea wall from Redheugh Gardens, down to the Breakwater and then along the lower promenade to the Pilot Pier. These three prominent features of the Headland have all been identified as locally listed buildings and therefore are recognised as heritage assets. Furthermore of the buildings facing on to the site a number located on Albion Terrace, South Crescent and York Place are grade II listed buildings and therefore designated heritage assets. It is however considered that these buildings will not be directly affected by the proposal due to the distance from the application site.

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive

enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

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

Policy HE3 of the recently submitted 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.

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).

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

Policy HE5 of the recently submitted local plan states that the Borough Council will support the retention of heritage assets on the List of Locally Important Buildings. 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 HE7 of the recently submitted Local Plan sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council.

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

Two-storey is the most common building height in the Headland but those buildings on the main frontages to the sea front are three storey. The roof finish in the Headland is almost exclusively Welsh slate. The smaller two storey dwellings originally constructed in brick have mainly been rendered. Some properties remain in the original exposed brick. The detail and standard joinery evident on the Headland contributes to its unique character. Windows are usually vertical sliding sash. Canted bay windows are also a feature, sometimes running up the front elevation from basement to attic, or in other instances forming a single projecting oriel window at first floor. Front doors are two or four panelled set in a doorcase which may be of a simple design or may be more decorative with fluted Doric columns. There are examples of later Edwardian architecture which differ from the earlier Victorian houses by the use of more elaborate joinery, to doors, doorcases

and windows with multi-paned upper lights and fixed sash lower lights. The Conservation Area is considered to be 'at risk' due in particular to the loss of original detailing from houses.

The proposal is the renewal and reinforcement of the sea defences to this area of the coast including a new sea wall, access ramp and, stepped, sloped and rock revetments.

The significance of the conservation area is due to a number of attributes,

**Evidential and Historical;** The area provides evidence of its earliest development as a religious centre, which has been informed by archaeological work, to its later use as a thriving port. Furthermore the domestic architecture and the changes that can be seen over time with clearance and more recent development show how it has evolved and changed; telling the storey of the history of the area.

**Aesthetic;** The peninsular location and the influence this has had on the development of the area, and in particular the varied architecture and the buildings that have developed from houses to Gun Batteries contribute to the significance.

**Communal;** There is a communal value seen from the residents and visitors who enjoy the conservation area.

In considering the effect of the proposal on the significance of the area the development impacts an area of the sea wall from Redheugh Gardens to the Pilot Pier. This part of the proposal will be readily seen from the conservation area, namely the section from Redheugh Gardens to the Breakwater. In particular the sea wall which bounds the coastal path will be removed and replaced. This section of wall has, in part, been replaced in the past. The replacement wall will be similar to the sea wall installed elsewhere on the coast, the only difference is that the land side will be faced with sandstone. This will reflect the existing wall design on Redheugh Gardens. It is considered that this element of the works, in particular the loss of the wall and its replacement, will cause less than substantial harm to the significance of the Headland Conservation Area. Whilst these works will also change the setting of Redheugh Gardens it is considered that the works would not directly impact on this heritage asset.

The area from the Breakwater to the Pilot Pier is to the lower promenade and therefore will not be so easily viewed. The proposal will comprise the installation of revetments. It is considered that these works will not cause harm to the designated heritage asset or the setting of the locally listed buildings, namely the Pilot Pier and Breakwater.

The significance of the conservation area lies in the wider character of the area. It is the original settlement of Hartlepool with its unique character being derived from its peninsula location and from the Victorian domestic residential architecture.

Some of the proposed changes will cause harm within this part of the conservation area. It is considered that the harm will be off-set by the public benefits that will be

derived from the scheme as a whole as the long term impact will be the protection of the built and historic environment in this area as a whole.

**Tees Archaeology;** I have no comments on the proposed changes to the original scheme.

**Historic England;** On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

**HBC Engineering Consultancy;** As the coast protection authority we would welcome these proposals as the scheme put forward will provide significantly improved coastal defences for the next 100 years and provide protection to over 560 properties.

**Environment Agency;** We have assessed the submitted information and have no objection to the planning application. However, we have the following comments to make.

#### Marine Environment

The Environment Agency Pollution Prevention Guidelines should be adhered to at all times, particularly for works or maintenance in or near watercourses (PPG5), to minimise the potential for pollution to the marine environment.

The cement/concrete used should be quick-drying and/or marine specification grade in order to minimise contamination risk to the estuary. Any wash waters containing cement/concrete should be collected and disposed to foul sewer. Biosecurity measures need to be in place for the duration of the works and strictly adhered to by all site operatives. As a minimum, the Check, Clean and Dry campaign should be followed.

1. Check your equipment and clothing for live organisms, particularly in areas that are damp or hard to inspect.
2. Clean and wash all equipment, footwear and clothing thoroughly. If you do come across any organisms, leave them at the water body where you found them.
3. Dry all equipment and clothing as some species can live for many days in moist conditions. Make sure you don't transfer water elsewhere.

Further information on biosecurity can be found at the following link:

<https://secure.fera.defra.gov.uk/nonnativespecies/checkcleandry/index.cfm>

#### **HBC Ecologist;**

##### Habitat Regulations Assessment (summarised)

The requirements of the Council Directive 92/43/EEC on the Conservation of Natural Habitats and of Wild Fauna and Flora, known as the Habitats Directive, was adopted in 1992 and transposed into UK law through the Conservation of Habitats and Species Regulations 2010. The need for an Appropriate Assessment is set out in Article 6(3) of the Habitats Directive and interpreted into British law by Regulation 61 of the Conservation Regulations.

An Appropriate Assessment needs to be undertaken in respect of any plan or project which is (a) likely to have a significant effect on a European Protected site (either

alone or in combination with other plans or projects) and (b) not directly connected with or necessary to the management of the site. The project is not connected to the management of the SSSI.

The Habitats Directive applies a precautionary approach to relevant designated areas held under the collective term of European or Natura 2000 sites; which includes Special Protected Areas (SPA) or Special Areas of Conservation (SAC); to ensure that a proposed development will have no adverse effect on the integrity of the site. Ramsar sites are designated under the Convention on Wetlands of International Importance, as outlined in the National Planning Policy Framework published in 2012 and are therefore afforded the same protection as European sites and covered under the umbrella of the Habitats Directive.

Responsibility for completing a HRA lies with the competent authority, in this case HBC. In undertaking an assessment, competent authorities must have regard to both direct and indirect effects on the interest features of European and Ramsar sites, as well as any cumulative effects/ impacts. Whilst it is the responsibility of the competent authority to determine whether it can be concluded that there are no adverse effects, it is the responsibility of the applicant to submit sufficient information to enable such a decision to be made.

#### HRA Stage 1 Screening

The first stage of a HRA is a Screening Assessment, which identifies the likely impacts upon a Natura 2000 Site (N2K) site either alone or in combination with other projects and considers whether these impacts count as Likely Significant Effect (LSE). These include direct and indirect impacts that may affect a protected site or its interest features. If LSE is found then mitigation can be implemented which cancels out any adverse impact.

The Project impacts on one N2K site, the Teesmouth and Cleveland Coast SPA/ Ramsar. Other N2K sites are screened out due to distance - the nearest is the Northumberland Coast SPA and Ramsar, which is 4.5 km to the north.

#### Conclusion

The HRA stage 1 assessment screens out LSE and concludes no adverse impact on HRA/ Ramsar features. As no LSE has been concluded for the Project alone, it must be assessed 'in combination' with other similar Projects to ensure there is not a cumulative adverse impact. No other 'in combination' (i.e. consentable) activities are applicable. Therefore this HRA concludes that there is no overall LSE. Adverse Effect On Integrity (AEOI) of the European Site can be ruled out for this project. This concludes the HRA.

#### Hartlepool Foreshore and Wetlands SSSI

The biological foreshore interest features of the SSSI are overlain by the Hartlepool Headland Local Geological Site (LGS) (Magnesian limestone rocky platform). Both the SSSI and LGS were assessed in the original application Environmental Statement and appropriate mitigation conditioned. The bird interest features of the SSSI are covered by the HRA for the European Sites. It is assessed that relatively minor changes to the engineering detail in the current planning application will not have Likely Significant Effect on the SSSI or LGS interest features.

Further comments received in respect of Natural England's standing advice;

Thank you for sending me the Natural England response (their ref: 016926; dated 09/06/2017), accepting the HBC HRA stage 1 screening report for this project. In their letter, NE has suggested some standard additional advice, including environmental enhancement, protected species, access and recreation and biodiversity duty. However, I am satisfied that the project already provides adequate protection and enough additional enhancement and that nothing further is required.

**Natural England;** Summary of Natural England's Advice - No Objection

Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on designated sites and has no objection.

Natural England's advice on other natural environment issues is set out below.

European sites - Teesmouth & Cleveland Coast Special Protection Area

Based on the plans submitted, Natural England considers that the proposed development will not have likely significant effects on the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site and has no objection to the proposed development.

Natural England concurs with the conclusion of the submitted HRA screening assessment (dated 31 May 2017) that the proposal is unlikely to have significant effects on the European designated site due to the mitigation measures included in the proposal.

Tees and Hartlepool Foreshore and Wetlands Site of Special Scientific Interest

Based on the plans submitted, Natural England considers that the proposed development will not damage or destroy the interest features for which the site has been notified and has no objection.

Other advice

Further general advice on the consideration of protected species and other natural environment issues is provided at Annex A (which refers to landscape, agricultural land, protected species, priority habitat and species, ancient woodland, environmental enhancement, access and recreation, rights of way and biodiversity duty).

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

**HBC Public Protection;** I would have no objections to this application. It is clear that this will require some works to be undertaken outside of weekday or daytime hours. Work should be scheduled as much as possible to between 8am and 6pm Mon to Friday and 8:30am to 1:30pm on a Saturday as the site is in close proximity to residential premises.

**HBC Countryside Access Officer;** *verbally confirmed comments made on approval H/2014/0516 remain applicable to current application;*



“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 or affected by the proposed development on this site.

However the England Coastal Path (ECP) National Trail does run along the full length of the proposed development and users of the National Trail will undoubtedly be inconvenienced by the disruption caused by the works to be carried out. There is a legal requirement for the developer to contact Natural England Trail Team to inform them of the proposals and the likelihood of disruption and possible obstruction to the EPC route in order to create a temporary diversion for users”.

**Cleveland Emergency Planning Unit;** Having reviewed the associated documentation I can confirm Cleveland Emergency Planning Unit has no objections to the proposals.

**Headland Parish Council;** No comments received.

## **PLANNING POLICY**

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

### National Policy

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

PARA 002 : Primacy of Development Plan

PARA006: Contribute to the achievement of sustainable development

PARA 007 : 3 dimensions of sustainable development

PARA 009 : Sustainable development

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 014 : Presumption in favour of sustainable development

PARA 017 : Role of planning system  
 PARA 056 : Design of built environment  
 PARA093: Radical reductions in greenhouse gas emissions  
 PARA094: Mitigate Climate Change  
 PARA105: UK Marine Policy Statement  
 PARA 120 : Pollution  
 PARA126: Positive strategy for the historic environment  
 PARA 128 : Heritage assets  
 PARA 129 : Significant heritage assets  
 PARA 131 : Viable use consistent with conservation  
 PARA 132 : Weight given to asset's conservation  
 PARA 133 : Substantial harm to heritage asset  
 PARA 134 : Harm to heritage asset  
 PARA 203 : Can unacceptable development be made acceptable  
 PARA 206 : Planning conditions

### Local Policy

#### Relevant Saved Local Plan (2006) Policies

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

GEP1: General Environmental Principles  
 GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 HE1: Protection and Enhancement of Conservation Areas  
 HE3: Developments in Vicinity of Conservation Areas  
 To2: Tourism at the Headland

#### Emerging Local Plan – Submission Stage

2.26 The Council's emerging Local Plan is currently at submission 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;

HE1: Heritage Assets  
 HE2: Archaeology  
 HE3:Conservation Areas  
 HE4: Listed Buildings and Structures  
 HE7:Heritage at Risk  
 LS1: Locational Strategy  
 QP6:Technical Matters  
 SUS1:The Presumption in Favour of Sustainable Development

## PLANNING CONSIDERATIONS

2.27 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the principle of the development, impact on historic environment and visual amenity, archaeology, ecology, neighbour amenity, highways and any other matters. These and any residual matters are considered as follows;

### PRINCIPLE OF DEVELOPMENT

2.28 The Hartlepool Headland frontage is exposed to potentially extreme North Sea tidal and wave conditions. The coastline is characterised by sandy beaches and rocky foreshores supporting various protected species. Magnesian Limestone cliffs which are currently protected from erosion by seawall defences separate the foreshore from over 550 residential and a number of commercial properties, including infrastructure and historical assets. The aim of the works covered in this application is to provide a coastal protection scheme to reduce coastal erosion risk to the community.

2.29 The submitted supporting information states that the “*Headland and Block Sands frontages have a long history of coastal engineering and management. Many of the walls are now in poor condition and are susceptible to storm damage and erosion, and are frequently overtopped during storms. The current management response of patching and repairing the defences is considered an unsustainable coastal management solution. Without substantial Capital Investment, maintenance costs will become unsustainable resulting in increased risk of defence collapse and erosion, with resulting impacts on coastal infrastructure and tourist and heritage assets*”.

2.30 The wider scheme of works is being carried out in phases; Hartlepool Borough Council is over two years into the delivery of the sea defence scheme approved under H/2014/0516. It is understood that construction of the current scheme, if approved, would commence in March 2018 with a completion date of October 2019.

2.31 Furthermore, these works are in line with the ‘Hold the Line’ policy identified within the National Shoreline Management Plan (Policy 2) for this Headland stretch.

2.32 In view of the above, it is considered that the proposed development is considered to be acceptable in principle in accordance with the relevant saved Local Plan Policies and emerging Local Plan policies (set out above), and the provisions of the National Planning Policy Framework.

### IMPACT ON HERITAGE ASSETS & VISUAL AMENITY OF SURROUNDING AREA

2.33 The application site is on the Headland Conservation Area; a designated heritage asset. It runs along the current sea wall from Redheugh Gardens, down to the Breakwater and then along the lower promenade to the Pilot Pier. These three prominent features of the Headland have all been identified as locally listed buildings and therefore are recognised as heritage assets. Furthermore of the buildings facing on to the site a number located on Albion Terrace, South Crescent and York Place

are grade II listed buildings and therefore designated heritage assets. It is however considered that these buildings will not be directly affected by the proposal due to the distance from the application site.

2.34 When considering any application for planning permission that affects a conservation area, the Town and Country Planning Act 1990 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).

2.35 The relevant saved Local Plan Policies and those of the emerging Local Plan (which is at submission stage) are set in detail within the Council's Heritage and Countryside Manager's comments above, in addition to a detailed analysis of the impacts on the designated heritage assets. Historic England have raised no objections/offered no comments on this application.

2.36 In considering the effect of the proposal on the significance of the area the development impacts an area of the sea wall from Redheugh Gardens to the Pilot Pier, this part of the proposal will be readily seen from the conservation area, namely the section from Redheugh Gardens to the Breakwater. In particular the sea wall which bounds the coastal path will be removed and replaced. It is understood that this section of wall has, in part, been replaced in the past. The replacement wall will be similar to the sea wall installed elsewhere on the coast, the only difference is that the land side will be faced with sandstone. This will reflect the existing wall design on Redheugh Gardens.

2.37 The Council's Heritage and Countryside Manager considers that this element of the works, in particular the loss of the wall and its replacement, will cause 'less than substantial harm' to the significance of the Headland Conservation Area. Whilst these works will also change the setting of Redheugh Gardens, it is considered that the works would not directly impact on this heritage asset or result in an adverse loss of visual amenity for the surrounding area.

2.38 The area from the Breakwater to the Pilot Pier is to the lower promenade and therefore will not be so easily viewed. The proposal will comprise the installation of revetments. The Council's Heritage and Countryside Manager considers that these works will not cause harm to the designated heritage asset or the setting of the locally listed buildings, namely the Pilot Pier and Breakwater, or the visual amenity of the wider area.

2.39 It is acknowledged that some of the proposed changes will cause harm within this part of the conservation area. However in accordance with the provisions of the NPPF (para. 35), it is considered that the degree of harm will be off-set by the public benefits that will be derived from the scheme as a whole as the long term impact will be the protection of the built and historic environment in this area as a whole.

2.40 Overall, it is considered that the proposal will not result in an unacceptable loss of visual amenity for the surrounding area for the reasons detailed above.

#### ARCHAEOLOGY

2.41 As part of the consideration of the original approval (H/2014/0516), Tees Archaeology requested that a survey be carried out to record the existing sea defences prior to the new wall being installed, which was secured by a planning condition and subsequently the details were submitted and agreed by the LPA. Tees Archaeology has raised no objections to the current application.

#### ECOLOGY

##### i) Ecology

2.42 Natural England are in agreement with the views expressed in the Habitats Regulations Assessment (Stage 1) that has been undertaken as part of the application by HBC (the Council's Ecologist) as the competent authority. It concludes that there are no Likely Significant Effects on the Teesmouth and Cleveland Coast Special Protection Area/Ramsar which the whole of the application site is located in, subject to appropriate mitigation measures. In addition to these measures, it is proposed that the finished works are monitored in order to consider the impact that the proposal has had on the ecology.

2.43 These mitigation and monitoring measures would comprise limits on working periods, the construction of the rock armour including providing alternative types of rock where appropriate to recreate the habitats that will be covered and ensuring that the rock is treated in order to encourage ecology within the site (as per a number of conditions on the original approval H/2014/0516).

##### ii) Geology

2.44 The biological foreshore interest features of the SSSI are overlain by the Hartlepool Headland Local Geological Site (LGS) (Magnesian limestone rocky platform). Both the SSSI and LGS were assessed in the original application Environmental Statement and appropriate mitigation was secured by planning condition(s). It is assessed that relatively minor changes to the engineering detail in the current planning application will not have Likely Significant Effect on the SSSI or LGS interest features. As part of the original approval (H/2014/0516) a geology assessment was produced and agreed with the LPA and therefore this is not required in respect of the current application. In view of the above, the proposal can be considered acceptable in geological terms

2.45 Overall it is considered that the proposal will not adversely affect the integrity of the identified European Site or other identified features of ecological and geological interest.

2.46 Natural England have been consulted on the application (and HRA) and have confirmed that they have no objections to the proposal subject to the mitigation measures set out in the HRA are secured accordingly. Natural England has also provided some standard additional advice, including environmental enhancement,

protected species, access and recreation and biodiversity duty. However, the Council's Ecologist is satisfied that the project already provides adequate protection and enough additional enhancement and that nothing further is required.

## NEIGHBOURING AMENITY

2.47 It is acknowledged that the proposed development will cause some disruption to neighbouring residents during the construction period. It is anticipated that there would be phased works over a number of years. In addition, the works to take place on the inter-tidal area will be restricted to outside of the months of November to March. These arrangements should ease the disruption residents and visitors will experience. Furthermore, conditions are included in respect of hours of construction, and for a traffic route to be agreed (as per conditions on the original approval). Furthermore, no objections have been received from the Council's Public Protection team subject to the above referenced hours of construction being restricted. Overall, it is considered that the proposals will not result in an unacceptable impact on the amenity of neighbouring land users.

## HIGHWAY SAFETY

2.48 In terms of access/highway access, the submitted information states that all works will be from the highway/footway. Components will be lifted into place from the Upper Promenade (via a crane) where possible and from the public highway under traffic control where this is not possible. The components will be stored on the Upper Promenade in the compound / storage areas (agreed under approval H/2014/0516). A planning condition is again secured (as per the original approval) in respect of agreeing an access route.

2.49 The Council's Traffic and Transportation Section have been consulted and have raised no objections to the proposed scheme. The proposal is therefore considered to be acceptable in respect of highway and pedestrian safety.

## OTHER MATTERS

2.50 The Environment Agency has been consulted on the application and has raised no objections. They have provided their own standing advice in respect of pollution prevention which could be secured by an informative.

2.51 The Council's Countryside Access Officer has verbally reiterated his comments from the previous approval in respect of seeking the necessary consents in respect of disruption to the England Coastal Path (ECP) National Trail and would wish to be contacted by the applicant in respect of this, which can be secured by a further informative.

2.52 With respect to the comments regarding the impact on existing drainage in the area, the Council's Engineering Consultancy have been consulted and have raised no objections or comments in this respect.

2.53 An objection has queried the calculations for the wave loading impact on the walls. In response, the applicant has confirmed that the current understanding of

data and information on sea level rises indicate that wave impact loadings are significantly greater than when the original walls were constructed.

## RESIDUAL MATTERS

2.54 A number of the objections received refer to several matters that are non material planning considerations including matters of property/structural damage from vibrations (which would be a civil matter). Notwithstanding this, the applicant has advised that any vibrations will be primarily from removing the parapet to the existing ramp as it is reinforced concrete. The applicant has further advised that a survey of the houses adjoining the works can be offered to residents. It is understood that most of the work in front of the nearest properties is likely to be with a crane, which will be set up on a daily basis and is unlikely to move. Vibration monitors will also be used in this location.

2.55 In terms of concerns regarding the safety of people climbing on the wall, whilst these comments are acknowledged, consideration is given to the design of the existing wall which does not necessarily prevent people from climbing on it (it features a coping stone design that features a relatively shallow/low pitch). It is considered that the proposal would not exacerbate this existing situation. As noted above, no objections or concerns have been received from technical consultees in this respect.

## CONCLUSION

2.56 It is considered that the proposal in the context of the relevant planning policies and material planning consideration is acceptable, subject to suitable conditions.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.57 There is no evidence of equality or diversity implications.

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

2.58 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.

There are no Section 17 implications.

## REASON FOR DECISION

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

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

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.

- To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following amended plans; PR53/PQ/2 (Typical Sections and Elevations), PR53/PQ/3 (Lower Prom Paddling Pool Area Details) and PR53/PQ/7 (Extent of Demolition) all plans date received by the Local Planning Authority on 18th May 2017 and amended plan PR53/PQ/1A (Planning Layout) date received by the Local Planning Authority on 25th May 2017.  
For the avoidance of doubt.
  3. Prior to the commencement of development, details of the phasing of the works shall be submitted to and approved by the Local Planning Authority.  
For the avoidance of doubt.
  4. Prior to the completion of each phase of the development a post construction monitoring scheme shall be submitted to and approved in writing by the Local Planning Authority in relation to bird usage of the entire intertidal area in front of the new defences and the colonisation of the new structures by marine organisms. The post construction monitoring scheme shall be carried out as approved.  
In the interests of protected species.
  5. Details of the rock armour (type, surface structure and placement of rock) shall be submitted to and agreed in writing by the Local Planning Authority prior to its installation.  
In the interests of protected species.
  6. Details of further biodiversity enhancement measures shall be submitted to and agreed in writing with the Local Planning Authority prior to work commencing on site. The measures shall be carried out as approved.  
In the interests of protected species.
  7. Details of the reinstatement of the Dolomite Beach shall be submitted to and approved in writing by the Local Planning Authority prior to works commencing on that phase of the development site. The Dolomite Beach reinstatement works shall be carried out as approved.  
In the interests of protected species.
  8. Details of the access route for site traffic including that using the site compound / storage area shall be submitted to and approved in writing by the Local Planning Authority prior to works starting on site. The access routes shall thereafter be adhered to unless some variation is subsequently agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.
  9. Details of all external finishing materials shall be submitted to and approved in writing by the Local Planning Authority before development of the relevant phase 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.
  10. Details of the design of the sea wall and ramp shall be submitted to and agreed in writing by the Local Planning Authority prior to work starting on site. Details should include the proposed design of the sea wall and the materials used in its construction. The design of the sea wall shall be carried out in accordance with the details so approved.  
In the interests of visual amenity.



11. Details of the revetments as detailed on plan PR537/PQ3 (Lower Prom Paddling Pool Area Details, date received 18th May 2017) shall be submitted to and agreed in writing by the Local Planning Authority prior to works starting on these sections on site. The stepped revetments shall be in accordance with the details so approved.  
In the interests of visual amenity.
12. There should be no construction works or vehicles on the inter-tidal area in the months of November - March inclusive.  
In the interests of protected species.
13. Construction work shall only take place between 8:00am and 6:00pm Monday to Friday, 8:30am and 1:30pm on a Saturday and at no time on a Sunday or Bank Holiday, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of amenity of neighbouring property.

## BACKGROUND PAPERS

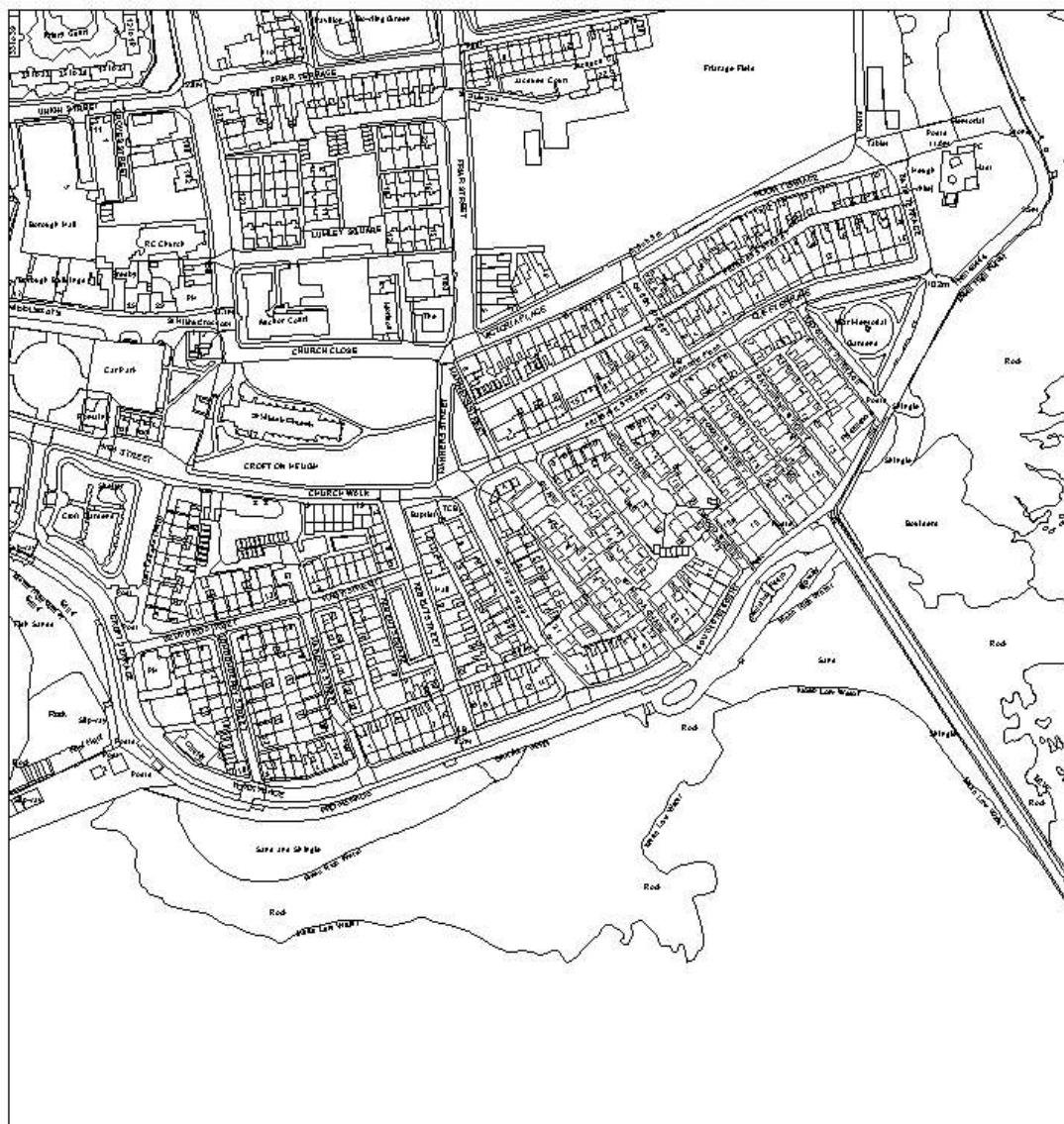
2.60 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line: <http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet>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

## CONTACT OFFICER

2.61 Andrew Carter  
Assistant Director of Economic Growth & Regeneration  
Level 3  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: (01429) 523596  
E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## AUTHOR

2.62 Daniel James  
Planning Team Leader (DC)  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY  
  
Tel: 01429 284319  
E-mail: [daniel.james@hartlepool.gov.uk](mailto:daniel.james@hartlepool.gov.uk)



THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1>HARTLEPOOL</h1> <h2>BOROUGH COUNCIL</h2>	DRAWN <b>GS</b>	DATE <b>26/07/17</b>
	SCALE <b>1:3000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0204</b>	REV



**No:** 3  
**Number:** H/2017/0174  
**Applicant:** MR P JENKINS FRONT STREET HART HARTLEPOOL  
**Agent:** MR T BRITCLIFFE 8 SOUTH VIEW HART  
HARTLEPOOL TS27 3AZ  
**Date valid:** 12/04/2017  
**Development:** Outline application with some matters reserved for the  
erection of a dormer bungalow (resubmitted application)  
**Location:** LAND ADJACENT TO MILBANK CLOSE HART  
HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

3.2 Previous applications which are relevant to this site are:

3.3 H/2007/0046 – Erection of 2 tables and storage room – Approved 23 March 2007

3.4 H/2016/0140 – Outline application with some matters reserved for the erection of two dormer bungalows - Application Withdrawn.

3.5 There are additional applications which are close to the application site and are relevant:

3.6 H/2015/0383 – Full application for 23 dwellings on land at the Raby Arms – Approved 8 August 2014 at appeal

3.7 H/2015/0209 – Outline application for 15 dwellings on land at The Fens – Approved 30 March 2017

## SITE CONTEXT AND PROPOSAL

3.8 The application site relates to land adjacent to Milbank Close, Hart Village and north of the A179. The site currently comprises of an open grass paddock with a stable block and small area of hard standing. The site is enclosed with a mix of trees and hedging. The trees on the southern boundary comprise mainly Sycamore, Ash and Hawthorn with the majority of the trees within the ownership of the Local Highway Authority (HBC).

3.9 The site sits close to the entrance to the Village of Hart with residential properties to the north west at Milbank Close, to the south west there is new development

which comprise 23 large 3 and 4 bedroom family homes which sits close to the entrance of the Raby Arms public house car park. To the east of the site is an area of paddock which is overgrown and beyond that the Fens Road gives access to The Fens a small residential hamlet some 190m distance to the east of the village.

3.10 The application seeks outline planning permission for a single dwelling. The accompanying Design and Access Statement makes reference to a dormer bungalow. However the site plan is indicative only and all matters are reserved in relation to the appearance, landscaping, layout and scale.

## **PUBLICITY**

3.11 The application has been advertised by way of neighbour letters (21), press advert and site notice. To date, there have been no objections or comments received.

3.12 The period for publicity has expired.

## **CONSULTATIONS**

3.13 The following consultation replies have been received:

**HBC Traffic and Transportation:** There are no highway or traffic concerns with this application

**HBC Public Protection:** No objection

**HBC Engineering:** I note no surface water details have been provided to date on this one. We can deal with this via condition however we will need evidence that the ground in the area can accommodate a soak away otherwise a traditional drainage system may be required.

**HBC Arboricultural Officer:** I have looked at the site above in respect to its impact on the existing hedgerow trees around the site. I note from the Design and Access Statement that there is no intention to remove any trees and that they benefit the applicant in so much as they provide privacy to the site from the surrounding roads. The trees on the Southern boundary comprise mainly Sycamore, Ash and hawthorn and most of these are within highway ownership whereas the trees along the Northern boundary comprise mainly Ash and hawthorn. Not all of these are on the applicant's land.

As none of these trees appear to be at risk I have no objections to this proposal should it go ahead.

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

**HBC Conservation:** The proposal does not impact on the significance of any listed building, conservation areas or locally listed buildings. No objections.

**Tees Archaeology:** Previous archaeological evaluation on the site has demonstrated the presence of Pre-Conquest activity, including human burials and a structure, concentrated towards the eastern part of the site. The current application is for the area in the western half of the site. Although the archaeological potential in this area is lower, it would be appropriate for the developer to provide archaeological mitigation during the development to ensure that an appropriate record of any remains discovered is compiled.

This would take the form of archaeological monitoring during the development with the appropriate treatment of human remains if encountered. This is in line with the guidance provided in the NPPF (para. 141).

I would request that a suitable condition be imposed to secure the archaeological recording.

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

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

**Hart Parish Council:** No objection

## PLANNING POLICY

3.14 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

3.15 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  
Rur1: Urban Fence  
Rur3: Village Envelopes  
Rur7: Development in the Countryside  
Rur12: New Housing in the Open Countryside

### Emerging Local Plan

3.16 The emerging 2016 Local Plan has now reached a stage where weight can be applied to policies, so they should be considered within the assessment of this application. The following policies are relevant.

LS1: Locational Strategy

RUR1: Development in the Rural Area

RUR2: New Dwellings Outside of Development Limits

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

SUS1: The Presumption in Favour of Sustainable Development

### National Policy

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

Paragraph: 3 dimensions of sustainable development

Paragraph 014: Presumption in favour of sustainable development

Paragraph 017: Role of planning system

Paragraph 047: Significantly boost the supply of housing

Paragraph 049: Housing applications and sustainable development

Paragraph 055: Homes in the rural area and isolated homes in countryside

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development

### **PLANNING CONSIDERATIONS**

3.18 The main planning considerations with respect to this application relate to the principle of development, the impact on the character and appearance of the

surrounding area, the impact on the amenity of neighbouring properties and the impact on highway safety, drainage and archaeology.

### Principal of Development

#### *Hartlepool Local Plan*

3.19 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.

3.20 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.

3.21 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*

3.22 The Council's emerging Local Plan is currently at Submission 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.

3.23 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.



3.24 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*

3.25 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the National Planning Policy Framework (NPPF) and is reflected in the presumption in favour of sustainable development. 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.

3.26 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. As the emerging Hartlepool Local Plan has been submitted to the Secretary of State, it is considered that the authority can now demonstrate a five year supply of housing sites, even when 20% is frontloaded from the back end of the plan period.

3.27 With respect to development above these allocations and beyond the development limits, and taking into consideration the three dimensions of sustainable development as set out in paragraph 7, national planning policy contained within 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.

3.28 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.

3.29 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.

*Supplementary Planning Document – New Dwellings Outside Development Limits (2015)*

3.30 Following the deletion of Annex A of former PPS7, the Council adopted a Supplementary Planning Document (SPD) – New Dwellings outside of Development Limits (August 2015) which provides a methodology and criteria as to which the provision of a new dwelling outside the limits of development.

3.31 The SPD requires a justification test to be carried out where the development falls in the following categories:

- Rural Enterprise: Accommodation is required to enable agricultural, forestry and other rural based enterprise full-time works to live at, or in the immediate vicinity of, their place of work, or
- Heritage: The development would represent the best viable use or secure the future of a heritage asset, or
- Redundant or Disused Buildings: The development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting or
- Outstanding Design: The development is of truly outstanding design, architecture, sustainable construction methods etc, or
- Relevant Policies and Materials Consideration: the proposal should meet the requirements of all other relevant planning policies in the Local Plan and the NPPF.

3.32 It is considered that no justification has been provided which would support the current application in this context. The proposal therefore fails to meet the requirements as set out within the SPD.

*Hartlepool Rural Neighbourhood Plan*

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

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

3.34 The emerging Hartlepool Rural Neighbourhood Plan is at an advanced stage of preparation. The Planning Inspector has completed his examination and has issued his final report. However, the Rural Neighbourhood Plan has yet to be the subject of a referendum. In the context of paragraph 216 of the NPPF, HBC Planning Policy have advised that

- There are significant unresolved objections to Policy GEN1 – Village Envelopes.
- They consider that the relevant policies are consistent with the NPPF

- On this basis HBC Planning Policy would advise that only limited weight can be given to the village envelopes policy in the emerging Rural Neighbourhood Plan.

3.35 Neither the emerging Rural Neighbourhood Plan nor the emerging Local Plan allocates the application site for housing. The site falls outside the limits to development. In this regard the two plans are consistent with one another.

#### *Principle of Development Summary*

3.36 In summary, both national and local planning policies seek to maintain strict control over new development in the countryside. With respect to isolated dwellings in the countryside, there must be sufficient, demonstrable justification for the development, such as essential support of a rural business, preservation of a heritage asset or the provision of exceptional or innovative design.

3.37 It is considered that there is insufficient justification or need for the development in this instance and it is therefore considered that the proposal would be contrary to the sustainability objectives set out in national and local policy and would have a detrimental impact on the character and appearance of the countryside. It is therefore considered that the proposal would not be acceptable and this would warrant a reason for the refusal of the application.

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

3.38 The site currently has a stable block which is set back from the road and is partially screened by existing trees and hedges. Not all the trees and hedges are within the ownership of the applicant. The trees along the southern boundary are within highway land.

3.39 The proposed site differs in character from the adjoining fields and open countryside, being that it is a relatively small contained parcel of land which does not possess the same open characteristics as the immediate adjoining countryside. However the site would require the clearance of the existing stable block and the removal of fencing to the rear of the stable block to allow for a dwelling to be built. The whole of the parcel of land is within the ownership of the applicant. The Councils Arboricultural Officer raises no objection to the proposal

3.40 The site can be clearly viewed from the public highway along Fens Road, the boundary of the site has a low stone wall with trees set along the boundary. The boundary on the southern side has a mix of trees and hedges which are within highway land. It is considered that the addition of a large structure set within the site would change the overall character of the site and would therefore appear incongruous within its setting.

3.41 Notwithstanding the above it is considered that there is insufficient justification for the development and the proposal would represent an unjustified isolated residential development in the open countryside to the detriment of its character and appearance. It is considered that the proposed dwelling would be contrary to

paragraph 55 of the NPPF and Local Plan policies Gep1 and Rur7 and guidance within New Dwellings Outside of Development Limits SPD (March 2015).

#### AMENITY

3.42 Whilst the proposal is likely to result in an increase in activity within the site, a dwelling could 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 section, have been consulted and raised no objections to the proposal.

#### HIGHWAYS

3.43 The proposal uses an existing access. The Council's Traffic and Transport section have been consulted and raise no objection to the proposal. The proposal is therefore considered acceptable in relation to highway safety.

#### DRAINAGE

3.44 This is an outline application with all matters reserved. No details have been provided at this stage however HBC Engineers has been consulted and raised no objection to the proposal subject to a condition for drainage details to be provided should the application be recommended for approval. The details would need to include confirmation that the ground conditions are suitable for the method of drainage proposed.

#### ARCHAEOLOGY

3.45 The site is identified as having archaeology interest. Whilst there are no objections from Tees Archaeology it would have been necessary to impose a condition to secure archaeological works to be carried out, had the application be recommended for approval.

#### CONCLUSION

3.46 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 dwelling 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) Rur2 of the emerging Local Plan, and the Local Planning Authorities 'New Dwellings outside of Development Limits Supplementary Planning Document March 2015.

#### EQUALITY AND DIVERSITY CONSIDERATIONS

3.47 There is no evidence of equality or diversity implications.

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

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

3.49 There are no Section 17 implications.

**REASON FOR DECISION**

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

**RECOMMENDATION – REFUSE** for the following reasons:

1. In the opinion of the Local Planning Authority the 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 of the emerging Hartlepool Local Plan (2016).

**BACKGROUND PAPERS**

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

**CONTACT OFFICER**

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

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

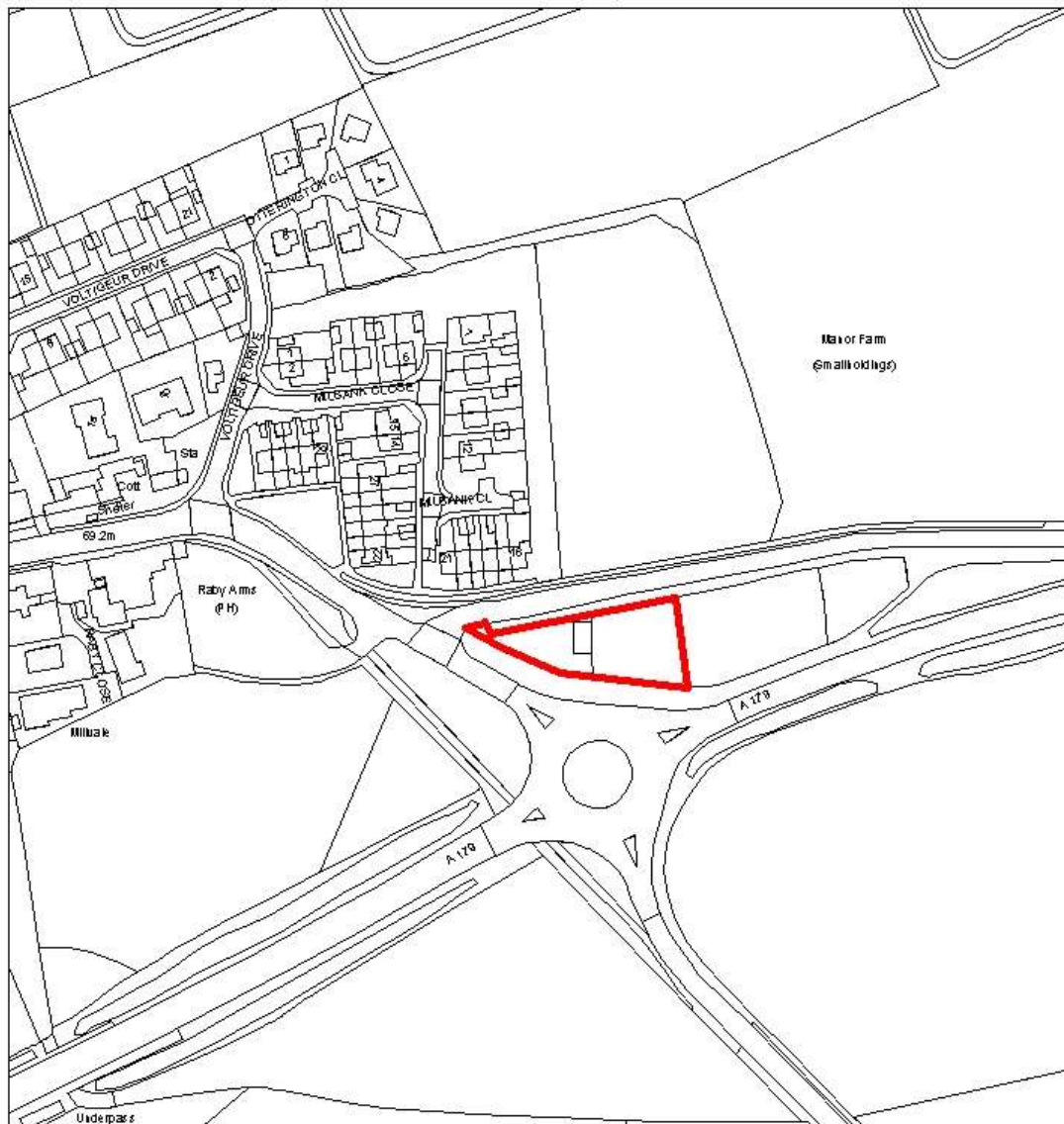
## **AUTHOR**

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

Tel: 01429 523284

E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)

## LAND AT MILBANK CLOSE, HART



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26/07/17</b>
	SCALE <b>1:2000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/9174</b>	REV

**No:** 4  
**Number:** H/2017/0185  
**Applicant:** BELLWAY HOMES (DURHAM) LTD PIONEER COURT  
MORTON PALMS BUSINESS PARK DARLINGTON DL1  
4WD  
**Agent:** FAIRHURST MR DOMINIC WAUGH 1 ANGROVE  
COURT BARRACK ROAD NEWCASTLE UPON TYNE  
NE4 6DB  
**Date valid:** 03/05/2017  
**Development:** Application for approval of all reserved matters for Phase  
A of approved outline planning permission (Stockton  
Borough Council reference 13/0342/EIS) for the erection  
of 138 no. dwellings with associated landscaping, open  
space and access. (NB: only part of the site access from  
Wynyard Woods is within the Borough of Hartlepool)  
**Location:** WYNYARD VILLAGE EXTENSION (PHASE A) LAND TO  
THE SOUTH OF WYNYARD WOODS AND WEST OF  
WOODSIDE WYNYARD BILLINGHAM

---

## PURPOSE OF REPORT

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

## BACKGROUND

4.2 Stockton Borough Council (SBC) (SBC ref 13/0342/EIS) granted outline consent in January 2017 for the construction of up to 500 houses, Primary School (inc. Sport Facilities) and nursery, Retail Units (up to 500 sqm), Doctors Surgery, Community Facilities, access and associated landscaping, footpaths and open space (all matters reserved).

4.3 The proposed access road which was established through this outline consent falls within the administrative boundary of Hartlepool Borough Council (HBC) and therefore a duplicate application was submitted for consideration and determination by HBC (HBC ref H/2013/0076) which was approved March 2017.

4.4 A full planning application was submitted for a new-build primary school which included the access road which will serve the wider outline planning permission. Again the main element of the application was considered and determined by SBC (SBC ref 17/0526/FUL) which was approved May 2017. The access fell within the administrative boundary of HBC. A duplicate application was submitted to HBC (HBC ref H/2017/0122) which was approved May 2017.



4.5 This is a reserved matters application in relation to the wider outline planning permission. Again the main element of the application was considered by SBC (SBC ref 17/0909/REM) and approved July 2017.

## **SITE AND SURROUNDINGS**

4.6 The application site is forms part of a wider residential development proposal on the land in and around Wynyard Village. The site is bound to the north by the existing built form of the village with residential dwellings directly to the north and Wynyard Woods (road) beyond. To the east the site is bound by the approved primary school and proposed retail units. The west of the site is directly bound by woodland and beyond is land which is currently greenfield but forms part of the outline planning permission for the village extension. To the south the site is bound by woodland.

## **PROPOSAL**

4.7 This is a reserved matters application which relates to Phase A of the outline planning permission. This phase of the development comprises the erection of 138 homes. The proposed mix of dwellings comprises 115 x 4 bed homes and 23 x 5 bed homes.

4.8 The proposal also includes the provision of formal and informal open space and SuDs throughout this Phase of development and includes the provision of a Spine Road which links the development with Wynyard Woods. The Spine Road will also provide access to the Primary School and provide links to future phases of development.

4.9 The proposed access road which was established through the outline consents falls within the administrative boundary of Hartlepool Borough Council (HBC) and is only a small element of the overall proposal. Whilst details of the application have been listed it is only the access which overlaps the boundary between Stockton and Hartlepool. Therefore it is the access which is under consideration on the Hartlepool application.

4.10 The southern fringe of the site features a wooded plantation and it is proposed to preserve an area of open space grassland between the housing and woodland.

4.11 The application has been referred to the Committee as an objection has been received from a statutory consultee (Grindon Parish Council).

## **PUBLICITY**

4.12 The application has been advertised by way of neighbour letters (69), a site notice and a press notice. To date, 2 letters of objection have been received from neighbouring properties. These objection and concerns (including those of Grindon Parish Council) can be summarised as follows;

- Loss of privacy as a result of increased traffic and footfall to area
- Impact on general amenity as a result of loss of woodland

- Loss of 'greenbelt'
- The proposed access route will result in a significant traffic issue
- Development is out of keeping/proportion with the surrounding area
- If the application is approved, a planning condition should ensure a form of physical screening, preferably a brick wall, from the development to the properties on Amerston Close that back onto the development to maintain privacy in rear garden areas and insulation from noise/traffic flows
- A physical screen would be preferable to planting as the planting would take time to establish
- Any parking on the access road should be prohibited in the interests of highway and pedestrian safety
- What parking restrictions and speed reductions will be applied?
- Grindon Parish Council have provided detailed comments as set out in full above, but their concerns include no parking provision for the play park to be installed and the closeness to a busy road. This should be relocated. This is also a sensitive habitat area..

#### 4.13 Copy Letters **B**

4.14 The period for publicity has expired.

### **CONSULTATIONS**

4.15 The following consultation replies have been received:

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

**HBC Arboricultural Officer;** No objection

**HBC Public Protection;** No objection.

**HBC Countryside Access Officer;** No comments

**HBC Engineering Consultancy;** No comments

**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 we have the following comments to make:

An enquiry was received by NWL from the applicant for allowable discharge rates & points into the public sewer for the proposed development. I note that our response

to this enquiry has not been submitted with the planning application. I have therefore attached a copy for your information.

In this document it states that foul water will discharge to the agreed manhole 9701 and surface water will discharge to manhole 3801 at a restricted rate of 50 Litres per second if it is proven that there is no other option for the disposal of surface water.

Because the applicant has not submitted a drainage scheme with the application, NWL request the following condition:

**CONDITION:** Development shall not commence until a detailed scheme for the disposal of foul and surface water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

Please note that the planning permission with the above condition is not considered implementable until the condition has been discharged. Application can then be made for a new sewer connection under Section 106 of the Water Industry Act 1991.

**Tees Archaeology;** This site has previously been subject to archaeological evaluation and no further investigation is required.

**HBC Ecologist;** I have no ecology survey or ecology requirements for this Reserved Matters application.

**Grindon Parish Council;** (objection) Proposed play park to be installed in the woods where the new road will be going through (behind the Car Home). This has no parking provision and will be close to what will be a busy road. It should be relocated to a safer site within the development.

This is also a sensitive habitat area as identified in the environmental survey as part of the planning application.

**Elwick Parish Council;** No objection.

## **PLANNING POLICY**

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

### Local Policy

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

**GEP1:** General Environmental Principles

GEP2: Access for All  
 GEP3: Crime Prevention by Planning and Design  
 GEP9: Developer Contributions  
 GEP12: Trees, Hedgerows and Development  
 Hsg5: Management of housing Land Supply  
 Hsg9: New Residential Layout – Design and Other Requirements  
 RUR2: Wynyard Limits to Development  
 TRA16: Car parking standards

### Emerging Local Plan

4.18 The emerging 2016 Local Plan has now reached a stage where weight can be applied to policies, so they should be considered within the assessment of this application. The following policies are relevant:

HSG6: Wynyard Housing Developments  
 INF4: Community Facilities  
 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  
 SUS1: The Presumption in Favour of Sustainable Development

### National Policy

4.19 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:

PARA 002: Primacy of Development Plan  
 PARA 007: 3 dimensions of sustainable development  
 PARA 011: Planning law and development plan  
 PARA 014: Presumption in favour of sustainable development

PARA058: Quality of development that expected for the area

PARA072: Sufficient choice of school places

PARA 196: Planning system is plan led

PARA 197: Presumption in favour of sustainable development

PARA 203: Can unacceptable development be made acceptable

PARA 206: Planning conditions

## **PLANNING CONSIDERATIONS**

4.20 As stipulated above, the majority of the application site falls within the SBC administration area. As such, SBC Officers presented a report to the SBC committee in July 2017 with an officer recommendation that was minded to approve the application subject to a number of planning conditions. The SBC committee report considered in detail the resultant impacts of the scheme which SBC considered to be acceptable. The application was subsequently approved on 5 July 2017

4.21 Given that the principle of development for this development in this area of Wynyard has been established by the outline consent, the main considerations with respect to this application relate to the impact of the proposed development (the small section of the highway/access within HBC) on the locality in terms of the impact on visual amenity, residential amenity, vehicular access and highway safety and any other material planning considerations.

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

4.22 In respect of the resultant impacts of the proposed junction and highway works (that affect the administrative land of HBC), the proposal in addition to the new school permission (H/2017/0122) would create a small swale of land between the new highway and junction and the rear boundaries of the properties to the north (within Amerston Close). As part of the school approval, details showed that the swale area would be landscaped with tree and wildflower meadow style planting and the remaining areas being laid to grass to tie into the existing grassed verge, which was agreed in principle by both the Council's Arboricultural Officer and the Council's Ecologist and secured by condition on the school approval. This element of the proposal which falls within the administrative land of HBC would assist in softening the impact of the proposed access. Overall, it is considered that the proposal will not result in an adverse impact on the visual amenity of the surrounding area.

4.23 The Council's Arboricultural Officer has been consulted and raises no objection to the proposal. The overall scheme primarily relates to the works that fall within SBC including tree protection measures that would be secured by planning conditions on the SBC application.

### **IMPACT ON RESIDENTIAL AMENITY**

4.24 In terms of the resultant impacts of the proposed highway works (that fall within HBC), it is considered that the siting and design of the layout minimises any potential adverse impact on the amenity of neighbouring properties through loss of privacy, noise pollution etc. Given the nature and scale of the proposed element of the

scheme falling within HBC, it is considered that the proposed layout has been designed with adequate distances and would not result in any direct overlooking and would not be visually intrusive or overbearing. Furthermore, the Council's Public Protection team has raised no objections to the proposal.

## MEANS OF ACCESS AND TRAFFIC ISSUES

4.25 A number of objections/concerns have been raised by residents with traffic and highway congestion, parking on residential streets and highway safety featuring prominently in the consultation responses.

4.26 Whilst the access to the development falls within Hartlepool's jurisdiction the remaining element falls within Stockton. The Council's Traffic and Transport (HBC) section have considered the proposal and raise no objection on highway grounds to the proposed development.

## OTHER PLANNING MATTERS

4.27 No objections have been received from technical consultees in respect of contaminated land, ecology, archaeology and impact on public rights of way.

4.28 The Council's Engineering Consultancy section and NWL have raised no objection to the proposal subject to appropriate controlling conditions relating to surface water drainage and foul drainage. This was considered within the outline planning applications for both Hartlepool and Stockton and relevant conditions imposed.

## OTHER MATTERS

4.29 The application site is not classed as greenbelt land.

## CONCLUSION

4.30 In conclusion, the impacts of the proposal have been considered against national and local planning guidance. Overall the nature and scale of the development is acceptable. It is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and does not conflict with policies in the Local Plan(s). It is considered that the development can be undertaken without significant harm to the surrounding area and there are no overriding matters of a technical nature that would outweigh the presumption in favour of a sustainable development on this site.

4.31 It is considered that the application site is sustainable and the presumption in the NPPF that Planning should operate to encourage and not act as an impediment to sustainable growth must be applied. Significant weight is required to be placed on the need to support schools through the planning system. It is considered the proposal would not give rise to any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the policies in the framework taken as a whole and therefore the application is accordingly recommended for approval subject to the conditions set out in the report.

## EQUALITY AND DIVERSITY CONSIDERATIONS

4.32 There is no evidence of equality or diversity implications.

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

4.33 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.

4.34 There are no Section 17 implications.

## REASON FOR DECISION

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

**RECOMMENDATION – APPROVE** subject to the following conditions;

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s):
  - A/1228/v7/00/02 Rev A (Rowan (4b det) Planning Elevations)
  - A/1228/v7/00/01 Rev A (Rowan (4b det) Planning Layouts)
  - A/1336/v6-v7/00/01 (Maple (4b det) Planning Layouts)
  - A/1336/v6/00/02 Rev A (Maple (4b det) Planning Elevations)
  - A/1336/v7/00/02 Rev A (Maple (4b det) Planning Elevations)
  - A/1394/v6/00/02 Rev A (Lilac (4b det) Planning Elevations)
  - A/1394/v7/00/02 Rev A (Lilac (4b det) Planning Elevations)
  - A/1394/v6-v7/00/01 (Lilac (4b det) Planning Layouts)
  - A/1546/v6-v7/00/01 (Lime (4b det) Planning Layouts)
  - A/1546/v6/00/02 Rev A (Lime (4b det) Planning Elevations)
  - A/1546/v7/00/02 Rev A (Lime (4b det) Planning Elevations)
  - A/1550/v6/00/02 Rev A (Acacia (4b det) Planning Elevations)
  - A/1550/v7/00/02 Rev A (Acacia (4b det) Planning Elevations)
  - A/1550/v6-v7/00/01 (Acacia (4b det) Planning Layouts)
  - A/1591/v6-v7/00/01 (Alder (4b det) Planning Layouts)
  - A/1591/v6/00/02 Rev A (Alder (4b det) Planning Elevations)
  - A/1591/v7/00/02 Rev A (Alder (4b det) Planning Elevations)
  - A/1666/v6/00/02 Rev A (Bay (4b det) Planning Elevations)
  - A/1666/v7/00/02 Rev A (Bay (4b det) Planning Elevations)
  - A/1666/v6-v7/00/01 (Bay (4b det) Planning Layouts)
  - A/1701/v6-v7/00/01 Rev A (Pine (4b det) Planning Layouts)
  - A/1701/v7/00/02 Rev A (Pine (4b det) Planning Elevations)
  - A/1701/v6/00/02 Rev A (Pine (4b det) Planning Elevations)
  - A/1796/v7/00/02 Rev A (Plane (4b det) Planning Elevations)
  - A/1796/v7/00/01 (Plane (4b det) Planning Layouts)
  - A/2210/v7/00/01 (Poplar (5b det) Planning Layouts)
  - A/2210/v7/00/02 Rev A (Poplar (5b det) Planning Elevations)

A/2243/v7/00/02 Rev A (Redwood (5b det) Planning Elevations)  
 A/2243/v7/00/01 (Redwood (5b det) Planning Layouts)  
 received by the Local Planning Authority on the 3 May 2017 and  
 Dwg No(s):  
 16-17-007-P01 Rev D (Proposed Site Layout)  
 16-17-007-P11 Rev C (Proposed Site Layout (extract))  
 NT13126/001 Rev C (Landscape Masterplan)  
 Received by the Local Planning Authority on the 27 June 2017.  
 For the avoidance of doubt and to define the consent.

2. This approval relates solely to this application for the approval of Reserved Matters and does not in any way discharge conditions contained in Outline Planning Approval reference H/2013/0076 which still require the submission of specific details and the written approval of the Local Planning Authority.  
 For the avoidance of doubt and to define the consent.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

- 4.37 Andrew Carter  
 Assistant Director of Economic Growth & Regeneration  
 Level 3  
 Civic Centre  
 Hartlepool  
 TS24 8AY  
  
 Tel: (01429) 523596  
 E-mail: [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

## AUTHOR

- 4.38 Jane Tindall  
 Senior Planning Officer  
 Level 1  
 Civic Centre  
 Hartlepool  
 TS24 8AY  
  
 Tel: 01429 523284  
 E-mail: [jane.tindall@hartlepool.gov.uk](mailto:jane.tindall@hartlepool.gov.uk)





**No:** 5  
**Number:** H/2017/0114  
**Applicant:** Mr Darren Rigby Apex Road Brownhills WALSALL WS8 7HU  
**Agent:** Innovate Signs Mr Stuart Johnston Unit 7 Solent Way Whiteley FAREHAM PO15 7FE  
**Date valid:** 26/06/2017  
**Development:** Display of illuminated and non illuminated advertisement signs for One Stop unit  
**Location:** FORMER SCHOONER PH (One Stop) WARRIOR DRIVE HARTLEPOOL

---

## PURPOSE OF REPORT

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

## BACKGROUND

5.2 This site has not been the subject of any previous applications for advertisement consent that are considered relevant to the consideration of this particular proposal. However, the following planning approvals are considered relevant by way of providing a background to the scheme:-

5.3 H/2016/0224 – Change of use from public house to two retail units and public house at ground floor level with two flats at first floor. Proposed external alterations including provision of shop fronts, alterations to car park and vehicular access/egress, alterations to boundary treatment and provision of bin store – Approved 29<sup>th</sup> September 2016

5.4 H/2017/0045 - Change of use from public house to four retail units and public house at ground floor level with two flats at first floor. Proposed external alterations including provision of shop fronts, alterations to car park and vehicular access/egress, alterations to boundary treatment and provision of bin store – Approved 16<sup>th</sup> March 2016

5.5 H/2017/0227 – Non-material amendments to planning approval number H/2017/0045 to allow for minor revisions to both elevations of Unit 1 – Approved 10<sup>th</sup> May 2017

5.6 H/2017/0276 - Installation of ATM with two stainless steel bollards at the front, alterations to door and window openings at the rear and installation of new security door and plant to side – Approved 13<sup>th</sup> July 2017

## PROPOSAL

5.7 Advertisement Consent is sought to install the following signs to the building:-

- a) three fascia signs (Signs 1a, 1b and 1c) measuring 11.02 x 0.7 metres, 6.63 x 0.7 metres and 2.95 x 1.12 metres respectively, constructed of a combination of aluminium and vinyl, with the 'One Stop' lettering internally illuminated in each case and signs 1a and 1b also part externally illuminated. These are to be attached at fascia level, one to the front (north western) facing elevation of the building and the other two to the rear.
- b) seven non-illuminated graphic/PETG signs (Signs 2a, 2b, 3a, 3b, 3c, 3d and 3e) constructed of a mixture of aluminium, vinyl and polycarbonate, the smallest measuring approximately 1.6 x 1.95 metres and the largest approximately 2.06 x 1.78 metres. Two of these are to be located within two of the shop windows to the front of the premises, the remainder are to be used to provide a false shop frontage to the rear of the building.
- c) a dibond sign (Sign 4) measuring approximately 0.72 x 0.4 metres with the lettering internally illuminated. This is to be positioned directly above the newly installed ATM machine on the front elevation of the building,
- d) a non-illuminated plastic sign (Sign 5) measuring approximately 0.3 x 0.2 metres. This is to be located directly underneath the new ATM machine,
- e) a non-illuminated aluminium and polycarbonate panel (Sign 6a) measuring approximately 1.61 x 1.94 metres. This to have false brick finish and is to be used to provide the back panel for the ATM machine,
- f) two non-illuminated aluminium and plastic poster panels (Signs 7) each measuring approximately 0.58 x 0.83 metres. These are to be installed on the front of the premises on either side of the entrance door to the shop,
- g) the entrance door and one of the shop windows adjoining it are to be coated in frosted vinyl and will incorporate manifestations to aid the visually impaired (Sign 8),
- h) an aluminium non-illuminated sign (Sign 10) measuring approximately 0.59 x 0.42 metres. This is to be installed to the rear of the premises adjacent to the 'closed off' doorway.

5.8 Approval is also sought to erect a freestanding internally illuminated totem sign (Sign 9) on land to the rear (south east) of the building. This is to stand approximately 3.6 metres high and will be approximately 1.2 metres wide.

5.9 The application is being reported to Planning Committee because the recommendation is to approve the signs (for reasons outlined below) and more than three objections have been received in respect of the proposals.

## SITE CONTEXT

5.10 The building the subject of this application is a substantial freestanding red brick and brown concrete pantile former public house. It is predominantly single storey but has a small first floor element which was formerly used to provide ancillary living accommodation for the pub. Planning permission has recently been granted to convert this building into four retail units and a pub at ground floor level with two flats above (see planning permission number H/2017/0045). Unit 1, which is the subject of this application, will occupy about one third of the ground floor of the building and is to be located at the south western end. It is understood that it is to be occupied by 'One Stop Stores Limited'.

5.11 The building is located approximately 40 metres north of the junction of Warrior Drive and Forester Close. The surrounding area is predominantly residential in character.

## PUBLICITY

5.12 Neighbour letters have been sent to all of the properties that were consulted on previous planning application number H/2017/0045. A site notice has also been posted to advertise the proposals. Four letters of objection have subsequently been received from local residents. They are concerned:-

- about the size of the proposed fascia signs,
- that light from those signs would shine into adjoining properties and onto the adjoining highways causing undue disturbance to the occupiers of the former and distracting vehicular users of the latter to the detriment of highway safety,

They also consider:-

- that the development should be carried out as originally approved and no further alterations should be permitted.
- that it is not possible to properly assess the proposals from the details that have been submitted.

5.13 The period for publicity expired on 26<sup>th</sup> July 2017.

5.14 Copy Letters **C**.

## CONSULTATIONS

5.15 The following consultation replies have been received:

**HBC Traffic and Transport:-** No objections

**HBC Public Protection:-** No objections

## PLANNING POLICY

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

### Local Policy

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

GEP1 – General Environmental Principles

### Emerging Local Plan

5.18 The Council's emerging Local Plan is currently at the Submission Stage and weight can therefore also be given to policies within it. More or less weight can be apportioned to individual policies dependent on the level of objection received in respect of them.

5.19 In this context it is considered that the following policies can be afforded some limited weight in the decision making process.

QP4 - Layout and Design of Development

QP8 - Advertisements

### National Policy

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

Paragraph 56 - Good Design

Paragraph 60 - Promoting Distinctiveness

- Paragraph 64 - Refusing Poor Design
- Paragraph 66 - Working with those Affected
- Paragraph 67 - Control of Advertisements

## PLANNING CONSIDERATIONS

5.21 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan. In this instance the key issues are considered to be visual amenity and highway safety. These and any other matters will be considered as follows.

### VISUAL AMENITY

5.22 Despite concerns to the contrary it is considered that the signs are acceptable in terms of their size and design. It is also contended that they will relate in a satisfactory manner to, and will be satisfactorily positioned on, the premises. It is accepted that quite a number of signs are proposed. However it is not envisaged that their addition will give rise to unacceptable 'clutter' of the shop unit with advertisement material in this instance. In coming to the latter view consideration has been given to the fact that the applicant has recently deleted four poster panels from the originally scheme. Overall it is considered that the proposal will not result in an adverse loss of visual amenity.

5.23 Concern has been expressed by objectors that light from the signs will shine directly into their properties. However, a condition can reasonably be imposed to ensure that where the signs are to be externally illuminated the means of illumination is positioned so that light shines directly onto the signs rather than into adjoining properties or onto adjoining highways. This, along with the relatively low level of illumination proposed, should ensure that no such problems occur. Furthermore no objections have been received from HBC Public Protection.

### HIGHWAY SAFETY

5.24 The fascia signs, part of the ATM sign and the freestanding totem are all to be illuminated. However, none of these will directly adjoin a highway and in all cases the level of illumination will be relatively modest (250 cd/m). In view of this it is not envisaged that any undue highway safety concerns will ensue despite concerns to the contrary. No objections have been received to the proposals from HBC Traffic and Transport.

### OTHER ISSUES

5.25 Objectors have expressed the view that this development should be carried out as originally approved and no further alterations permitted. However:-

- a) an application cannot legitimately be refused on these grounds,
- b) the alterations to the building are not the subject of this application and have already been approved under the terms of previous planning permissions (see 'Background' section above), and

- c) this is the only proposal for the installation of advertisements that has been submitted in respect of this particular scheme.

5.26 Concern has also been expressed about the level of detail submitted with this application. However, it is considered that sufficient accurate information has been made available to enable the implications of the proposals to be properly assessed.

## **CONCLUSION**

5.27 It is considered that the proposed signs will satisfy the requirements of Saved Policy GE1 of the Hartlepool Local Plan and Section 7 of the National Planning Policy Framework. It is contended, on balance, that they will appear in scale and keeping with, and will safeguard the setting of, the host building. It is also contended that their installation will not give rise to undue advertisement 'clutter' of the building or to any undue highway safety concerns.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.28 There is no evidence of equality or diversity implications.

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

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

5.30 There are no Section 17 implications.

## **REASON FOR DECISION**

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

## **RECOMMENDATION – APPROVE** subject to the following conditions

1. The development hereby approved shall be carried out in accordance with the following approved plans; the Location Plan date received by the Local Planning Authority on the 26th June 2017 the Block Plan received by the Local Planning Authority on the 20<sup>th</sup> July 2017; and the Proposed Elevations, Proposed Front and Rear elevations entitled 'Proposed Site Signage' and the details of signs 1a, 1b, 1c, 9 and 10 received by the Local Planning Authority on the 21st July 2017.

Reason:- For the avoidance of doubt

2. The maximum intensity of the illuminated signs shall not exceed 250 cd/square metre unless otherwise agreed in writing by the Local Planning Authority.

Reason:- To safeguard the amenities of neighbouring properties and in the interests of highway safety in accordance with the requirements of policy GEP1 of the Hartlepool Local Plan.

3. Light from the external light sources shall be directed onto the signs that they are to serve at all times and shall not at any time be directed at adjoining properties or onto adjoining highways.

Reason:- To safeguard the amenities of neighbouring properties and In the interests of highway safety in accordance with the requirements of policy GEP1 of the Hartlepool Local Plan.

## **BACKGROUND PAPERS**

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

## **CONTACT OFFICER**

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

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

## **AUTHOR**

5.34 Ian Lunn  
Planning Officer  
Level 1  
Civic Centre  
Hartlepool  
TS24 8AY

Tel: 01429 523273  
E-mail: [ian.lunn@hartlepool.gov.uk](mailto:ian.lunn@hartlepool.gov.uk)





THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>26/07/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0114</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**

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

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

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

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

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

**HE1** (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of

car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

**HE3** (Developments in the Vicinity of Conservation Areas) - States the need for high quality design and materials to be used in developments which would affect the setting of conservation areas and the need to preserve or enhance important views into and out of these areas.

**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.

**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.

**Rur2** (Wynyard Limits to Development) - States that housing and employment land is identified within the Wynyard limit to development but that expansion beyond that limit will not be permitted.

**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.

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

**To2** (Tourism at the Headland) - Supports appropriate visitor-related developments which are sensitive to the setting, character and maritime and christian heritage of this area.

**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.

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

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

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

4. This Framework should be read in conjunction with the Government's planning policy for traveller sites. Local planning authorities preparing plans for and taking decisions on travellers sites should also have regard to the policies in this Framework so far as relevant.

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.

**8.** To achieve sustainable development, economic, social and environmental gains should be sought jointly and simultaneously through the planning system. The planning system should play an active role in guiding development to sustainable solutions.

**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.

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

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

**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.

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

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

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

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

**67:** Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on



their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

**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.

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.

**94.** Local planning authorities should adopt proactive strategies to mitigate and adapt to climate change,<sup>16</sup> taking full account of flood risk, coastal change and water supply and demand considerations.

**105.** In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

**120.** To prevent unacceptable risks from pollution and land instability, planning decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

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

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

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

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

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

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

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

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

**134.** Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

**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.

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

### **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 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 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 QP8: Advertisements**

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

**Policy HSG1: New Housing Provision**

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

**Policy HSG6: Wynyard Housing Developments**

HSG6: The policy sets out that the the following sites at Wynyard are allocated for a total of approximately 732 dwellings as illustrated on the proposals map:

- a) North Pentagon – 8.82ha - approximately 100 dwellings.
- b) Wynyard Park North – 25.8ha - approximately 400 dwellings.
- c) Wynyard Park South – 11.1ha – approximately 232 dwellings.

Development will be phased over the plan period, with site A available prior to any of the off site road infrastructure improvements. Sites B and C are linked to the provision of off-site road infrastructure improvements, as identified in the Local Infrastructure Plan and as agreed with Highways England, and will not be permitted to commence prior to the installation of the highway improvements. The policy sets out development criteria for the sites.

### **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 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 HE2: Archaeology**

HE2: The policy seeks to protect, enhance and promote Hartlepool's archaeological heritage and, where appropriate, encourage improved interpretation and presentation to the public. Where development proposals may affect sites of known, or possible, archaeological interest, appropriate assessment will be required which must include consultation of the Historic Environment Record to determine if the development is appropriate and potential mitigation required.

**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 HE7: Heritage at Risk**

HE7: The policy sets out that the retention, protection and enhancement of heritage assets classified as 'at risk' is a priority for the Borough Council. 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. In exceptional circumstances the redevelopment of the wider site may be considered where a heritage asset is at risk and requires significant repairs to maintain or enhance its heritage value and does not create substantial harm or total loss of significance of a heritage asset. In the case of less than significant harm to the heritage asset it must be demonstrated that any loss and/or harm is necessary and outweighed by the need to achieve substantial public benefit.

**Policy NE2: Green Infrastructure**

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

# PLANNING COMMITTEE

9 August 2017



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

---

## 1. PURPOSE OF REPORT

1.1 To update members with regard to complaints that have been received and investigations that have been completed. Investigations have commenced in response to the following complaints:

1. The partial demolition of a residential property in Owton Manor Lane.
2. Car repairs and sales at a residential property in West View Road.
3. The change of use from a shop to a newspaper publishing office at a commercial premise in York Road.
4. The partial change of use to flats of a supported living complex in Jones Road.
5. The siting of timber cabins adjacent to business premises at Navigation Point.
6. Car sales from a residential property in Ark Royal Close.
7. A rear extension not being built in accordance with the approved plans at a residential property in Clifton Avenue.
8. The installation of an observatory dome in the rear garden of a residential property in Summer Lane.
9. The overgrown condition of an area of vacant land in Fernwood Avenue.
10. The overgrown condition of the front and rear gardens of a residential property in Hylton Road.



1.2 Investigations have been completed as a result of the following complaints:

1. The erection of a timber outbuilding at the rear of a residential property in Westbrooke Avenue. The height of the timber outbuilding has now been reduced to within the relevant permitted development limit.
2. The erection of a two storey side extension not in accordance with the approved plans at a residential property in Kingfisher Close. A valid retrospective planning application seeking to regularise the development has since been received.
3. The siting of a pod in the front garden of a residential property in The Drive, Greatham Village. A valid retrospective planning application seeking to regularise the siting of the pod has since been received.
4. The erection of an outbuilding in the rear garden of a residential property in Chester Road. Permitted development rights applied in this case.
5. The erection of timber fencing to the front of two residential properties in Rosthwaite Close. Valid retrospective planning applications seeking the retention of the fencing have since been received.
6. The erection of a timber fence to the front of a residential property in Wasdale Close. A valid retrospective planning application seeking the retention of the fence has since been received.
7. The fitting of bay windows to the front, the addition of insulation and the removal of tiling, the installation of a window to the rear, and the erection of a porch at a residential property in Grove Close. Permitted development rights applied in this case.

## **2. RECOMMENDATION**

2.1 Members note this report.

## **3. CONTACT OFFICER**

3.1 Andrew Carter  
 Assistant Director Economic Growth & Regeneration  
 Level 3  
 Civic Centre  
 Hartlepool  
 TS24 8AY  
 Tel 01429 523596  
 E-mail [andrew.carter@hartlepool.gov.uk](mailto:andrew.carter@hartlepool.gov.uk)

**AUTHOR**

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