

PLANNING COMMITTEE AGENDA



Wednesday 6 September 2017

at 10.00 am

**in Committee Room B
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 9 August 2017.

4. ITEMS REQUIRING DECISION

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

- | | | |
|----|-------------|---|
| 1. | H/2017/0204 | Headland Wall Sea Defence, adjacent York Place / Albion Terrace, South Crescent to Redheugh Gardens (<i>page 1</i>) |
| 2. | H/2017/0174 | Land adjacent to Millbank Close, Hart (<i>page 21</i>) |
| 3. | H/2017/0340 | Boat House, Crookfoot Reservoir, Elwick (<i>page 37</i>) |
| 4. | H/2017/0054 | Southbrooke Farm, Summerhill Lane (<i>page 47</i>) |
| 5. | H/2017/0385 | 10 Rosthwaite Close (<i>page 75</i>) |
| 6. | H/2017/0375 | 12 Rosthwaite Close (<i>page 81</i>) |
| 7. | H/2017/0388 | 30 Wasdale Close (<i>page 87</i>) |

- 4.2 Appeal at 1 Mill Terrace, Greatham – Assistant Director (*Economic Growth and Regeneration*)

5. ITEMS FOR INFORMATION

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



- 5.2 Update on current complaints – *Director of Regeneration and Neighbourhoods*

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

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

9. ANY OTHER CONFIDENTIAL ITEMS WHICH THE CHAIRMAN CONSIDERS ARE 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 4 October 2017.



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

9th August 2017

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Bob Buchan, Rob Cook, Tim Fleming, Marjorie James, Trisha Lawton, Brenda Loynes, Ray Martin-Wells, George Morris and Kaylee Sirs.

In accordance with Council Procedure Rule 4.2 Councillor Allan Barclay was in attendance as substitute for Councillor Sandra Belcher

Officers: Hayley Martin, Head of Legal Services (Place)
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Sarah Scarr, Heritage and Countryside Manager
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning Team Leader (DC)
Brendon Colarossi, Principal Engineer (Construction)
Jane Tindall, Senior Planning Officer
Jo Stubbs, Democratic Services Officer

19. Apologies for Absence

Apologies were submitted by Councillor Sandra Belcher

20. Declarations of interest by members

Councillor Brenda Loynes declared a personal interest in Planning Application H/2017/0315 (Oak Lodge Shooting Ground Brierton Lane)

Councillor Stephen Akers-Belcher declared a personal interest in Planning Application H/2017/0315 (Oak Lodge Shooting Ground Brierton Lane)

21. Confirmation of the minutes of the meeting held on 12th July 2017.

Minutes approved

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

Number: H/2017/0315

Applicant: MRS K CALVERT LADY MANTLE CLOSE
HARTLEPOOL

Agent: MRS K CALVERT 9 LADY MANTLE CLOSE
HARTLEPOOL

Date received: 05/06/2017

Development: Erection of a detached dormer bungalow with single garage

Location: Oak Lodge Shooting Ground Brierton Lane
HARTLEPOOL

The Planning Team Leader advised that the original report had erroneously recommended that members approve the application. An updated report containing the correct recommendation – to refuse – had been resubmitted immediately after this error had come to light. The Planning Team Leader also verbally advised that the statutory publicity period (press notice) did not expire until 1st September 2017 and that any decision would need to be issued following the expiration of this date.

A member referred to the perceived lack of evidence of similar properties available in the immediate area, querying what information would have been required and whether it was requested. The Planning Team Leader confirmed that the applicant had failed to demonstrate/ details of similar properties for sale at a reasonable distance from this property.

A member queried why financial viability had been included as a reason to refuse when this was not usually a material planning consideration. The Planning Team Leader explained that in this case financial viability was one of the tests to justify the building of a dwelling in open countryside, specifically that the business needed to have a full time worker for a dwelling to be approved. Officers needed to see 3 years of accounts with at least one year in profit thereby demonstrating a viable business which could be sold on.

Kelly Calvert, the applicant, urged members to support the application. She referred to a number of instances of petty theft and vandalism, noting that she and her husband felt that if they were able to permanently live on site this would serve as a deterrent. She acknowledged that the building storing firearms was covered by an armed police response but the same security protocols did not apply to the other buildings and thefts from these had caused massive disruption and loss of income. She also confirmed that they intended to install CCTV on site.

Members were primarily in support of the application feeling that it would provide security for what was a unique business which should be supported. A member referred to the future installation of CCTV on site, commenting that this could be monitored from an outside location thereby negating the need for the owners to live on site. They also felt that the property was larger than was required.

Members approved the application by a majority for reasons of health and safety, prevention of crime, prevention of the fear of crime and positive economic impact.

Decision: **Planning Permission Approved subject to planning conditions being agreed with Chair of Planning Committee and following expiry of press notice**

CONDITIONS AND REASONS (TO BE AGREED)

23. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest in Planning Application H/2017/0185 (Wynyard Village Extension (Phase A), Land to the South of Wynyard Woods and West of Woodside, Wynyard, Billingham) and indicated he would leave the meeting during consideration of this item.

Councillor Stephen Akers-Belcher declared a personal interest in Planning Application H/2017/0204 (Headland Wall Sea Defence Adjacent York Place /Albion Terrace South Crescent to Redheugh Gardens)

Councillor Marjorie James referred to her standing declaration as Hartlepool Borough Council's representative on the Northumbria Regional Flood and Coastal Committee in respect of Planning Application H/2017/0204 (Headland Wall Sea Defence Adjacent York Place /Albion Terrace South Crescent to Redheugh Gardens)

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

Number: H/2017/0204

Applicant: HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE
VICTORIA ROAD HARTLEPOOL

Agent: HARTLEPOOL BOROUGH COUNCIL MR BRENDON
COLAROSS CIVIC CENTRE VICTORIA ROAD
HARTLEPOOL

Date received: 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 ferrocast 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

A member commented on the lack of consistency in terms of conservation whereby materials used on an ancient monument such as this could be changed but materials used on properties nearby could not. The Planning Team Leader indicated that in this case the public benefits outweighed conservation concerns and the materials in question would primarily be seen from the sea side and were considered to be acceptable.

David Johnson spoke in objection to the application on behalf of the residents of Radcliffe Terrace and South Crescent. He confirmed that they were not objecting to the sea defence works but had strong objections to the proposed replacement of the parapet walls. The plans included the replacement of the rock stone parapet and they were concerned at the impact this could have on their properties. He also referred to the drain holes on the current parapet noting that these were not included on the new version which could lead to an increase in flooding during heavy rainfall. He suggested that the sea defences be capped at a lower level and asked that members visit the site.

Members were happy with the sea defence work proposed but felt that they needed more information on the materials which would be used and the specific design. They agreed that a site visit would be appropriate and asked that the Principal Engineer bring examples of the materials to the next meeting

Decision: **Deferred for a site visit**

Number: H/2017/0174

Applicant: MR P JENKINS FRONT STREET HART
HARTLEPOOL

Agent: MR T BRITCLIFFE 8 SOUTH VIEW HART
HARTLEPOOL

Date received: 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

Decision: **Withdrawn Application from Committee agenda**

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

Number: H/2017/0185

Applicant: BELLWAY HOMES (DURHAM) LTD PIONEER
COURT MORTON PALMS BUSINESS PARK
DARLINGTON

Agent: FAIRHURST MR DOMINIC WAUGH 1 ANGROVE
COURT BARRACK ROAD NEWCASTLE UPON
TYNE

Date received: 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).(AMENDED PLANS
RECEIVED)

Location: WYNYARD VILLAGE EXTENSION (PHASE A)
LAND TO THE SOUTH OF WYNYARD WOODS
AND WEST OF WOODSIDE WYNYARD
BILLINGHAM

Mark Gabrielle was in attendance to answer questions on behalf of the Agent.

Members approved the application unanimously.

Decision: Reserved Matters Approved

CONDITIONS AND REASONS

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.

Councillor Ray Martin-Wells returned to the meeting.

Number: H/2017/0114

Applicant: Mr Darren Rigby Apex Road Brownhills WALSALL

Agent: Innovate Signs Mr Stuart Johnston Unit 7 Solent Way Whiteley FAREHAM

Date received: 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

Members approved the application unanimously.

Decision: **Advertisement Consent Approved**

CONDITIONS AND REASONS

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 20th 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.
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.
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 residential properties or onto adjoining highways.
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.

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

Members were informed of 10 ongoing issues currently being investigated

and 7 completed investigations.

Decision

That the report be noted

26. Any Other Items which the Chairman Considers are Urgent

The Chairman ruled that the following items 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.

Report error – The Chair referred to an error on the documentation for Planning Application H/2017/0315 noting that an amended version had been sent to members as soon as the mistake had been discovered. A member raised concerns at the quality of reports being submitted to all Committees, saying many contained spelling and grammatical errors which reflected badly on the authority. The Chair advised that these comments would be passed on to the Director.

Site visit – Members were reminded that a site visit to the Headland Wall would take place at 9am on Wednesday 6th September.

The meeting concluded at 10:55am.

CHAIR

No: 1
Number: H/2017/0204
Applicant: HARTLEPOOL BOROUGH COUNCIL CIVIC CENTRE
VICTORIA ROAD HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR BRENDON
COLAROSSO 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 ferrocast 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

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/RELEVANT PLANNING HISTORY

1.2 The application was deferred at the Planning Committee held on 09.08.2017 for a site visit ahead of the Planning Committee of 06.09.2017. The committee report is set out in full below as per the original committee report.

1.3 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;

1.4 **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.

1.5 **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.

1.6 **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.

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

1.8 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

1.9 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”*.

1.10 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):

1.11 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.

1.12 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 inseting 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.

1.13 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 it and rock armour boulders in locations at the foot of certain sections of the wall.

1.14 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.

1.15 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

1.16 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.

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

PUBLICITY

1.18 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.

1.19 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.

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

1.21 Copy Letters **A**

1.22 The period for publicity has expired.

CONSULTATIONS

1.23 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

1.24 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

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

PARA 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

1.26 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

1.27 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

1.28 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

1.29 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.

1.30 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*”.

1.31 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.

1.32 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.

1.33 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

1.34 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.

1.35 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).

1.36 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.

1.37 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.

1.38 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.

1.39 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.

1.40 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. 134), 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.

1.41 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

1.42 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

1.43 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.

1.44 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

1.45 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

1.46 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.

1.47 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

1.48 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

1.49 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.

1.50 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

1.51 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.

1.52 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.

1.53 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.

1.54 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

1.55 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.

1.56 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

1.57 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

1.58 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.59 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.

1.60 There are no Section 17 implications.

REASON FOR DECISION

1.61 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

1.62 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

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

Tel: (01429) 523596

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

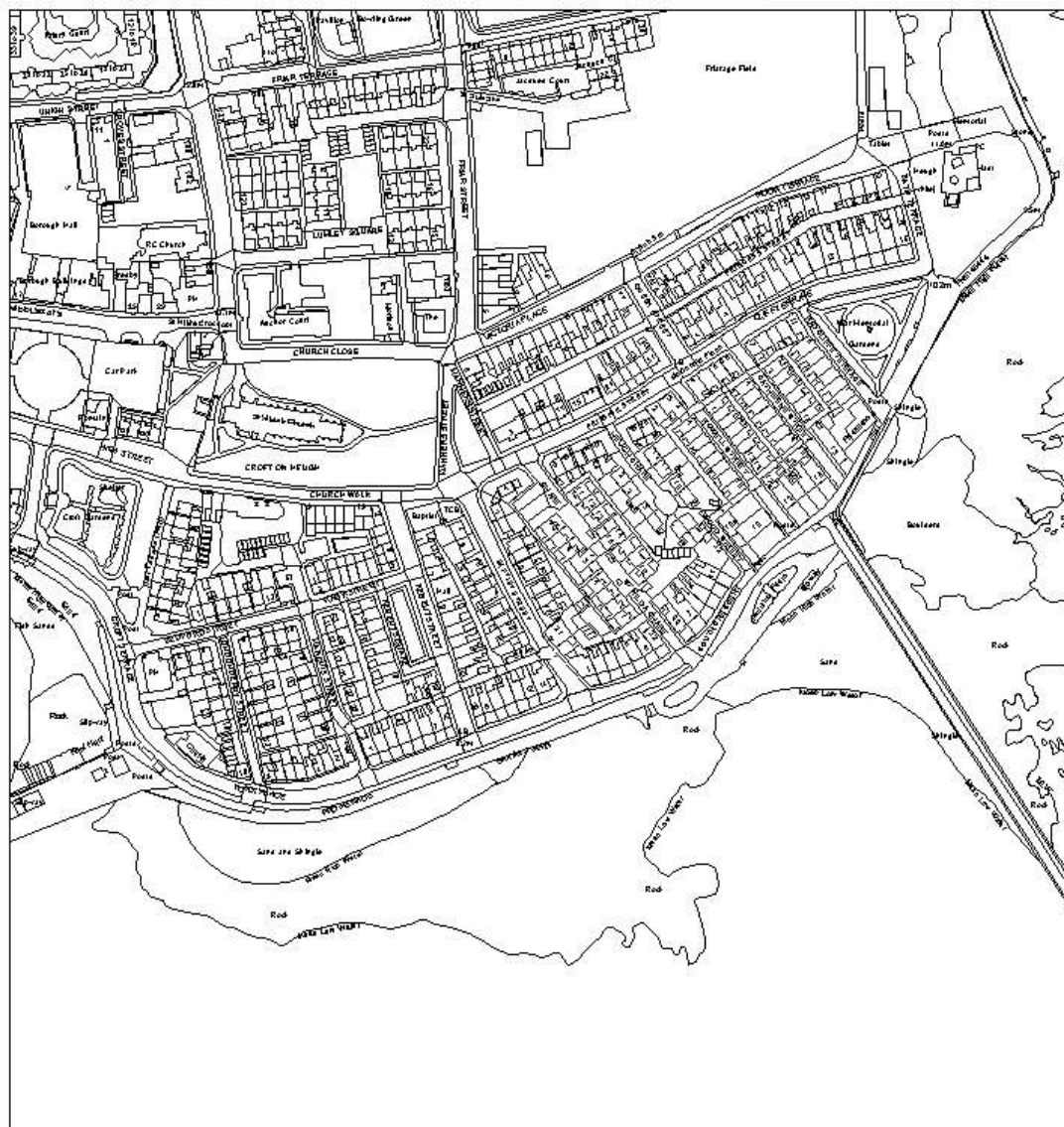
AUTHOR

- 1.64 Daniel James
Planning Team Leader (DC)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: 01429 284319

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

HEADLAND WALL SEA DEFENCES



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 2
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

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

BACKGROUND

2.2 Previous applications which are relevant to this site are:

2.3 **H/2007/0046** – Erection of 2 stables and storage room – Approved 23 March 2007.

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

2.5 There following applications, which are close to the application site, are considered to be relevant to the current application;

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

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

SITE CONTEXT

2.8 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).

2.9 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 comprises of 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.

PROPOSAL

2.10 This application seeks outline planning permission for the erection of 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. The proposal would utilise an existing access to the west of the site.

2.11 The applicant's agent has submitted a supporting statement which sets out a number 'benefits' that they consider the development will deliver, including;

- the site is a sustainable location in Hart Village and is within walking distances to a number of shops and services including the primary school, two pubs and village hall, and a regular bus service
- The proposal would not result in an 'isolated dwelling in the countryside' given the size of the site; it replaces an existing built structure; it is well related to the village of Hart; the site is secluded and discreet; the proposal represents a 'natural infill' and will therefore not have an impact on the countryside
- No objections have been received from neighbouring land users
- Existing boundaries would be maintained and enhanced
- The proposal will allow for a 'high quality improvement to the key entrance point to Hart Village'
- There is a demand for bungalows in Hartlepool

PUBLICITY

2.12 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.

2.13 The period for publicity has expired.

CONSULTATIONS

2.14 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 Ecologist: Verbally confirmed no ecology objections to the application subject to satisfactory landscaping scheme (including retention of existing landscaping where possible).

HBC Countryside Access Officer: 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 Heritage and Countryside Manager: 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

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

Local Policy

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

GEP1: General Environmental Principles
GEP2: Access for All
GEP3: Crime Prevention by Planning and Design
Rur1: Urban Fence
Rur3: Village Envelopes
Rur7: Development in the Countryside
Rur12: New Housing in the Open Countryside

Emerging Local Plan

2.17 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

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

local people to shape their surrounding, proactively drive and support economic development, ensure a high standard of design, respect existing roles and character, support a low carbon future, conserve the natural environment, encourage re-use of previously developed land, promote mixed use developments, conserve heritage assets, manage future patterns of growth and take account of and support local strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph: 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
 Paragraph 215: Due weight to be given to saved policies
 Paragraph 216: Due weight to be given to emerging plans/policies

PLANNING CONSIDERATIONS

2.19 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, heritage and archaeology.

PRINCIPLE OF DEVELOPMENT

Hartlepool Local Plan (2006)

2.20 Saved policy Rur1 (Urban Fence) of the Hartlepool Local Plan 2006 strictly controls development beyond the urban fence. Policy Rur1 stipulates that development in the countryside will only be permitted where it meets the criteria set out in policies Rur7 and Rur12.

2.21 Saved policy Rur3 (Village Envelopes) does not permit the expansion beyond the defined village envelopes around the villages of Hart, Greatham, Elwick, Dalton Piercy and Newton Bewley. The proposed development is located beyond the urban fence and village envelope of Hart village.

2.22 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.

2.23 The application site is located outside the defined limits of development and village envelope of Hart village (in the context of policies Rur1, Rur3 and Rur12) and therefore this is considered to be within the rural area. As the Council is now able to demonstrate a 5 year supply of deliverable housing sites (5.19 years), policies in the 2006 Local Plan which deal with the supply of housing need to be assessed in the

context of NPPF paragraph 215 (which is set out in full in the 'Policy Note' section and requires due 'weight' to be applied to relevant policies). At the time of writing and in the context of paragraph 215 of the NPPF, no weight can be attributed to policies Rur1, Rur3 and Rur12 as they are not considered to be consistent with the NPPF.

2.24 Saved policy Rur7 (Development in the Countryside) 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. This saved policy is considered to be consistent with the NPPF and therefore the policy can be afforded full weight. Furthermore saved Policy Gep1 (general environmental principles) can also be afforded full weight. The proposal will be considered further in this context below.

Emerging Hartlepool Local Plan

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

2.26 The application site is not included in any of the proposed extensions to the village envelope and so remains outside of the new limits to development for Hart village that are proposed through the emerging Local Plan process.

2.27 Emerging Policy RUR1 (Development in the Rural Area) seeks to draw a balance between protecting the rural area and supporting the rural economy. For new dwellings in the rural area, the policy states that the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) and be in accordance with emerging Policy RUR2. The Council's Planning Policy section has advised that 'limited weight' can be applied to emerging Policy RUR1 in the context of paragraph 216 of the NPPF (which is set out in full in the 'Policy Note' section and requires due 'weight' to be applied to relevant emerging plan policies).

2.28 Emerging policy RUR2 (New Dwellings Outside of Development Limits) is also considered to be relevant and 'limited weight' can be afforded to this policy (at the time of writing) and 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.

2.29 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 (set out in full below). It is

considered that the proposal in this instance does not fulfil the provisions of emerging Policies RUR1 and RUR2.

2.30 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).

2.31 In addition to the above, the Council has adopted a supplementary planning document (SPD) in the form of 'New Dwellings Outside Development Limits' (2015). This requires dwellings outside the defined limits to satisfy a number of criteria. For example one of the circumstances would be that the dwelling would be required to support rural enterprise or to accommodate a full time worker at their place of work.

2.32 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. Furthermore the submission does not assert that the proposed dwelling would satisfy any of the identified exceptional circumstances in the emerging policies (as set out above).

Hartlepool Rural Neighbourhood Plan

2.33 Neither the emerging Rural Neighbourhood Plan nor the emerging Local Plan allocates the application site for housing. In this regard the two plans are considered to be consistent with one another.

National Planning Policy Framework

2.34 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.

2.35 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

2.36 NPPF paragraph 49 states: that 'Housing applications should be considered in the context of the presumption in favour of sustainable development. As the Council is now able to demonstrate a 5 year supply of deliverable housing sites, policies in the 2006 Local Plan which deal with the supply of housing need to be assessed in the context of NPPF paragraph 215 which states that 'due weight' should be given to relevant existing policies depending on their degree of consistency with the NPPF (as set out above at para's 2.20 - 2.24).

2.37 The NPPF also states ‘to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’ (paragraph 55). With respect to development beyond the development limits, paragraph 55 of the NPPF states that Local Planning Authority’s should avoid new isolated homes in the countryside unless there are special circumstances such as:

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

Such a design should:

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

2.38 The application site is located outside the defined limits of development to Hart village and therefore this is considered to be within the rural area.

2.39 In view of the above considerations, the development of the site for residential development is contrary to local and national planning policy as it would constitute development beyond the accepted development limits. Furthermore, it is considered that the proposal does not satisfy any of the criteria set out in paragraph 55 of the NPPF and therefore fails to conform with the provisions of the NPPF.

Sustainable Development

2.40 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority can now demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

2.41 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

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

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

2.43 *Benefits*

- Boost to the supply of housing, albeit a very modest one for a single dwelling (social and economic)
- The proposed development would create jobs in the construction industry and in the building supply of a single dwelling
- The development will replace an existing un-used building and prevent it from a state of disrepair (environmental)
- Potential New Homes Bonus and increase in Council Tax (economic)
- The site is within walking distance of Hart Village and its amenities and services (social, economic, environmental)
- Existing boundaries would be maintained and enhanced with potential ecological benefits (environmental)
- The applicant's agent has put forward a number of benefits (as set out above) and states that the proposal will allow for a 'high quality improvement to the key entrance point to Hart Village' (environmental)
- The proposal would deliver a bungalow to which there is a requirement for more bungalows in Hartlepool (economic and social)
- Increased expenditure in the Borough that is likely to be generated from an increased population (albeit very modest in the context of the proposal providing a single dwelling) (economic)

2.44 *Disbenefits*

- The proposal (residential development) is considered to be contrary to the saved Local Plan policies Gep1 and Rur7, emerging Local Plan policies RUR1 and RUR2, and those of the NPPF
- The proposal would therefore result in an unjustified dwelling to the detriment of the character and appearance of the rural area (environmental)
- The proposal is contrary to the emerging Rural Neighbourhood Plan, which is currently afforded limited weight
- Potential adverse ecological impacts (environmental)
- Potential impact on land of archaeological interest (environmental)
- Loss of agricultural land (environmental + economic)

Principle of Development conclusion

2.45 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.

2.46 In determining applications, Local Planning Authorities are required to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise.

2.47 It is acknowledged that the proposed development has a number of benefits as identified above including the site being within close proximity to existing housing (and approved residential development) in Hart village. It is noted that there are a number of facilities within the village including a school, church and public houses and that the site is within walking distance to the local centre at Middle Warren.

2.48 However, and as detailed above, in both the adopted local plan (to which the relevant policies are not considered to be consistent with the NPPF) and the emerging local plan (to which the policies can be afforded some degree of weight), the site is located outside of the development limits and is therefore contrary to policy. Taking into account that the Council can now demonstrate a 5 year housing supply (5.19 years), it is considered that the identified policies that can be afforded weight including the rural policies (saved Policies Gep1 and Rur7, emerging Policies RUR1 and RUR2, and paragraph 55 of the NPPF) would outweigh the identified benefits of the development, and therefore the principle of development is not considered to be acceptable. As such the application is recommended for refusal on this basis.

IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

2.49 The site currently has a stable block which is set back from the road and is partially screened by existing trees and hedges (the trees along the southern boundary are within highway land). 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. It is considered that the site acts as a 'green buffer' at the entrance to the village and features a modest stable block that is not uncommon in such a rural location.

2.50 Given that the proposal is in outline, no specific details including landscaping details have been provided and full details would be required at a reserved matters stage (should the outline consent be granted). The Council's Arboricultural Officer (and the Council's Ecologist) raises no objection to the proposal from a landscape (and ecological) perspective subject to a satisfactory landscaping scheme, which would include the retention (where possible) and enhancement of the existing landscaping.

2.51 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. The northern boundary has trees/shrubs along part of the boundary, with the front of the site being visible. The existing stable block is fairly visible when viewed from Fens Road, although the existing boundary treatment does offer some degree of screening.

2.52 Whilst the application submitted is in outline with all matters reserved, it is considered that on balance, a modest sized dwelling could be satisfactorily accommodated within the 'plot' in terms of layout and scale (notwithstanding the location beyond the village envelope and urban fence).

2.53 However, in view of the proposal being contrary to the identified planning policies as detailed above, it is considered the proposed development would ultimately result in an unjustified dwelling beyond the village envelope and urban fence, to the detriment of the character and appearance of the rural area, contrary to the provisions of saved Policies Gep1 and Rur7, emerging Policies RUR1 and RUR2, and paragraph 55 of the NPPF.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

2.54 Whilst the proposal is likely to result in an increase in activity within the site, it is considered that 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 has been consulted and raised no objections to the proposal.

HIGHWAY SAFETY

2.55 The proposal utilises 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

2.56 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 surface water drainage details to be provided had the application been recommended for approval. No objections have been received from Northumbrian Water.

HERITAGE AND ARCHAEOLOGY

2.57 The Council's Heritage and Countryside Manager has raised no objections to the proposal, confirming that it will not result in an adverse impact on designated heritage assets.

2.58 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.

OTHER PLANNING MATTERS

Agricultural land

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

Public Right of way

2.60 The Council's Countryside Access Officer has raised no objections to the proposal.

CONCLUSION

2.61 The Council has recently submitted its emerging Local Plan to the Secretary of State. Whilst the plan has not yet been through examination, it is at an advanced stage and identifies sufficient housing sites, along with existing planning permissions to demonstrate a five year housing land (5.19 years).

2.62 In the emerging Local Plan the site is not identified as a housing site and lies outside the limits to development/village envelope. The proposal is considered to be contrary to the policies of the emerging Hartlepool Local Plan (2016-2031), which can be afforded some degree of weight as set out in the report. In determining applications statute, and government advice, is clear that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise.

2.63 In terms of the three dimensions of sustainable development (economic, social and environmental) the benefits of the scheme are acknowledged above. However in planning policy terms the site is located on the edge of Hart village and is outside the limits for development. Whilst it is acknowledged that the proposal is within close proximity to the existing settlement of Hart village, the proposal is defined by local and national policies as being development within the countryside/rural area.

2.64 Whilst the benefits of the scheme are acknowledged, on balance it is considered that the identified rural policies would outweigh the presumption in favour of sustainable development as set out in the NPPF. Furthermore, the applicant has failed to satisfactorily demonstrate that there is a justified need for the dwelling in the context of the identified national and local planning policies (and SPD).

2.65 As such it is considered that the proposal would result in an unjustified dwelling in the 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), Policies RUR1 and RUR2 of the emerging Local Plan (2016-2031), and the Local Planning Authority's 'New Dwellings outside of Development Limits Supplementary Planning Document March 2015.

2.66 The application is therefore recommended for refusal.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.67 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.69 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority the applicant has failed to demonstrate sufficient justification for residential development outside the limits of development and the proposal would therefore result in an unjustified dwelling 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), Policies RUR1 and RUR2 of the emerging Hartlepool Local Plan (2016-31) and the Local Planning Authority's 'New Dwellings outside of Development Limits' Supplementary Planning Document March 2015.

BACKGROUND PAPERS

2.71 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

- 2.72 Andrew Carter
Assistant Director of Economic Growth & Regeneration
Level 3

Civic Centre
Hartlepool
TS24 8AY

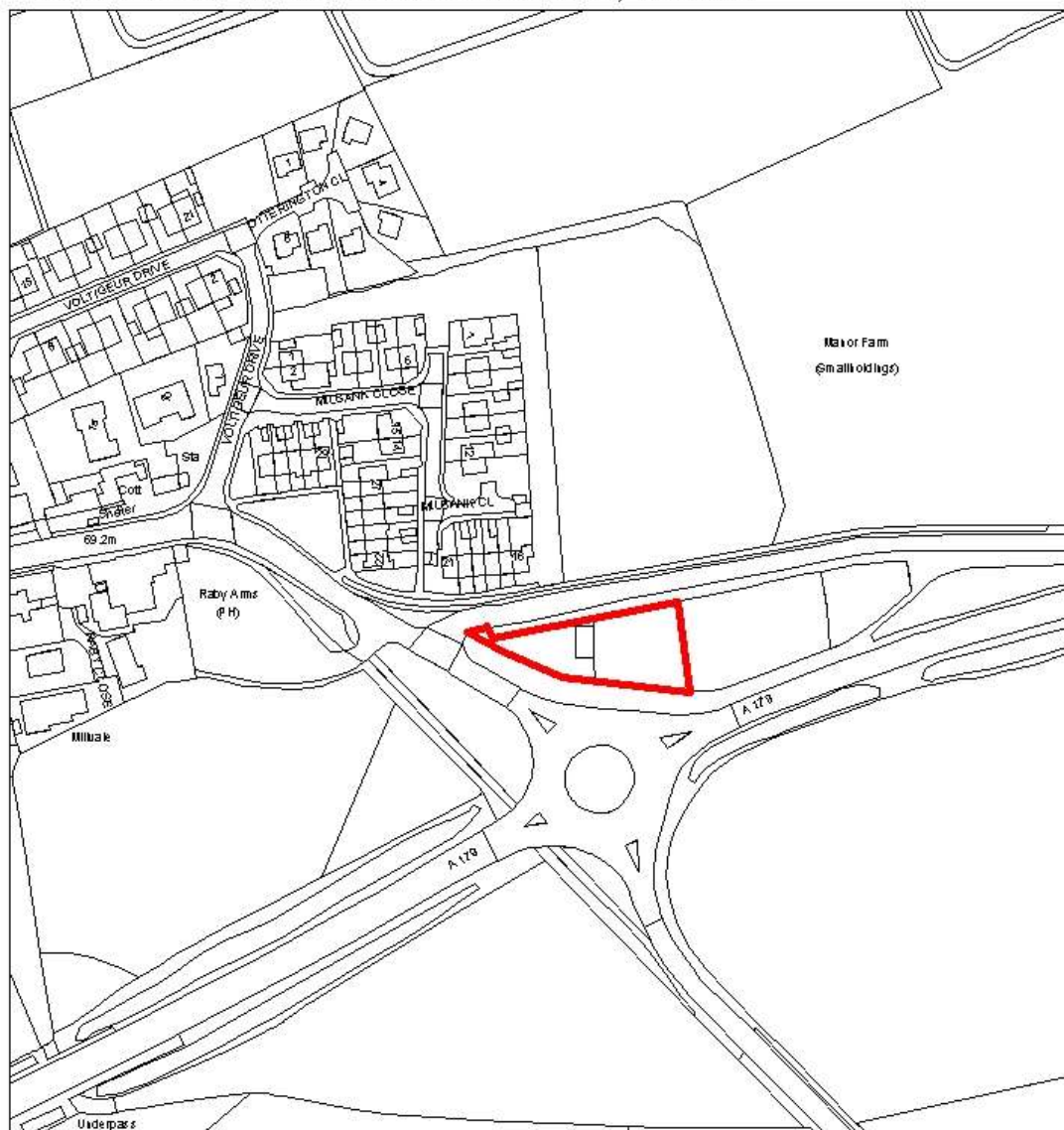
Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

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

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

LAND AT MILBANK CLOSE, HART



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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

No: 3
Number: H/2017/0340
Applicant: MR MRS COOK
Agent: DPP MILBURN HOUSE DEAN STREET NEWCASTLE
UPON TYNE NE1 1LF
Date valid: 20/06/2017
Development: Retention of boathouse for a temporary period of five
years
Location: BOAT HOUSE CROOKFOOT RESERVOIR ELWICK
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 Whilst there is no relevant planning history for the site it would be prudent to bring to Members attention that an Enforcement Notice was authorised by Planning Committee on the 12 April 2017 for the removal of an unauthorised building at Crookfoot Reservoir that the current planning application relates to. The Notice was issued on the 4 May 2017 to come into force on 12 June 2017. A retrospective planning application (H2017/0340) was subsequently submitted on the 20 June 2017 and no further action has been taken at the time of writing to allow for the consideration and determination of the current planning application.

Relevant history on adjacent site (Crookfoot Farm, Coal Lane)

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

3.4 H/2014/0481 - Permanent retention of an existing cabin and the temporary retention of an existing stable block, retention of existing cabin for use as a holiday cottage and office to administer the farm with the addition of solar panels to the roof (resubmitted application). The application was refused under delegated powers through the Chair of Planning Committee as it was considered it would represent an

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

3.5 H/2017/0085 - Permanent siting of an existing cabin and the change of use of the cabin from a mobile home to accessible holiday cottage. The application was refused by Planning Committee on the 12 April 2017 for the following reasons;

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

PROPOSAL

3.7 Planning permission is sought for the retention of a boathouse for a temporary permission for five years.

3.8 The boathouse comprises a rectangular shipping container (22.8 sqm in size) clad in timber with a red tiled roof. There is a glass panelled door and window which looks out across the reservoir.

3.9 The boathouse sits to the south west of the site with timber decking to the north and eastern side. There is a gate which gives access down a steep grassed area to a floating pontoon. To the rear of the boathouse there is a gravel area which is used for car parking.

3.10 The boathouse is for recreational purposes only for private use by the applicant.

SITE CONTEXT

3.11 The site is located to the southern side of Crookfoot Reservoir. The site is accessed via a private road directly off Coal Lane to the north of the site. Crookfoot Reservoir is approximately 17 hectares in size and was built in 1901. The site was previously within the ownership by Hartlepool Water. The reservoir is now within private ownership and is not accessible to the public.

3.12 To the south west of the boathouse on the reservoir, is a small pier and castellated tower. The wider area is characterised by open fields, woodland and dispersed residential dwellings/farms.

3.13 The site is located within a designated Local Wildlife Site and a Special Landscape Area.

PUBLICITY

3.14 The application has been advertised by way of site notice and neighbour letters (10). To date there has been 1 letter of no objection and 1 letter of support.

3.15 The letters of support state;

- The boat house is on a site previously occupied by a far more substantial building used for housing the boats used by Hartlepool Water Company.

3.16 Copy Letters **B**

3.17 The period for publicity has expired.

CONSULTATIONS

3.18 The following consultation replies have been received:

HBC Engineering Consultancy: No objection

HBC Public Protection: No objection

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

HBC Ecologist: I am satisfied that the boathouse does not impact upon the Crookfoot Reservoir Local Wildlife Site (designated for bats). Nor does it adversely impact upon any other wildlife. The new structure has provided nesting opportunities for house martins, which would otherwise be unavailable at this location. I note this as a welcome biodiversity enhancement. I do not require any ecology surveys or further biodiversity enhancements.

Additional Comments

Further to my comments, made on 29/06/2017, I wish to raise the issue that Crookfoot Reservoir is an important refuge for wildfowl. Some of the swans, geese, ducks, grebes and gulls may be components of the Teesmouth and Cleveland Coast Special Protection Area (SPA) and Ramsar site 'bird interest features'. A change of use to something that could adversely impact on these waterbirds would trigger the need for a Habitats Regulations Assessment (HRA) screening exercise. This would assess whether there was likely to be what is called 'Likely Significant Effect' on the birds and if so, which, if any, impacts would need to be mitigated. The fact that the application refers to a boat house has generated the thought that yachting and/or

boating might be introduced and depending on the timing, extent, numbers and speeds, this might trigger the need for a HRA.

HBC Heritage and Countryside: There are numerous public rights of way located in the immediate area but this cabin does not affect these or other rights of way either visually or physically.

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

Elwick Parish Council: No objections.

PLANNING POLICY

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

Adopted Local Plan (2006)

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

GEP1: General Environmental Principles
GEP12: Trees, Hedgerows and Development
Rur1: Urban Fence
Rur7: Development in the Countryside
Rur16: Recreation in the Countryside
Rur20: Special Landscape Areas
WL7: Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland

Emerging Local Plan (Publication Stage December 2016)

3.21 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.

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

SUS1 – The Presumption in Favour of Sustainable Development
LS1 – Location Strategy
QP3 – Location, Accessibility, Highway Safety and Parking
QP4 – Layout and Design of Development
QP5 – Safety and Security
NE1 – Natural Environment
RUR1 – Development in the Rural Area

National Policy

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

Paragraph 001 - Building a strong, competitive economy
 Paragraph 002 - Primacy of Development Plan
 Contribute to the achievement of sustainable development
 Paragraph 006 - Achieving sustainable development
 Paragraph 007 - Three dimensions of sustainable development
 Paragraph 009 - Pursuing sustainable development
 Paragraph 011 - Planning law and development plan
 Paragraph 012 - Statutory status of development plan
 Paragraph 013 - NPPF is material consideration
 Paragraph 014 - Presumption in favour of sustainable development
 Paragraph 017 - Planning principles
 Paragraph 018 - Securing economic growth
 Paragraph 019 - Support sustainable economic growth
 Paragraph 020 - Support sustainable economic growth
 Paragraph 021 - Building a strong, competitive economy
 Paragraph 028 - Economic growth
 Paragraph 056 - Design of built environment
 Paragraph 109 - Conserving and enhancing the natural environment
 Paragraph 113 - Protection of wildlife, geodiversity sites or landscape areas
 Paragraph 196 - Primacy of the Development Plan
 Paragraph 197 - Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

3.24 The main issues for consideration when assessing this application are the compliance with the guidance within the National Planning Policy Framework (NPPF) and policies the Hartlepool Local Plan, character and appearance of the surrounding

area, potential impact upon the amenity of neighbouring land users, ecology and highway safety.

PRINCIPLE OF DEVELOPMENT (AND IMPACT ON CHARACTER OF THE AREA)

3.25 Paragraph 7 of the NPPF sets out the three components of sustainable development and states that sustainable development should contribute to protecting and enhancing our natural environment. With respect to the core land-use planning principles that are to underpin decision-taking, paragraph 17 states that planning should take account of the different roles and character of different areas and recognise the intrinsic character and beauty of the countryside, as well as conserving and enhancing the natural environment. Paragraph 109 of the NPPF also stipulates that the planning system should protect and enhance valued landscapes.

3.26 Saved policy GEP1 of the adopted Hartlepool Local Plan 2006 stipulates that the Borough Council must take account of the external appearance of the development and its relationship with the surrounding area. With respect to development in the rural area specifically, Rur7 (which is fully consistent with NPPF) stipulates that the relationship to other buildings, visual impact on the landscape and compatibility of the design within its setting and the landscape generally must be taken into account.

3.27 Saved policy Rur20 (which is fully consistent with NPPF) states that development in the Newton Hanzard/Crookfoot Reservoir Special Landscape Area will not be permitted unless it is sympathetic to the local rural character in terms of the design, size and siting and building materials and it incorporates appropriate planting schemes. The submitted planning statement also cites saved policy Rur16 (Recreation in the Countryside) as being relevant to the application. Whilst it is considered Rur16 (which is fully consistent with NPPF) primarily relates to tourism development, it should also be noted that this policy requires that new buildings must be designed, sited and landscaped to complement the surroundings.

3.28 With respect to the Crookfoot Reservoir Local Wildlife Site, saved policy WL7 (which is fully consistent with NPPF) (Protection of SNCIs, RIGSs and Ancient Semi-Natural Woodland) states that development likely to have a significant adverse effect on a site of nature conservation importance will not be permitted unless the reasons for the development clearly outweigh the harm to the substantive nature conservation value of the site.

3.29 The emerging Hartlepool Local Plan has now been submitted to the Secretary of State and given its advanced stage of preparation, some weight can be apportioned to emerging policies within this document. Emerging policies RUR1 and NE1 ('limited' and 'great' weight can be afforded to these policies respectively in the context of paragraph 216 of the NPPF) require that any development in this location enhances the quality, character and distinctiveness of the immediate area and landscapes and does not have a detrimental impact on the landscape character or setting.

3.30 The structure is located within one of the few areas of prestigious landscape character in the Borough and it is the intention of planning policy to seek to retain the

most prestigious areas in a bid to maintain their status. The site is largely unscreened and as such the structure is clearly visible across the reservoir and wider rural area. It is considered that this location is not suitable for this type of structure and that the development is not in keeping with the local rural character, particularly given that the structure as built is not a functional boathouse clearly related to the reservoir. Furthermore, should vehicular traffic have access to the structure, this is likely to generate/encourage further visual intrusion into the rural landscape through parking of cars/boats adjacent to the reservoir.

3.31 The building sits on a rise and is prominent in a relatively open landscape. It is considered the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the surrounding landscape. The applicant provided an indicative plan which showed an example of the structure being resited closer to the waters edge. However this did not address concerns raised with regard to the visual impact and visual intrusion upon the special landscape area.

3.32 Given the design and location of the structure, it is considered that the development is visually intrusive within its setting and has a detrimental impact on the landscape character of the Special Landscape Area, contrary to saved policies Gep1, Rur7, Rur16 and Rur20 of the Adopted Hartlepool Local Plan, and emerging Local Plan policies RUR1 and NE1.

3.33 Whilst each application should be considered on its own merits, proposals for similar structures in the vicinity have recently been refused planning permission for reasons including the unacceptable visual intrusion into the open countryside.

AMENITY OF NEIGHBOURING PROPERTIES

3.34 The closest residential property is along the access lane consisting of Crookfoot House. The separation between the dwelling and the application site more than exceeds the requirements of guidance within the Local Plan. Therefore it is not considered that the proposed development would result in a detrimental impact upon the amenity of this neighbouring property in terms of overlooking, loss of light or appearing overbearing.

ECOLOGY

3.35 No objections have been received from the Council's Ecologist. Whilst it is considered that there could be limited benefits to encourage nesting birds, it is not considered that these would outweigh the identified, detrimental impact upon the designated Special Landscape Area.

HIGHWAY SAFETY

3.36 The Council's Traffic and Transport section have been consulted on the proposed development and have raised no objections. Therefore it is not considered that the proposal would result in an adverse impact upon highway safety.

OTHER MATTERS

3.37 The provision of the boathouse in this location could potentially encourage the use of the reservoir for water sports which could have a detrimental impact upon the wildlife that use this area, as highlighted by the Council's Ecologist. It would also raise a question that by using the reservoir for recreational uses that this could constitute a material change of use (a view supported by planning case law).

3.38 Whilst these comments are fully acknowledged, this application does not include a change of use of the reservoir for recreational use and the application is for the retention of a boathouse, which is not considered to be acceptable for the reasons set out above.

CONCLUSION

3.39 The proposal by reason of its design and siting is considered inappropriate within the rural setting. Furthermore it is considered unacceptable due to its detrimental impact on the special landscape area, contrary to saved policies Gep1, Rur7, Rur16 and Rur20 of the Adopted Hartlepool Local Plan, and emerging Local Plan policies RUR1 and NE1.

EQUALITY AND DIVERSITY CONSIDERATIONS

3.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.41 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.

3.42 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:

1. In the opinion of the Local Planning Authority, the proposal would represent an unacceptable visual intrusion into the open countryside which would have an adverse impact on the surrounding area which consists of a designated Special Landscape Area, contrary to saved policies GEP1, Rur7, Rur16 and Rur20 of the Adopted Hartlepool Local Plan 2006 and the emerging Local Plan policies RUR1 and NE1. It is not considered that any benefits arising from the development would outweigh the detrimental visual impact arising from the development.

BACKGROUND PAPERS

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

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

CONTACT OFFICER

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

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

AUTHOR

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

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

CROOKFOOT RESERVOIR - BOAT HOUSE



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/08/17
	SCALE 1:5000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0340	REV

No: 4
Number: H/2017/0054
Applicant: Mr M Dickinson 32 Victoria Road Oswald House
HARTLEPOOL TS26 8DD
Agent: Mr M Dickinson Kingfield Developments Limited 32
Victoria Road Oswald House HARTLEPOOL TS26 8DD
Date valid: 07/02/2017
Development: Residential development comprising 14 detached
properties including demolition of existing buildings and
farmhouse
Location: SOUTHBROOKE FARM SUMMERHILL LANE
HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 H/2014/0035 - Outline application with all matters reserved for residential development comprising 9 no. detached dwellings and retention of existing farmhouse – Approved 24 March 2014. The required ‘reserved matters’ application was not submitted in the 3 year timescale and therefore the permission can no longer be implemented.

SITE CONTEXT

4.3 The application site is a small holding known as Southbrooke Farm on Summerhill Lane. The lane is accessed from Catcote Road. To the west of the site is Summerhill Visitors Centre, with allotments and Catcote School to the south of the site, directly to the north is farmland, which separates the site from the Park Conservation Area and residential properties. There are two telecom masts on the north west rear boundary of the site.

4.4 The smallholding comprises a narrow rectangular shaped parcel of land that extends to approximately 0.7 hectares in area (1.7 acres), running parallel with Summerhill Lane. The land includes a detached farmhouse and associated domestic curtilage, a range of traditional barns and outbuildings. There are a number of temporary structures and storage areas, and a large redundant farm building on the western end of the site, adjacent to a public footpath.

PROPOSAL

4.5 Planning permission is sought for the demolition of existing buildings within the small holding and erection of 14 detached dwellings and associated works. The

proposal is for 3 and 4 bedroom properties and will be a mix of 1.5 and 2 storey detached dwellings. The properties will have off street parking within the curtilage of the properties.

PUBLICITY

4.6 The application has been advertised by press notice, site notice and neighbour letters (6). To date, there have been 1 letter of no objection and 3 letters of support, these are summarised below;

- The development will enhance the area
- A great location for schools, shops, bus routes whilst still living in the countryside
- Ideal location for this type of development good access to main road
- Can only be a bonus for summerhill park
- would be very interested in purchasing this kind of property
- Great addition to Hartlepool's stock of affordable executive homes

4.7 Copy Letters C

4.8 The period for publicity has expired.

CONSULTATIONS

4.9 The following consultation replies have been received:

HBC Engineering Consultancy: I would request a contaminated land condition and a surface water condition.

HBC Public Protection: No objection

HBC Traffic and Transport: The drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor.

Dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway.

HBC Ecology: I have examined the Heart Land Design, Tree Planting Plan, drawing number HLD/KD/PS/001 Rev B dated 28/06/2017 and the All About Trees Arboricultural Method Statement, drawing AMSTPP dated 30/06/2017. It appears from these drawings that the six ash trees and hedges that I referred to in my ecology response dated 27/07/2017 are to be removed in order to facilitate the development. In my response, I supported the Ecologist's (Graeme Smart) recommendation to retain these trees and hedges. However, Graeme Smart went on to say:

"If site design constraints (e.g. sight lines at access road; routing of drainage and services, etc) make it impossible to retain either the hedges or the ash trees then:

Any ash tree removed should be replaced with large, standard trees of similar species (if available from local stock which can be guaranteed free of ash die-back disease) or an alternative species to be agreed with the LPA, either on site or at a nearby alternative site to be agreed with the LPA (e.g. Burn Valley, Summerhill Country Park, etc.) If the hedgerow cannot be retained then either the hedge should be translocated (after coppicing) to the northern boundary of the site; or a new hedgerow of the same species composition should be planted on the northern boundary of the site; or a new hedgerow of the same species composition and equivalent length should be planted at a nearby alternative site to be agreed with the LPA.”

Given that there are no bats effected, I am satisfied that this second course of action can be followed without detriment to the overall ecology of the site. I recommend replacement of the trees with an equal, or greater, number of native deciduous species, to be agreed with the HBC Arboricultural Officer and the planting of a new hedge (or landscape belt) along the entire northern and eastern boundaries. I note that this planting is labeled on the Tree Planting Plan as ‘Mixed native tree planting belt’ and ‘Yew tree planting to screen mobile phone masts’.

Biodiversity enhancement in line with NPPF.

I support the enhancement recommendations made to the client by the consultant Ecologist, that the new buildings provide an opportunity to create suitable, long-term bat and bird roosting and nesting opportunities. See Appendix 1 for consultant Ecologist recommendations:

I recommend the following conditions, as suggested to the client by the consultant Ecologist:

A detailed landscaping/ tree planting plan.

Demolition of buildings and site clearance prior to construction of new houses takes place outside of the main bird nesting period (March to August inclusive), or a search for nesting birds is undertaken immediately prior to works, by a professional ecologist and the LPA is informed of the findings.

Garden boundaries are made suitable for hedgehogs to move through the site, either by the use of hedges rather than fences between gardens and on site boundaries, or by ensuring that there are gaps in fences at ground level to allow hedgehogs to move between gardens and in and out of the site.

A permanent bat roost brick is built into each new dwelling.

A permanent swift nesting brick is built into each new dwelling.

Bird nesting opportunities for swallows and house sparrows are built into each new dwelling.

Habitat Regulations Assessment (HRA) (summarised)

Hartlepool Borough Council, as the competent planning authority, has undertaken a Habitat Regulations Assessment for a housing development ‘project’ at Southbrooke Farm.

Mitigation is based on the small totals for new residents and new dog-owning families. The provision of Suitable Alternative Natural Green Space (SANGS),

particularly for daily walks/ dog exercising, is not justified. A financial contribution to accommodate the additional use of Council run Summerhill Country Park (in place of on-site SANGS) is justified.

The developer has agreed to this contribution. This will be included in the 106.

Natural England: Concur with the findings and conclusion of the HRA screening exercise and raise no objection with regard to mitigation measures recommended.

HBC Landscape: Following additional information being provided I have no objection to the proposal but would ask that a full landscaping scheme be provided by condition.

HBC Heritage and Countryside Manager: The application site can be viewed from the Park Conservation Area when standing on the boundary at Briarfields Allotments.

Policy HE1 of the recently submitted Local Plan 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.

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.

In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) 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).

The adopted Local Plan, policy HE3, is relevant this states, 'The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.'

The proposal is the erection of 14 houses.

The Park Conservation Area is characterised by large late nineteenth century houses, little altered since originally built, and set in extensive landscaped grounds surrounded by walls and railings. Overall the area presents a feeling of spaciousness with dwellings concealed by mature trees and shrubs. Within the Park conservation area is Ward Jackson Park, a formal park established in the late 1880's. The Conservation Area Appraisal outlines the character of the area in detail. In particular it notes the hierarchy of buildings within the area with large houses, set in substantial grounds developed along with smaller outbuilding, such as lodge houses or gardeners cottages set some distance away from the main dwelling. The dwellings to the south of the area were orientated with the main frontage to the open countryside to appreciate the views this provided and give the feeling of being located in the countryside. The conservation area is considered to be at risk.

In this instance when standing on the boundary of Briarfields Allotments the site can be clearly viewed. Whilst at the moment the proposed site appears as a collection of

agricultural buildings the proposal would change this to a long thin line of properties of the same design. This would bring to the fore this distant site and change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development. It is considered such a proposal would cause less than substantial harm to the character of the conservation area.

In principle there would be no objections to residential development on this site however it is considered that the pattern of development should be reconsidered. A reduced number of properties and the rearrangement of the dwellings around the existing farm house would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area.

Tees Archaeology: Thank you for the consultation on this application. The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. I therefore have no objections to this application.

The Ramblers Association: We note the changes from the outline application - demolition of the farmhouse and 4 more dwellings; will lead to increased demolition/construction traffic on the lane and more vehicular traffic in the future. We ask, should the council be minded to approve the application, that precautions be specified to prevent harm to pedestrians using the footway, along which FP Hartlepool runs, and others using the lane

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 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 3701 and that the developer should fully investigate SuDS options on site for the disposal of surface water. A reference has been made to a surface water sewer that has been adopted by the Local Authority. The applicant has been advised to contact the lead local flood authority if ground investigations preclude the use SuDs infiltration.

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 surface and foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority in consultation with Northumbrian Water and the Lead Local Flood Authority. Thereafter the development shall take place in accordance with the approved details.

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

Any drainage scheme submitted to the Local Planning Authority should be in line with the attached NWL comments.

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.

PLANNING POLICY

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

Local Policy

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

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 GEP9: Developers' Contributions
 GEP12: Trees, Hedgerows and Development
 HE1: Protection and Enhancement of Conservation Areas
 HE3: Developments in Vicinity of Conservation Areas
 Hsg5: Management of Housing Land Supply
 Hsg9: New Residential Layout
 Tra14: Access to Development Sites
 Tra16: Car Parking Standards
 Rec2: Provision for Play in New Housing Areas
 GN5: Tree Planting
 Rur1: Urban Fence
 Rur7: Development in the Countryside
 Rur12: New housing in the Countryside
 Rur18: Rights of Way

Emerging Local Plan

4.12 The emerging 206 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;

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

CC1: Minimising and adapting to Climate Change

INF2: Improving Connectivity in Hartlepool

INF4: Community Facilities

QP1: Planning Obligations

QP3: Location, Accessibility, Highway Safety and Parking

QP4: Layout and Design of Development

QP5: Safety and Security

QP6: Technical Matters

QP7: Energy Efficiency

HSG1: New Housing Provision

HSG2: Overall Housing Mix

HE1: Heritage Assets

HE3: Conservation Areas

HE7: Heritage at Risk

NE1: Natural Environment

NE2: Green Infrastructure

NE3: Green Wedges

RUR1: Development in the Rural Area

RUR2: New Dwellings Outside of Development Limits

National Policy

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

Paragraph 2: Application of planning law (development plan and material considerations)

Paragraph 6: Purpose of the planning system – creation of sustainable development

Paragraph 7: Three dimensions to sustainable development

Paragraph 13: The National Planning Policy Framework constitutes guidance

Paragraph 14: Presumption in favour of sustainable development

Paragraph 17: Core planning principles
 Paragraph 37: Minimise journey lengths
 Paragraph 47: To boost significantly the supply of housing
 Paragraph 49: Housing and the presumption in favour of sustainable development
 Paragraph 56: Design of the built environment and its contribution to sustainable development.
 Paragraph 57: High quality inclusive design
 Paragraph 60: Promotion or reinforcement of local distinctiveness
 Paragraph 61: The connections between people and places
 Paragraph 64: Improving the character and quality of an area
 Paragraph 66: Community involvement
 Paragraph 70: Delivery of social, recreational and cultural facilities
 Paragraph 72: Sufficient School Places
 Paragraph 96: Minimise energy consumption
 Paragraph 109: Contribute to and enhance the natural and local environment
 Paragraph 114: Planning positively for creation, protection, enhancement and management of networks of biodiversity and green infrastructure
 Paragraph 126: Positive strategy for the historic environment
 Paragraph 131: Viable use consistent with conservation
 Paragraph 132: Weight given to the heritage assets conservation
 Paragraph 133: Substantial harm to heritage asset
 Paragraph 134: Harm to heritage asset
 Paragraph 196: Determination in accordance with the development plan
 Paragraph 197: Presumption in favour of sustainable development
 Paragraph 203-206: Planning Conditions and Obligations
 Paragraph 215: Due weight to be given to saved policies
 Paragraph 216: due weight to be given to emerging plans

Adopted Tees Valley Minerals and Waste DPD

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

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

MWP1: Waste Audits

Planning Policy advise that a site waste management plan should be submitted as part of the application.

PLANNING CONSIDERATIONS

4.15 The main planning considerations of this application are the compliance of the proposal with national and local planning policy, (the principle of housing development, sustainability of the site, planning obligations), impact on highway and pedestrian safety, impact upon the visual amenity of the area, landscaping, impact on the amenity and privacy of existing and future neighbouring land users, ecology and nature conservation, impact on heritage assets and archaeological features, flooding and drainage and any other material planning considerations.

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

PRINCIPLE OF DEVELOPMENT

Hartlepool Local Plan (2006)

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

4.18 The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies outside of the limits to development as defined by saved Policy RUR1, although this policy is not considered to be consistent with NPPF and therefore no weight can be afforded to it.

4.19 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.

4.20 Saved Policy Rur7 which is considered consistent with NPPF, is also considered to be relevant. This policy sets out a number of criteria for development in the countryside including the requirement to deliver sustainable development through a satisfactory relationship of the development to other buildings and the visual impact on the landscape. These matters will be considered in further detail below.

Emerging Local Plan and evidence base

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

4.22 The application site is not included in any of the proposed extensions to the urban fence and so remains outside of the new limits to development that are proposed through the emerging Local Plan process.

4.23 Emerging policy RUR1 (Development in the Rural Area) seeks to draw a balance between protecting the rural area and supporting the rural economy. For

new dwellings in the rural are, the policy states that the development must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document (SPD) and be in accordance with emerging Policy RUR2. The Council's Planning Policy section has advised that 'limited weight' can be applied to emerging Policy RUR1 in the context of paragraph 216 of the NPPF (which is set out in full in the 'Policy Note' appendix and requires due 'weight' to be applied to relevant emerging plan policies).

4.24 Emerging policy RUR2 (New Dwellings Outside of Development Limits) is also considered to be relevant and 'limited weight' can be afforded to this policy (at the time of writing) and 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.

4.25 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 (set out in full below). It is considered that the proposal in this instance does not fulfil the provisions of emerging Policies RUR1 and RUR2.

4.26 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).

4.27 In addition to the above, the Council has adopted a supplementary planning document (SPD) in the form of 'New Dwellings Outside Development Limits' (2015). This requires dwellings outside the defined limits to satisfy a number of criteria. For example one of the circumstances would be that the dwelling would be required to support rural enterprise.

4.28 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. Furthermore the submission does not assert that the proposed dwellings would satisfy any of the identified exceptional circumstances in the emerging policies (as set out above).

Hartlepool Rural Neighbourhood Plan

4.29 Neither the emerging Rural Neighbourhood Plan nor the emerging Local Plan allocates the application site for housing. In this regard the two plans are considered to be consistent with one another.

Supply of deliverable housing sites

4.30 A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected

in NPPF paragraph 47 which states that to boost significantly the supply of housing, local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

4.31 NPPF paragraph 49 states: that ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.’ The NPPF states ‘To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.’ (paragraph 55).

4.32 The previous inability of the Council to demonstrate a 5 year supply of deliverable housing sites meant that, in accordance with NPPF paragraph 49, any saved policies included in the 2006 Local Plan regarding the supply of housing were not considered up-to-date. As the Council is now able to demonstrate a 5 year supply of deliverable housing sites (5.19 years), policies in the 2006 Local Plan which deal with the supply of housing need to be assessed in the context of NPPF paragraph 215 which states that ‘due weight’ should be given to relevant existing policies depending on their degree of consistency with the NPPF.

4.33 In this context, the housing requirement in the 2006 Local Plan is not up-to-date (and therefore the saved housing policies are not considered to be fully compliant with the NPPF). The Council is therefore using the housing requirement in the emerging Local Plan (which incorporates a fully objectively assessed housing need (OAN)) as the requirement against which the five year supply of deliverable housing site is assessed.

Sustainable Development

4.34 When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development. Considerable weight should be given to the fact that the authority can now demonstrate a five year housing land supply but that does not override the requirement that is set out in statute to ensure that development is sustainable. The NPPF sets out the three dimensions that form sustainable development, namely, economic, environmental and social. The three roles are mutually dependent and should not be taken in isolation (paragraph 8).

4.35 In an appeal decision within the Borough for residential development (appeal ref APP/H0724/W/15/3005751, decision dated 21st March 2016), the Planning Inspector highlighted the need to consider the strands of sustainability in the planning balance;

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

4.37 Critically, the NPPF states (paragraph 14) that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. It is not considered specific policies in the NPPF do indicate the development should be restricted. The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

4.38 Benefits

- Boost to the supply of housing (social and economic)
- The proposed development will create jobs in the construction industry and in the building supply industry (the applicant has agreed to enter into an Employment Charter, thereby securing a percentage of jobs for local people) (economic + social)
- It will potentially deliver beneficial ecological benefits (environmental)
- The application would improve accessibility by securing a contribution towards footpaths connecting the site to existing footpaths and the existing urban areas (environmental)
- It will potentially deliver beneficial highway safety mitigation impacts (environmental)
- The development would secure financial contributions towards improving recreation facilities (in the form of play facilities, playing pitches etc.), and contributions towards built sports facilities and green infrastructure creating a more sustainable community with social benefits. This can be afforded a small degree of weight in the planning balance (social and environmental)
- Potential New Homes Bonus and increased Council Tax (economic)
- The development would secure financial contributions towards the new proposed Elwick bypass and grade separated junction at the A19 (economic)

4.39 Disbenefits

- The proposal (residential development) is considered to be contrary to the saved Local Plan policies Gep1, Rur1, Rur7 and Rur12, emerging Local Plan policies RUR1 and RUR2, and those of the NPPF
- The proposal (residential development) is contrary to the emerging Rural Neighbourhood Plan, which is currently afforded limited weight
- Potential impact on heritage assets (Park Conservation Area)(environmental)
- Loss of agricultural land (environmental + economic)
- Potential highway impacts (environmental)
- It will require the removal of trees and hedgerows (environmental)
- Potential adverse ecological impacts (environmental)
- Potential impact on land of archaeological interest (environmental)

Planning Obligations

4.40 Saved Policies GEP9 and Rec2 (and emerging Local Plan policy QP1) relate to planning obligations and set out requirements for new development to contribute towards the cost of providing additional infrastructure and meeting social and

environmental requirements. Off-site provision or financial contributions instead of on site provision may be made where the Council considers that there is robust evidence that the achievement of mixed communities is better served by making provision elsewhere.

4.41 The Local Planning Authority has sought to secure planning obligations through either financial contributions or by securing the requirement/obligation for the applicant/developer to provide the facilities within proximity of the site.

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

- Play - £250 per dwelling (£3,250) should be provided and directed towards creating more/improving the play facilities at Summerhill Country Park.
- Built Sports - £250 per dwelling (£3,250) should be provided and directed towards improving the Summerhill multi-user route to the south of the park.
- Playing Pitches - A contribution of £3,032.77 (£233.29 per dwelling) should be sought towards playing pitches at English Martyrs School.
- Tennis Courts - A contribution of £741.26 (£57.02 per dwelling) should be sought for Tennis Courts at English Martyrs School.
- Bowling Greens - A contribution of £64.61 (£4.97 per dwelling) should be sought for offsite Bowling Greens.
- Green Infrastructure - £250 per dwelling (£3,250) towards improving the links from the site to the Summerhill country park.
- Primary Education Contribution of £38,445.23 towards West Park Primary School.
- Secondary Education Contribution of £25,115.66 towards English Martyrs RC Secondary School.
- Highway Contribution of £153,947.43 (£11,842.11 per dwelling) towards the Elwick bypass and grade separated junction at the A19.
- Ecology contribution of £2,600 (£200 per dwelling).

(The proposal falls below the threshold to seek an affordable housing contribution).

4.43 In accordance with paragraph 96 of the NPPF, emerging Local Plan Policies CC1 and QP7, the application should also make provision for i) energy efficiency and ii) renewable energy provisions. These matters are to be secured by separate planning conditions.

Sustainability (and Principle of Development) conclusion

4.44 The NPPF is clear that economic, social and environmental gains should be sought jointly and simultaneously through the planning system. It is rare for any development to have no adverse impacts and on balance many often fail one or more of the roles because the individual disbenefits outweigh the benefits. It is acknowledged that the proposal, taken in isolation, has its shortcomings, in particular the impacts on heritage assets (identified in the report below), it being contrary to the

emerging Local Plan and emerging Rural Neighbourhood Plan (which is currently afforded a 'limited' degree of weight).

4.45 Significant weight is required to be placed on the need to support economic growth through the planning system. The Local Planning Authority's current 'saved' policies for the supply of housing are not be considered to be in full accordance with the NPPF.

4.46 Consideration is also given to the site's location. The site is located within a short distance of local services, including shops, schools and is serviced by a local bus service. Summerhill Country Park is a short distance from the site. Whilst the previous permission which was for 9 dwellings is no longer extant, it is still a material consideration. Taking into account the considerations set out in the report, it is considered that the proposed development would, overall, positively benefit each of the threads of economic, social and environmental sustainability and would deliver sustainable development within the overall meaning of paragraphs 18-219 of the NPPF. Consequently the provisions of paragraph 14 clearly apply.

4.47 It is considered that in this instance and at the time of writing (in the context of the status of the emerging Local Plan and the emerging Rural Neighbourhood Plan, which is currently afforded limited weight), none of the concerns/impacts are so substantial that they would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. In view of the above, it is considered that on balance, the application represents a sustainable form of development and that the principle of development is therefore accepted in this instance subject to satisfying other material planning considerations as detailed below.

IMPACT ON HERITAGE ASSETS

4.48 The application site can be viewed from the Park Conservation Area, a designated heritage asset when standing on the boundary at Briarfields Allotments (some 400m away). The application site is separated from the boundary of the Conservation Area by open fields.

4.49 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. In considering the impact of development on heritage assets, the National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paragraphs 126 & 131, NPPF).

4.50 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

4.51 In considering the effect of the proposal on the significance of the area, the development is considered by HBC Heritage and Countryside Manager to impact upon an area of the Park Conservation Area when viewed from the boundary of

Briarfields Allotments. Currently the site when viewing from this position has a collection of agricultural buildings; the proposal will change this view to a long thin line of properties of the same design. It is considered that this would change the setting of the conservation area from one of open countryside and farm buildings to a more regular pattern of residential development.

4.52 The Council's Heritage and Countryside Manager considers that this proposal and scale of development, will cause 'less than substantial harm' to the significance of the Park Conservation Area.

4.53 The Council's Heritage and Countryside Manager considers that residential development could be accommodated within this site if the scale and setting of proposed dwellings were amended. If the existing farm house were to be retained and number of properties reduced and repositioned this would minimise the impact on the conservation area and produce the type of development which would be expected to be viewed in this location and therefore more appropriate to the setting of the area. The agent has indicated that they wish the scheme to be considered as submitted.

4.54 It is acknowledged that the proposal will cause 'less than substantial harm' within this part of the conservation area. However in accordance with the provisions of the NPPF (para. 134), it is considered that the degree of harm will be off-set by the public benefits that will be derived from the scheme; this will include a financial contribution towards a key new element of strategic infrastructure proposed by way of a bypass to the north of Elwick Village along with a new grade separated junction on the A19 which will create a third high quality and safe access from the A19 into Hartlepool.

4.55 Overall, it is considered that the proposal will not result in an unacceptable impact upon the Conservation Area as to warrant a refusal in view of the identified public benefits which will result from the development.

DESIGN/IMPACT ON THE CHARACTER AND APPEARANCE ON THE AREA

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

4.57 The area is characterised as a rural setting, with allotments opposite the site, and Catcote School and English Martyrs beyond. A road lead up passed the site to Summerhill Country Park. Whilst there will be a loss of trees and hedges, this can be replaced and controlled by condition.

4.58 Overall it is considered that the development can be brought forward that would not have a significant detrimental impact on the rural character and appearance of the area. It is further considered that the proposal would not result in an over development of the site. In view of the setting of the site, it is considered necessary to control through a number of planning conditions; i) details of ground and finished floor levels and ii) landscaping enhancement, a view supported by the Council's Arboricultural Officer.

4.59 Subject to these conditions, it is considered that the proposed development would not result in an adverse loss of visual amenity or adversely affect the character and appearance of the surrounding area or introduce an isolated form of development within the open countryside. The proposal is therefore considered to be in accordance with the provisions of the NPPF and the relevant saved and emerging Local Plan policies.

IMPACT ON HIGHWAY AND PEDESTRIAN SAFETY

4.60 The Council's Traffic and Transport section have been consulted and raise no objection to the proposal. Drive crossings will be required to be constructed in accordance with the HBC Design Guide and Specification and be installed by a NRASWA accredited contractor. In order for gain pedestrian access dropped kerbs and hard standing should be provided on the verge opposite to enable pedestrian access to the footway. This can be controlled by condition.

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

4.62 Subject to the appropriate planning conditions, the Council's Traffic and Transport section consider that the scheme will not result in an adverse impact on highway and pedestrian safety.

LANDSCAPING

4.63 Whilst there were initial concerns with regard to the removal of trees and hedgerow to accommodate the development, there are drains along the existing tree line which will create problems and would therefore need to be removed. The Council's Arboricultural Officer raises no objection to the removal of the trees and hedgerow providing a substantial landscaping scheme be provided and tree protection measures be given to the retained trees/hedgerows. These can be controlled by condition.

4.64 In view of the above considerations, the development is considered to be acceptable in this respect.

ECOLOGY AND NATURE CONSERVATION

4.65 The application has been considered by the Council's Ecologist. The application site is deemed to be within or in close proximity to a European designated site and therefore has the potential to affect its interest features.

4.66 In considering the European site interest, the local authority, as a competent authority under the provisions of the Habitats and Species Regulations 2010 must consider any potential impacts that a proposal may have and has therefore undertaken a stage 1 Screening Assessment (Habitat Regulations Assessment).

4.67 The Appropriate Assessment (AA) undertaken by the local authority (as the competent authority) has been considered by Natural England who, as a statutory consultee in this process, has raised no objection to the AA on the basis that it concludes that the proposal will not result in adverse effects on the integrity of any of the sites in question. Having considered the assessment, and the measures proposed to mitigate for all identified adverse effects that could potentially occur as a result of the proposal, Natural England concurs with the assessment's conclusions, providing that all mitigation measures are appropriately secured. The mitigation measures in question relate to the provision of a financial contribution to be used to fully, or partly, finance measures to protect the interest features of the Teesmouth and Cleveland Coast SPA/ Ramsar.

4.68 These measures would be secured by a planning obligation within a section 106 legal agreement.

4.69 With regard to any impact on protected species, a Bat Survey Report was submitted with the application; the Council's Ecologist is satisfied that there will be no impact upon protected species. However the proposed development will provide an opportunity to create suitable, long term bat and bird roosting and nesting opportunities and recommends condition(s) to provide permanent bat/bird roost brick within each of the new dwellings. Subject to the above referenced biodiversity enhancement measures being secured through planning conditions and a planning obligation in the s106 legal agreement, the proposal is not considered to result in an adverse impact on protected species or designated sites, and is considered to be acceptable in ecological terms in this instance and therefore accords with the provisions of the NPPF.

AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

4.70 There are no immediate neighbours to the application site. The nearest property is the caretaker's property within the grounds of Catcote School which is some 80m away. There are other residential properties at the rear of the site, but again these are some distance from the site to have any significant impact.

4.71 The properties are set in a linear setting with the main frontage of the properties facing onto the Summerhill Lane. They are set back from the highway with off street parking being provided within the curtilage of each plot, each property will have a rear garden space which looks out onto open fields. The properties are to be separated approximately 3m between side gables. There are no main windows in the gables which will create any significant overlooking issues for each of the dwellings within the plots. There is adequate spacing provided for future occupiers of the proposed dwellings. Therefore it is considered that an acceptable level of amenity and amenity space will be provided for the dwellings within the development.

4.72 It is not considered that the additional disturbance arising from existing traffic or that associated with the development, either alone or in combination with the existing and proposed housing and other developments in the area would have a significant impact on the amenity of existing (and proposed) neighbouring residents, a view that is supported by the Council's Public Protection team who have raised no objections to the application. Planning conditions relating to a construction management plan and a condition limiting hours of construction/deliveries can be secured accordingly.

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

FLOODING AND DRAINAGE

4.74 The Council's Principal Engineer raised concerns with the details provided relating to the drainage, following discussion with the agent further information was provided. Following discussions relating to the surface water and discharge rates it is concluded that detailed designs will be required to fully satisfy his comments and therefore recommends planning conditions relating to details of surface water drainage to ensure that surface water can be adequately discharged without passing on a flood risk elsewhere.

4.75 Northumbrian Water has also request that details of both surface water and foul sewerage be secured by appropriate planning conditions and have provided

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

ARCHAEOLOGY

4.77 The developer has provided an archaeological report on the standing buildings at Southbrooke Farm and an evaluation of the archaeological potential of the site carried out by trial trenching. This has demonstrated that the buildings are of no archaeological or architectural significance, and that the archaeological potential of the site is low. Therefore there are no archeological concerns..

OTHER PLANNING MATTERS

Waste

4.78 In accordance with the requirements of Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document (2011), a planning condition can ensure that a site specific waste audit is provided to 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.

Education

4.79 As indicated above, the development would secure through a planning obligation, a contribution towards both primary and secondary education in the main

urban area of Hartlepool. The scheme is therefore considered to be acceptable in this respect

Agricultural land

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

Contaminated land

4.81 The Council's Principal Engineer has requested that further site investigation works into contaminated land are secured by an appropriate planning condition.

Public Right of way

4.82 There is a public footpath that runs the length of Summerhill Lane. As detailed above a planning obligation will secure contributions towards Green Infrastructure to improve the site connectivity and to ensure a sustainable form of development. The contribution can be secured by a planning obligation which the applicant is agreeable to.

4.83 HBC Traffic and Transport have requested that dropped kerbs and hard standing should be provided on the verge opposite to provide pedestrian access to the footway, this can be secured by condition. It is considered that the scheme is acceptable in this respect.

PLANNING BALANCE AND OVERALL CONCLUSION

4.84 The development is an unallocated site located outside of the established development limits of the adopted Local Plan and emerging Local Plan and as such development would normally be resisted unless material considerations indicate otherwise having regard to the development plan. It is acknowledged that the site previously benefited from an outline approval which has expired. The development is not considered to result in an incongruous form of development for the reasons detailed within the main report.

4.85 Whilst the LPA is now able to demonstrate a 5 year supply (5.19 years), the Council's housing policies are not considered to be in full compliance with the NPPF and (limited) weight is now being afforded to the housing policies within the emerging Local Plan. Applications are also to be considered in the context of the presumption in favour of sustainable development.

4.86 It is not considered that specific policies in the NPPF indicate the development should be restricted. It is considered that there are important material benefits arising from the proposed development and that there are no adverse impacts that would significantly or demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Consequently in a situation where

some of the local plan housing policies are not up to date/or fully compliant with the NPPF, any harm to the local plan as a whole is outweighed.

4.87 It is considered that on balance, the scheme is considered to be acceptable in respect of other material considerations for the reasons set out above.

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

EQUALITY AND DIVERSITY CONSIDERATIONS

4.89 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.90 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

4.91 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 completion of a legal agreement securing contributions towards play facilities (£3,250), built sports (£3,250), playing pitches (£3,032.77), tennis courts (£741.26), bowling greens (£64.61), green infrastructure (£3,250), primary school education (£38,445.23), secondary school education (£25,115.66), highway contribution (£153,947.43) and ecology contribution (£2,600) and 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 Dwg No(s)
 - KD275-GF008 (house type A ground floor plan)
 - KD275-SF001 (house type A second floor plan)
 - KD275-FF006 (house type A first floor plan)
 - KD275-EL007 (house type A elevation)
 - KD275-EL001 (house type B elevation)
 - KD275-FF001 (house type B first floor plan)
 - KD275-GF001 (house type B ground floor plan)
 - KD275-EL004A (house type C elevation)
 - KD275-FF003A (house type C first floor plan)
 - KD275-GF001 (house type C ground floor plan)
 - KD275-EL001 (house type D elevation)
 - KD275-FF001 (house type D first floor plan)

KD275-GF002 (house type D ground floor plan)
 KD275-EL004A (house type E elevation)
 KD275-FF003A (house type E first floor plan)
 KD275-GF002 (house type E ground floor plan)
 KD275-EL008 (house type F elevation)
 KD275-FF001 (house type F first floor plan)
 KD275-GF003 (house type F ground floor plan)
 KD275-EL006A (house type G elevation)
 KD275-FF003A (house type G first floor plan)
 KD275-GF003A (house type G ground floor plan)
 KD275-EL001 (house type H elevation)
 KD275-FF001 (house type H first floor plan)
 KD275-GF004A (house type H ground floor plan)
 KD275-GF004A (house type I ground floor plan)
 KD275-EL006/1 (house type I elevation)
 KD275-FF003A (house type I first floor plan)
 KD275-EL002 (house type J elevation)
 KD275-FF001 (house type J first floor plan)
 KD275-GF005 (house type J ground floor plan)
 KD275-EL009 (house type K elevation)
 KD275-FF005A (house type K first floor plan)
 KD275-GF006 (house type K ground floor plan)
 KD275-EL010 (house type L elevation)
 KD275-FF002 (house type L first floor plan)
 KD275-GF007 (house type L ground floor plan)
 KD275-EL003A (house type M elevation)
 KD275-FF004 (house type M first floor plan)
 KD275-GF007 (house type M ground floor plan) received by the Local Planning Authority on the 6 February 2017.

For the avoidance of doubt.

3. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
4. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
5. Notwithstanding the submitted information a detailed scheme of landscaping and tree, hedge and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interest of visual amenity and biodiversity
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the

building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

7. No development shall take place until a scheme for the protection during construction works of all trees and hedges to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of the health and appearance of the preserved tree(s).

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.

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

9. 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.

10. 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

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

16. 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 south side of Summerhill Lane 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.

In the interests of highway safety.

17. 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 the site is developed in a satisfactory manner.

18. 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.

19. 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.

20. 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.

21. 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 visual amenity of the area and highway safety.
22. No development shall take place until a scheme for the provision of bat and bird roosting features to be incorporated within each dwelling, including a timetable for provision, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall thereafter be implemented in accordance with the details and timetable so approved.
In the interests of biodiversity compensation and to accord with the provisions of the NPPF.
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any other revoking or re-enacting that Order with or without modification), no garage(s) shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
25. Wild birds and their nests are protected by the Wildlife & Countryside Act (1981) as amended. It is an offence to damage or destroy the nest of a wild bird whilst it is being built or in use. Demolition of the existing buildings and removal of vegetation/trees/hedges should therefore take place outside of the bird breeding season. The breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.
An exception to this timing restriction could be made if the site is first checked within 48 hours prior to the relevant works taking place by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.
In the interests of breeding birds

26. 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.

BACKGROUND PAPERS

4.92 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

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

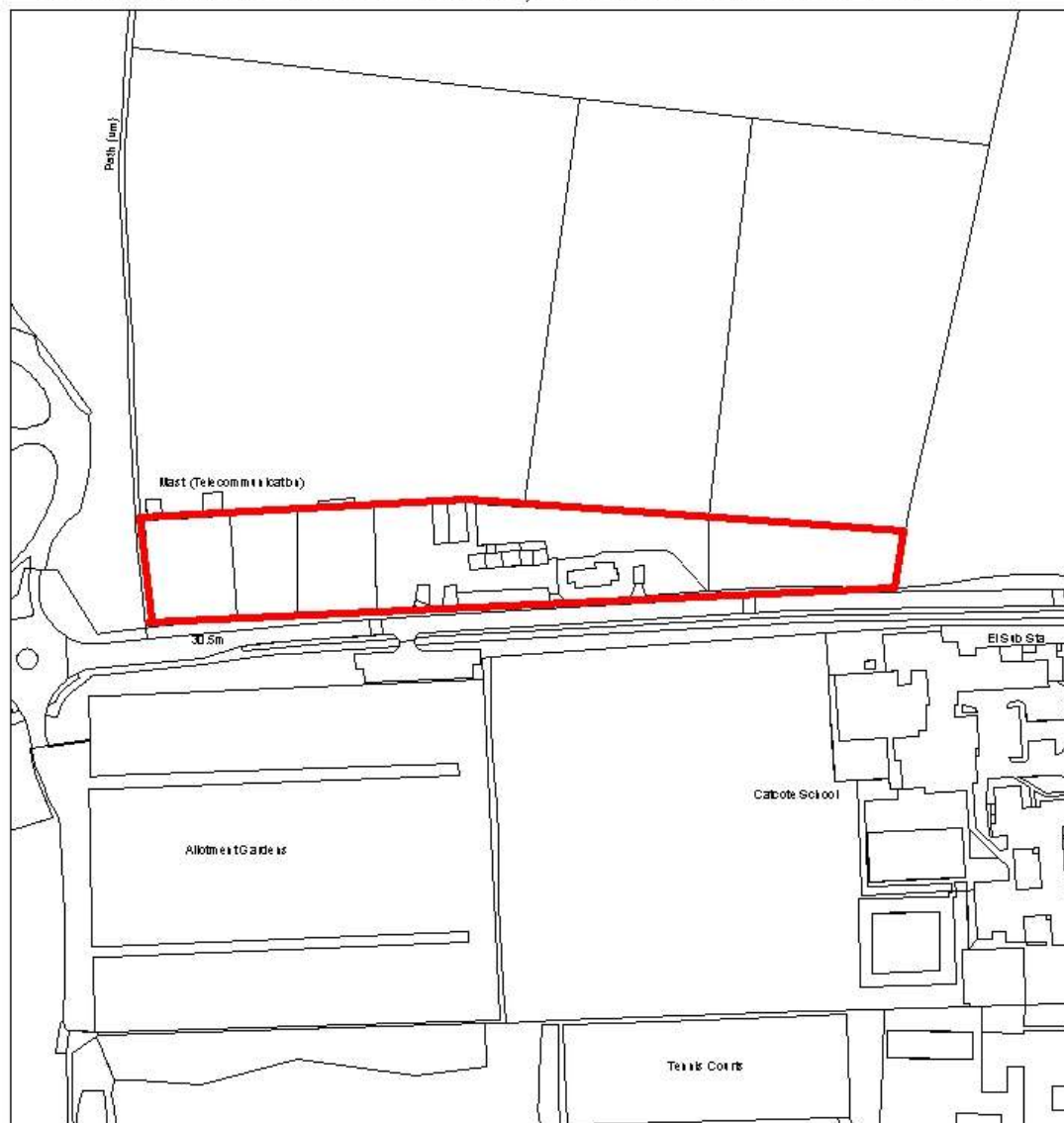
Tel: (01429) 523596
E-mail: andrew.carter@hartlepool.gov.uk

AUTHOR

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

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

SOUTHBROOKE FARM, SUMMERHILL LANE



Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/08/17
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0054	REV

No: 5
Number: H/2017/0385
Applicant: MS L WESTMORELAND 10 ROSTHWAITE CLOSE
 HARTLEPOOL TS24 8RE
Agent: MS L WESTMORELAND 10 ROSTHWAITE CLOSE
 HARTLEPOOL TS24 8RE
Date valid: 14/07/2017
Development: Erection of fence/gate at front of property (retrospective application)
Location: 10 ROSTHWAITE CLOSE HARTLEPOOL
 HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

5.2 This property has been the subject of the following planning approval which is considered relevant to the consideration of this application:-

5.3 HFUL/1991/0539 – Erection of 226 dwellings (including this property) – Approved 21st April 1993. Condition 7 of this approval withdrew the normal ‘permitted development’ rights that would otherwise allow for the erection of walls/fences in between the front of the dwellings and the highway.

PROPOSAL

5.4 A boundary fence and gate have been erected around the front garden of the property but without the necessary planning permission. This application has therefore been submitted with a view to obtaining retrospective approval for the development. Whilst the fence and gate do not exceed one metre in height, planning permission is required in this instance because ‘permitted development’ rights, that would normally allow a one metre high fence, wall or gate to be constructed without the need for a formal application, were removed when planning permission was granted for the construction of this property (see ‘Background’ section above).

5.5 The applicant has submitted a letter in support of their application in which they state:-

- a) that the fence is required in order to prevent dogs fouling their front garden, the deposition of litter and used drugs paraphernalia in that area, people walking and riding bikes across their front lawn and playing on it, damage to their property, anti-social behaviour and loss of privacy,

- b) that they have tried to plant a hedge around the front garden instead of a fence but this would not flourish in this environment,
- c) that there are other similar examples of walls and fences in the locality some of which have been there for several years. These set a precedent for development of this nature.
- d) that their health has improved following the erection of the fence.

SITE CONTEXT

5.6 10 Rosthwaite Close is a mid-terraced house constructed of a combination of brown brick and cream rendered blockwork, for the external walls, under a red concrete tile roof. It is located approximately 40 metres north east of the junction of Rosthwaite Close and Stonethwaite Close in an area of residential development which is an open plan estate.

PUBLICITY

5.7 Neighbour letters have been sent to two of the neighbouring properties. Two responses have since been received. One of the respondents supports the retention of the fence, the other raises no objections to it remaining.

5.8 The period for publicity expired on 11th August 2017.

5.9 Copy Letters **D**

CONSULTATIONS

5.10 The following consultation reply has been received:

HBC Traffic and Transport:- No objections

PLANNING POLICY

5.11 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

5.12 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

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

QP4 – Layout and Design of Development

National Policy

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

Paragraph 17 - High Quality Design

Paragraph 56 – Good Design

Paragraph 60 - Promoting Distinctiveness

Paragraph 64 - Refusing Poor Design

Paragraph 66 – Working with those affected

PLANNING CONSIDERATIONS

5.15 The main issue for consideration in this instance is the appropriateness of the development in terms of the policies and proposals held within the Development Plan. In this instance the key issues are considered to be visual amenity, the amenity of neighbouring properties and highway safety.

VISUAL AMENITY ISSUES

5.16 The fence and gate are not unduly high, standing less than one metre in height. However, they occupy very prominent positions in the street scene, fully visible from Rosthwaite Close (which is predominantly open plan in nature) and they are not considered to be especially well designed comprising vertical timber planks with a timber rail on top. In view of this, and given that the fence and gate wholly enclose the front garden of the property in an area of largely ‘open plan’ residential development, it is considered that collectively they unduly detract from the openness, character and appearance of the locality.

5.17 In coming to this view, consideration has been given to the fact that fences of a similar height and design have been constructed around the front gardens of 12, 48, 52 and 56 Rosthwaite Close, properties that stand next to/directly opposite the application site. However, those erected at 48 and 56 are deemed to be exempt from planning enforcement action terms because of the length of time that they have been

'in situ' (understood to be more than 10 years) and those at 12 and 52 are unauthorised and currently the subject of undetermined planning applications. With this in mind it is considered that these fences do not set a precedent for allowing the retention of a further similar fence in this location.

AMENITY ISSUES

5.18 The fence and gate 'sit' wholly below the neighbouring windows and do not therefore adversely affect the level of light that those windows currently receive. For this reason it is also contended that they do not appear unduly overbearing when viewed from the neighbouring properties.

HIGHWAY SAFETY ISSUES

5.19 It is contended that the fence and gate are not giving rise to any undue highway safety concerns. They do not affect the visibility of vehicles using the adjoining highway (Rosthwaite Close) nor do they impede the flow of pedestrians using the adjoining pavement. The scheme has been assessed by the Council's Traffic and Transport Service who raise no objections.

Conclusion

5.20 The development is considered to be unacceptable for the visual amenity reasons given above, and that the application is refused for those reasons.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.22 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. However, there are no Section 17 implications in this instance.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason:-

- 1 In the opinion of the Local Planning Authority the fence and gate, because of their collective design and prominent position, unduly detract from the predominantly open plan character and appearance of the immediate surrounding area. The development is therefore considered to be contrary to the provisions of saved policies GEP1 of the Hartlepool Local Plan, policy QP4 of the emerging Hartlepool Local Plan, and paragraph 17 of the National

Planning Policy Framework which states that all new developments should be of high quality design.

BACKGROUND PAPERS

5.24 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

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

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

AUTHOR

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

Tel: 01429 523273
E-mail: ian.lunn@hartlepool.gov.uk

10 ROSTHWAITE CLOSE

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/08/17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0385	REV

No: 6
Number: H/2017/0375
Applicant: MR LEE WELLS ROSTHWAITE CLOSE HARTLEPOOL
TS24 8RE
Agent: MR LEE WELLS 12 ROSTHWAITE CLOSE
HARTLEPOOL TS24 8RE
Date valid: 11/07/2017
Development: Retention of boundary fence and gate at front
(Retrospective)
Location: 12 ROSTHWAITE CLOSE HARTLEPOOL

PURPOSE OF REPORT

6.1 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

6.2 This property has been the subject of the following planning approval which is considered relevant to the consideration of this application:-

6.3 HFUL/1991/0539 – Erection of 226 dwellings (including this property) – Approved 21st April 1993. Condition 7 of this approval withdrew the normal ‘permitted development’ rights that would otherwise allow for the erection of walls/fences in between the front of the dwellings and the highway.

PROPOSAL

6.4 A boundary fence and gate have been erected around the front garden of the property but without the necessary planning permission. This application has therefore been submitted with a view to obtaining retrospective approval for the development. Whilst the fence and gate do not exceed one metre in height, planning permission is required in this instance because ‘permitted development’ rights, that would normally allow a one metre high fence, wall or gate, to be constructed without the need for a formal application, were removed when planning permission was granted for the construction of this property (see ‘Background’ section above).

6.5 The applicant has submitted a letter in support of their application in which they state:-

- e) that the fence is required in order to prevent dogs fouling their front garden, the deposition of litter and used drug paraphernalia in that area, people walking and riding bikes across their front lawn and playing on it, and damage to their property,

- f) that there are other examples of walls and fences in the locality some of which have been there for several years. These set a precedent for development of this nature.

SITE CONTEXT

6.6 12 Rosthwaite Close is a mid-terraced house constructed of a combination of brown brick and brown rendered blockwork, for the external walls, under a red concrete tile roof. It is located approximately 40 metres north east of the junction of Rosthwaite Close and Stonethwaite Close in an area of residential development which is an open plan estate.

PUBLICITY

6.7 Neighbour letters have been sent to two of the neighbouring properties. Two responses have since been received. One of the respondents supports the retention of the fence, the other raises no objections to it remaining.

6.8 The period for publicity expired on 8th August 2017.

6.9 Copy Letters E

CONSULTATIONS

6.10 The following consultation reply has been received:

HBC Traffic and Transport:- No objections

PLANNING POLICY

6.11 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

6.12 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

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

QP4 – Layout and Design of Development

National Policy

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

Paragraph 17 - High Quality Design

Paragraph 56 – Good Design

Paragraph 60 - Promoting Distinctiveness

Paragraph 64 - Refusing Poor Design

Paragraph 66 – Working with those affected

PLANNING CONSIDERATIONS

6.15 The main issue for consideration in this instance is the appropriateness of the development in terms of the policies and proposals held within the Development Plan. In this instance the key issues are considered to be visual amenity, the amenity of neighbouring properties and highway safety.

VISUAL AMENITY ISSUES

6.16 The fence and gate are not unduly high, standing less than one metre in height. However, they occupy very prominent positions in the street scene, fully visible from Rosthwaite Close (which is predominantly open plan in nature) and they are not considered to be especially well designed comprising vertical timber planks with a timber rail on top. In view of this, and given that the fence and gate wholly enclose the front garden of the property in an area of largely 'open plan' residential development, it is considered that collectively they unduly detract from the openness, character and appearance of the locality.

6.17 In coming to this view, consideration has been given to the fact that fences of a similar height and design have been constructed around the front gardens of 10, 48, 52 and 56 Rosthwaite Close, properties that stand next to/directly opposite the application site. However, those erected at 48 and 56 are deemed to be exempt from planning enforcement action because of the length of time that they have been 'in situ' (understood to be more than ten years) and those at 10 and 52 are

unauthorised and currently the subject of undetermined planning applications. With this in mind it is considered that these fences do not set a precedent for allowing the retention of a further similar fence in this location.

AMENITY ISSUES

6.18 The fence and gate 'sit' wholly below the neighbouring windows and do not therefore adversely affect the level of light that those windows currently receive. For this reason it is also contended that they do not appear unduly overbearing when viewed from the neighbouring properties.

HIGHWAY SAFETY ISSUES

6.19 It is contended that the fence and gate are not giving rise to any undue highway safety concerns. They do not affect the visibility of vehicles using the adjoining highway (Rosthwaite Close) nor do they impede the flow of pedestrians using the adjoining pavement. The scheme has been assessed by the Council's Traffic and Transport Service who raise no objections.

Conclusion

6.20 The development is considered to be unacceptable for the visual amenity reasons given above, and that the application is refused for those reasons

EQUALITY AND DIVERSITY CONSIDERATIONS

6.21 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

6.22 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. However, there are no Section 17 implications in this instance.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE for the following reason:-

1. In the opinion of the Local Planning Authority the fence and gate, because of their collective design and prominent position, unduly detract from the predominantly open plan character and appearance of the immediate surrounding area. The development is therefore considered to be contrary to the provisions of saved policies GEP1 of the Hartlepool Local Plan, policy QP4 of the emerging Hartlepool Local Plan, and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design.

BACKGROUND PAPERS

6.24 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

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

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

AUTHOR

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

Tel: 01429 523273
E-mail: ian.lunn@hartlepool.gov.uk

12 ROSTHWAITE CLOSE

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/08/17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0375	REV

No: 7
Number: H/2017/0388
Applicant: MR G LITHGO WASDALE CLOSE HARTLEPOOL TS24 8RF
Agent: MR G LITHGO 30 WASDALE CLOSE HARTLEPOOL TS24 8RF
Date valid: 12/07/2017
Development: Erection of boundary fence at front (retrospective application)
Location: 30 WASDALE CLOSE HARTLEPOOL

PURPOSE OF REPORT

7.1 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

7.2 This property has been the subject of the following planning approval which is considered relevant to the consideration of this application:-

7.3 HFUL/1991/0539 – Erection of 226 dwellings (including this property) – Approved 21st April 1993. Condition 7 of this approval withdrew the normal ‘permitted development’ rights that would otherwise allow for the erection of walls/fences in between the front of the dwellings and the highway.

PROPOSAL

7.4 A fence has been erected within the front garden of the property along the boundary with 32 Wasdale Close but without the necessary planning permission. This application has therefore been submitted with a view to obtaining retrospective approval for the development. Whilst the fence does not exceed one metre in height, planning permission is required in this instance because ‘permitted development’ rights, that would normally allow a one metre high fence, wall or gate to be constructed without the need for a formal application, were removed when planning permission was granted for the construction of this property.

7.5 The applicant has indicated that the fence is required in order to prevent people driving across their lawn when it snows.

SITE CONTEXT

7.6 30 Wasdale Close is a semi-detached house constructed of brown brick, for the external walls, under a red concrete pantile roof. It is located approximately 35 metres east of the junction of Rosthwaite Close and Wasdale Close in an area of residential development which is an open plan estate.

PUBLICITY

7.7 Neighbour letters have been sent to five of the neighbouring properties. No responses have since been received. The publicity period expired on 9th August 2017.

CONSULTATIONS

7.8 The following consultation reply has been received:

HBC Traffic and Transport:- No objections

PLANNING POLICY

7.9 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

7.10 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

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

QP4 – Layout and Design of Development

National Policy

7.12 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 17 - High Quality Design
- Paragraph 56 – Good Design
- Paragraph 60 - Promoting Distinctiveness
- Paragraph 64 - Refusing Poor Design
- Paragraph 66 – Working with those affected

PLANNING CONSIDERATIONS

7.13 The main issue for consideration in this instance is the appropriateness of the development in terms of the policies and proposals held within the Development Plan. In this instance the key issues are considered to be visual amenity, the amenity of neighbouring properties and highway safety.

VISUAL AMENITY ISSUES

7.14 The fence is not unduly high, standing less than one metre in height. However, it occupies a very prominent position in the street scene, fully visible from Wasdale Close (which is predominantly open plan in nature) and it is not considered to be especially well designed comprising vertical timber planks set in a line. In view of this, and given its location in an area of largely ‘open plan’ residential development, it is considered that it unduly detracts from the openness, character and appearance of the locality.

7.15 In coming to this view, consideration has been given to the fact that fences of a similar height and design have been constructed around the front gardens of 10, 12, 48, 52 and 56 Rosthwaite Close, properties that lie in the vicinity of the application site. However, those erected at 48 and 56 are deemed to be exempt from planning enforcement action because of the length of time that they have been ‘in situ’ (understood to be more than ten years) and those at 10, 12 and 52 are unauthorised and currently the subject of undetermined planning applications. With this in mind it is considered that these fences do not set a precedent for allowing the retention of a further similar fence in this location.

AMENITY ISSUES

7.16 The fence ‘sits’ wholly below the neighbouring windows and does not therefore adversely affect the level of light that those windows currently receive. For this reason it is also contended that it does not appear unduly overbearing when viewed from the neighbouring properties.

HIGHWAY SAFETY ISSUES

7.17 It is contended that the fence is not giving rise to any undue highway safety concerns. It does not affect the visibility of vehicles using the adjoining highway (Wasdale Close) nor does it impede the flow of pedestrians using the adjoining pavement. The scheme has been assessed by the Council’s Traffic and Transport Service who raise no objections.

Conclusion

7.18 The development is considered to be unacceptable for the visual amenity reasons given above, and that the application is refused for those reasons.

EQUALITY AND DIVERSITY CONSIDERATIONS

7.19 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

7.20 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. However, there are no Section 17 implications in this instance.

REASON FOR DECISION

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

RECOMMENDATION - REFUSE for the following reason:-

- 1 In the opinion of the Local Planning Authority the fence, because of its design and prominent position, unduly detracts from the predominantly open plan character and appearance of the immediate surrounding area. The development is therefore considered to be contrary to the provisions of saved policies GEP1 of the Hartlepool Local Plan, policy QP4 of the emerging Hartlepool Local Plan, and paragraph 17 of the National Planning Policy Framework which states that all new developments should be of high quality design.

BACKGROUND PAPERS

7.22 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

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

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

AUTHOR

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

Tel: 01429 523273
E-mail: ian.lunn@hartlepool.gov.uk

30 WASDALE CLOSE

Copyright Reserved Licence LA09057L

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 21/08/17
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0388	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.

GN5 (Tree Planting) - Seeks additional tree and woodland planting in this area through the use of planning conditions and obligations.

HE1 (Protection and Enhancement of Conservation Areas) - States that development will only be approved where it can be demonstrated that the development will preserve or enhance the character or appearance of the

Conservation Area and does not adversely affect amenity. Matters taken into account include the details of the development in relation to the character of the area, the retention of landscape and building features and the design of car parking provision. Full details should be submitted and regard had to adopted guidelines and village design statements as appropriate.

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

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.

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

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

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

Rur7 (Development in the Countryside) - Sets out the criteria for the approval of planning permissions in the open countryside including the development's relationship to other buildings, its visual impact, its design and use of

traditional or sympathetic materials, the operational requirements agriculture and forestry and viability of a farm enterprise, proximity to intensive livestock units, and the adequacy of the road network and of sewage disposal. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

Rur16 (Recreation in the Countryside) - States that proposals for outdoor recreational developments in rural areas will only be permitted if the open nature of the landscape is retained, the best agricultural land is protected from irreversible development, there are no new access points to the main roads, the local road network is adequate, the amount of new building is limited and appropriately designed, sited and landscaped, there is no disturbance to nearby occupiers, countryside users or nature conservation interest and adequate car parking can be provided. Within the Tees Forest area, planning conditions and obligations may be used to ensure planting of trees and hedgerows where appropriate.

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

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

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.

Tra14 (Access to Development Sites) - Identifies the primary access point to this development.

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.

WL7 (Protection of SNCIs, RIGSS and Ancient Semi-Natural Woodland) - States that development likely to have a significant adverse affect on locally declared nature conservation, geological sites or ancient semi-natural woodland (except those allocated for another use) will not be permitted unless the reasons for the development clearly outweigh the particular interest of the site. Where development is approved, planning conditions and obligations may be used to minimise harm to the site, enhance remaining nature conservation interest and secure ensure any compensatory measures and site management that may be required.

MINERALS & WASTE DPD 2011

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

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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.

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

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

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

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

- be genuinely plan-led, empowering local people to shape their surrounding, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. Plans should be kept up-to-date, and be based on joint working and co-operation to address larger than local issues. They should provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency;
- not simply be about scrutiny, but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth. Plans should take account of market signals,

such as land prices and housing affordability, and set out a clear strategy for allocating sufficient land which is suitable for development in their area, taking account of the needs of the residential and business communities;

- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;
- support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change, and encourage the reuse of existing resources, including conversion of existing buildings, and encourage the use of renewable resources (for example, by the development of renewable energy);
- contribute to conserving and enhancing the natural environment and reducing pollution. Allocations of land for development should prefer land of lesser environmental value, where consistent with other policies in the framework;
- encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions (such as for wildlife, recreation, flood risk mitigation, carbon storage, or food production);
- conserve heritage assets in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of this and future generations;
- actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable; and
- take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.

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

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

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;
- identify and update annually a supply of specific deliverable¹¹ sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;
- identify a supply of specific, developable¹² sites or broad locations for growth, for years 6-10 and, where possible, for years 11-15;
- for market and affordable housing, illustrate the expected rate of housing delivery through a housing trajectory for the plan period and set out a housing implementation strategy for the full range of housing describing how they will maintain delivery of a five-year supply of housing land to meet their housing target; and
- set out their own approach to housing density to reflect local circumstances.

48. Local planning authorities may make an allowance for windfall sites in the five-year supply if they have compelling evidence that such sites have consistently become available in the local area and will continue to provide a reliable source of supply. Any allowance should be realistic having regard to the Strategic Housing Land Availability Assessment, historic windfall delivery rates and expected future trends, and should not include residential gardens.

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.

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

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

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

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

70. To deliver the social, recreational and cultural facilities and services the community needs decisions should:

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural

buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;

- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

72. The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted.

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

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

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

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

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.

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

- protecting and enhancing valued landscapes, geological conservation interests and soils;
- recognising the wider benefits of ecosystem services;

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

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

114. Local planning authorities should:

- set out a strategic approach in their Local Plans, planning positively for the creation, protection, enhancement and management of networks of biodiversity and green infrastructure; and
- maintain the character of the undeveloped coast, protecting and enhancing its distinctive landscapes, particularly in areas defined as Heritage Coast, and improve public access to and enjoyment of the coast.

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.

130. Where there is evidence of deliberate neglect of or damage to a heritage asset the deteriorated state of the heritage asset should not be taken into account in any decision.

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.

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

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

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

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

215. In other cases and following this 12-month period, due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

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

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

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

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

Policy LS1: Locational Strategy

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

Policy CC1: Minimising and adapting to Climate Change

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

Policy CC2: Reducing and Mitigating Flood Risk

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

Policy CC3: Renewable and Low Carbon Energy Generation

CC3: Proposals for the generation of energy from renewable and low carbon sources, including micro-renewable projects, will be supported to contribute toward the achievement of targets for renewable energy and reduction of CO₂ emissions. In determining applications for energy generation from renewable and low carbon sources, significant weight will be given to the achievement of wider environmental and economic benefits. The policy details specific criteria for proposals to satisfactorily address in order to be acceptable and mitigate any adverse effects on the amenities of occupiers of nearby properties during the construction, operational lifespan, and decommissioning of equipment and/or infrastructure. Where appropriate, developers will need to include a satisfactory scheme to restore the site to a quality of at least its original condition when the development has reached the end of its operational life, including addressing any resultant land contamination issues.

Policy QP1: Planning Obligations

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

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

Policy QP3: Location, Accessibility, Highway Safety and Parking

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

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

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

Policy QP4: Layout and Design of Development

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

Policy QP5: Safety and Security

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

Policy QP6: Technical Matters

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

Policy QP7: Energy Efficiency

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

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

3) Incorporate sustainable construction and drainage methods.

If by virtue of the nature of the development it is not possible to satisfy the above criteria then an attempt must be made to improve the fabric of the building 10% above what is required by the most up to date Building Regulations (Not the Building Regulations applicable at the time of submitting the initial building notice).

Policy HSG1: New Housing Provision

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

Policy HSG2: Overall Housing Mix

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

Policy 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 NE1: Natural Environment

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

PLANNING COMMITTEE

6 September 2017



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: APPEAL AT 1 MILL TERRACE, GREATHAM, HARTLEPOOL
APPEAL REF: APP/H0724/D/17/3172862
Erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide room in roof space (resubmitted application) (H/2016/0544)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide room in roof space.

The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds that it was considered in the opinion of the Local Planning Authority the proposal would cause less than substantial harm to the Greatham Conservation Area, a designated heritage asset, due to the massing and design of the proposed rear dormer windows. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 132 and 134 of the NPPF. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
Assistant Director Economic Growth & Regeneration
Level 3
Civic Centre

Hartlepool
TS24 8AY

Tel: (01429) 284271

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

4. AUTHOR

4.1 Ian Lunn
Planning Officer (Development Control)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 523433

E-mail: ian.lunn@hartlepool.gov.uk

DELEGATED REPORT

Application No H/2016/0544

Proposal Erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide room in roof space (resubmitted application)

Location 1 MILL TERRACE GREATHAM HARTLEPOOL

PS Code: 21

DELEGATION ISSUES	Neighbour letters:	03/02/2017
	Site notice:	07/02/2017
1) Publicity Expiry	Advert:	08/02/2017
	Weekly list:	15/01/2017
	Expiry date:	09/02/2017
	Extended date:	09/03/2017
<p>2) Publicity/Consultations</p> <p>The application has been advertised by way of neighbour letters (10), site notice and press advert. No objections or concerns have been received.</p> <p>HBC Traffic & Transport – There are no highway or traffic concerns.</p> <p>HBC Conservation - The application site is located in Greatham Conservation Area and is to the rear of a locally listed building (Gray Memorial Hall Wesleyan School, High Street).</p> <p>The proposal is the insertion of rooflights to the front and to the rear of the property and a single storey extension is also proposed to the rear of the building.</p> <p>When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).</p> <p>Further to this at a local level, Local Plan policy HE1 is relevant, this states, proposals for development within a conservation area will be approved only where it can be demonstrated that the development will preserve or enhance the character or appearance of the area.</p> <p>In considering the impact of development on non-designated heritage assets, the</p>		

National Planning Policy Framework (NPPF) looks for local planning authorities to take a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset (para. 135, NPPF).

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

There is a Village Design Statement for Greatham which provides guidelines on development.

The character of Greatham conservation area is derived from the layout of the village centre around The Green, its early development as a religiously based hospital in the 13th Century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

Also contributing to the special character of the Conservation Area are the Parish Church and the architecturally and historically important Greatham Hospital and Georgian Chapel, located in a setting of mature trees. Some working farms remain.

The earlier 18th century dwellings associated with the farming history are simple being at the most two storeys high. Externally they have a rendered finish, with steeply sloping roofs covered with traditional clay pantiles. Later 18th century buildings are constructed in brick, the later types with contrasting brick decoration. Window types are either horizontal sliding sashes on the earliest houses, or vertical sliding sashes on the 19th century dwellings. Those dating from the early part of that century have multi-paned sash windows. Roofing materials on the later 19th century dwellings are usually Welsh Slate. Door design is simple consisting of boarded or panelled doors. Doorcases surrounds to doors are not as numerous as in some of the other conservation area. The scale is domestic in nature and character.

It is considered that the proposed utility, orangery and rooflights would not impact on the significance of the heritage assets therefore in principle there would be no objections, subject to suitable detailing being used.

Amended plans were submitted by the applicant's agent which included the addition of 3 dormer windows to the rear of the property and additional roof lights in the front roof slope. A full reconsultation was undertaken on the amended plans and description with neighbours and consultees. This also included a new site notice and press advert.

HBC Conservation - The application site is located in Greatham Conservation Area and is to the rear of a locally listed building (Gray Memorial Hall Wesleyan School, High Street).

The proposal is the insertion of a three dormer windows to the rear of the property and rooflights to the front. In addition a single storey extension is also proposed to the rear of the building. This is an amended proposal, with a previous application withdrawn

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

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

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

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

There is a Village Design Statement for Greatham which provides guidelines on development. This states, dormer windows are uncommon but may be used to light a further floor within the roof space. Less than half the area of any roof should be taken up with dormers and they should have pitched roofs.

The character of Greatham conservation area is derived from the layout of the village centre around The Green, its early development as a religiously based hospital in the 13th Century and as an agricultural settlement. Mixed in with this early stage of growth are much later early 19th century individual houses or short terraces and late Victorian terraced housing.

Also contributing to the special character of the Conservation Area are the Parish Church and the architecturally and historically important Greatham Hospital and Georgian Chapel, located in a setting of mature trees. Some working farms remain.

The earlier 18th century dwellings associated with the farming history are simple being at the most two storeys high. Externally they have a rendered finish, with steeply sloping roofs covered with traditional clay pantiles. Later 18th century buildings are constructed in brick, the later types with contrasting brick decoration. Window types are either horizontal sliding sash s on the earliest houses, or vertical sliding sashes on the 19th century dwellings. Those dating from the early part of that century have multi-paned sash windows. Roofing materials on the later 19th century dwellings are usually Welsh Slate. Door design is simple consisting of boarded or panelled doors. Doorcases surrounds to doors are not as numerous as in some of the other conservation area. The scale is domestic in nature and character.

In relation to the proposed utility and orangery in principle there would be no objections to these elements of the proposal, subject to suitable detailing being used.

Three dormer windows are proposed to the rear roof slope. As noted above dormer windows are not usually found on properties within Greatham conservation area. The proposed central dormer window is a bulky design with two smaller dormer windows, one on either side. It is considered that the large central dormer would dominate the rear roof slope. Whilst the small dormers, in isolation are acceptable in design and scale, it is considered that the accumulation of the dormers i.e. three on a single elevation are not. The addition of so many rooflights to the front of a building is also unusual in this conservation area. It is considered that these two elements of the proposal would cause less than substantial harm to the significance of the conservation area by virtue of the fact that the arrangement of rooflights and the installation of three dormer windows, to the rear of the property would considerably change the character of this part of the conservation area.

Greatham Parish Council - The council welcomes the alteration to the dormer roof window and has no objections to the re-submitted ones.

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

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

5) Policy

Planning Policy

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

PARA 002 : Primacy of Development Plan

PARA 009 : Sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 056 : Design of built environment
 PARA 126: 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 134: Harm to a heritage asset
 PARA 135 : Non-designated heritage asset
 PARA 196: Primacy of the Development Plan
 PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles
 HE1: Protection and Enhancement of Conservation Areas
 HE12: Protection of Locally important Buildings
 Hsg10: Residential Extensions

Emerging Local Plan – Publication Stage (December 2016)

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

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

HSG11: Extensions and alterations to Existing Dwellings
 HE1: Heritage Assets
 HE3: Conservation Areas
 HE5: Locally Listed Buildings and Structures

Comments: There are no planning policy concerns subject to neighbour amenity considerations and the views of the Council's Heritage & Countryside Manager.
(updated 03/02)

6) Planning Consideration

Site

The application site constitutes a south facing, semi detached dwelling house at Mill

Terrace, Greatham, Hartlepool. Mill Terrace is to the east of the High Street and the host dwelling is situated to the rear of the Gray Memorial Hall which is a locally listed building. The site is within the Greatham conservation area.

History

H/2016/0440 – Single storey extension to the side and rear, installation of roof lights to front and rear and dormer window to the rear. Withdrawn.

Proposal

Planning permission is sought for the erection of a single storey extension at the side and rear, alterations to the roof to provide dormer windows to the rear and velux windows to the front to provide a room in the roof space. The single storey extension will project approximately 2m from the original rear elevation and 1.35m from the original side elevation of the host property. The extension will have a maximum height of 3.5m (approx) and includes a roof lantern with parapet walls. The extension is to form an orangery and utility room. Three dormer windows are proposed on the rear roof slope of the property. Two of the windows are set back off the eaves of the roof, whilst a larger central dormer extends from the eaves to the ridge of the main roof. All three windows have a dual pitched roof design. Four roof lights are also proposed to be installed in the front roof slope of the host dwelling. The windows will serve the new room in the roof space which will consist of a bedroom and a bathroom.

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

The main considerations in regard to this application are the impacts of the proposal on visual amenity, the conservation area, neighbour amenity and highways.

Visual amenity and the conservation area

As outlined above the site is within the Greatham conservation area and adjacent to a locally listed building. When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. The National Planning Policy Framework (NPPF) goes further in seeking positive enhancement in conservation areas to better reveal the significance of an area (para. 137, NPPF). It also looks for local planning authorities to take account of the desirability of new development making a positive contribution to local character and distinctiveness (paras. 126 & 131, NPPF).

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

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

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

With regards to the single storey extension to the rear, it is considered that this element of the scheme is subordinate to the host dwelling. The Council's Heritage Manager had no objections to the extension subject to the use of suitable detailing.

Concerns were however raised by the Council's Heritage Manager with the three dormer windows which are proposed to the rear roof slope. It was stated that there is a Village Design Statement for Greatham which provides guidelines on development. This states, dormer windows are uncommon but may be used to light a further floor within the roof space. Less than half the area of any roof should be taken up with dormers and they should have pitched roofs. The Heritage Manager went on to comment that dormer windows are not usually found on properties within Greatham conservation area and the proposed central dormer window is of a bulky design with two smaller dormer windows, one on either side. It is considered that the large central dormer would dominate the rear roof slope. Whilst the small dormers, in isolation are acceptable in design and scale, it is considered that the accumulation of the dormers i.e. three on a single elevation are not.

It was also commented by the Heritage Manager that the addition of so many rooflights to the front of a building is also unusual in this conservation area and is therefore of a concern. It should however be noted that the provision of the roof lights would be classed as permitted development and therefore would not be a reason for the refusal of the application.

It was verbally commented by the applicant that there are dormer windows in the village area. During the planning officers site visit dormer windows did not appear to be a common roof design in the village area. Dormer were only noted on a newer property at Woodgate Close and a pair of small dormers on a property at the junction of the Drive and Greatham High Street (No. 5 High Street). Whilst each application should be considered on its own individual merits, it is not considered that any of the cited examples are instantly comparable to the current application.

In view of the above it is considered that the proposed rear dormer windows would cause less than substantial harm to the significance of the conservation area by virtue of their design and massing and consequently they would considerably change the character of this part of the conservation area. Paragraph 134 of the NPPF does state, 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. In this case, it is considered that the proposed scheme does not provide any public benefits, only private benefits to the occupier of the host property. It is therefore considered that the proposal is contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 132 and 134 of the NPPF.

Neighbour amenity

The application site is situated in a small plot with a small yard area to the rear. With regards to the single storey side and rear extension, this proposed enlargement is positioned in close proximity to the church hall to the west and the rear garden area of No. 26 High Street Greatham to the north. The host property does have an unusual relationship with No.26 High Street due to the close proximity of the rear elevation to the garden area of this neighbouring property which is a historical situation. It is considered that the proposed extension will have an impact on the garden area of this property in terms of overshadowing and an overbearing impact due to the proximity of the extension to the shared boundary. However it should be noted that a rear extension could be constructed under permitted development rights (which did not project beyond the side elevation of the original dwelling) up to the rear boundary with a greater maximum roof height. The extension is also considered to be modest in terms of its projection and massing. In view of this it is considered that on balance, the proposal would not result in a significant impact on this neighbouring property in terms of overshadowing or an overbearing impact. No windows are proposed in the northern or western elevation of the extension consequently there are no concerns in terms of a loss of privacy to No.26.

It is considered that adequate separation will be maintained between the extension and No.28 High Street to the north, taking account the above considerations.

To the west of the host property is the church hall. The extension is to be positioned along the shared boundary with the hall. There is one window at ground floor level in the rear east facing elevation of the hall which serves a kitchen. The proposed extension will not be positioned directly adjacent to this window. As outlined above, no windows are proposed in the western elevation of the extension (facing the hall). In view of the above and as the hall is not a particularly sensitive use (e.g. residential) there are no concerns in terms of a significant impact on the hall in terms of overshadowing, an overbearing impact or a loss of privacy.

There are no concerns of a significant impact on the amenity and privacy of the neighbouring property to the east, No. 2 Mill Terrace, as the extension is positioned a distance away from the shared boundary with this property (approximately 5.8m). There is also close boarded fencing along this boundary (approximately 1.6 high) with trellising above.

With regards to the impacts of the proposed dormers on the rear roof slope, there are no concerns regarding overshadowing or an overbearing impact on neighbouring properties due to their massing and position. There is the potential that the dormers will increase overlooking into the garden areas of 2 Mill Terrace and No.s 26 and 28 High Street. There are however already windows at first floor level in the rear elevation of the host property, consequently it is considered that this element of the proposal will not significantly worsen the existing (and historical) relationship with these neighbouring properties, as to warrant the refusal of the application.

The roof lights proposed in the front roof slope of the property will face towards the

garden areas of No.s 24a and 24b High Street and the side and rear elevation of Greatham Methodist Church. Due to nature of the proposed windows it is considered that they would not result in a significant loss of privacy to neighbouring properties or result in a significant level overlooking. As outlined above it should also be noted that this element of the scheme would be classed as permitted development.

For the reasons outlined above, it is considered that the proposal would not create any significant overshadowing or overbearing impact to neighbouring properties. The proposal would not create any significant loss of privacy. The proposal is considered to be in accordance with saved policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006 and policy HSG11 of the emerging Hartlepool Local Plan.

Highways

The Council's Traffic & Transport section were consulted on the application. No objections or concerns were raised. The proposal is therefore considered to be acceptable in terms of parking and highway safety.

Conclusion

It is considered that the proposal would cause less than substantial harm to the Greatham Conservation Area, a designated heritage asset, due to the massing and design of the proposed rear dormer windows. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan 2006 and paragraphs 132 and 134 of the NPPF.

7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

9) Chair's Consent Necessary	Y
-------------------------------------	---

10) Recommendation REFUSE
--

CONDITIONS/REASONS

1. The Local Planning Authority considers that the proposal would cause less than substantial harm to the Greatham Conservation Area, a designated heritage asset, due to the massing and design of the proposed rear dormer windows. The scheme is therefore contrary to saved policy HE1 of the Hartlepool Local Plan

2006 and paragraphs 132 and 134 of the NPPF.

INFORMATIVE

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

Author of Report: Fiona McCall

Signed:

Dated:

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

6 September 2017



Report of: Assistant Director (Economic Growth and Regeneration)

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

1. PURPOSE OF REPORT

- 1.1 To advise members of the outcome of a planning appeal in relation to the change of use to a hot food takeaway at the above property.
- 1.2 The appeal is allowed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal.

3. CONTACT OFFICER

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

Tel: (01429) 284271

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

4. AUTHOR

- 4.1 Daniel James
Planning Team Leader (DC)
Level 1
Civic Centre
Hartlepool
TS24 8AY

Tel: (01429) 284319

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



Appeal Decision

Site visit made on 1 August 2017

by **Graeme Robbie BA(Hons) BPI MRTPI**

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

Decision date: 10 August 2017

Appeal Ref: APP/H0724/W/17/3170084

406 Catcote Road, Hartlepool, Cleveland TS25 2LS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Albert Griffiths against the decision of Hartlepool Borough Council.
- The application Ref H/2016/0453, dated 7 October 2016, was refused by notice dated 16 January 2017.
- The development proposed is a change of use to hot food takeaway.

Decision

1. The appeal is allowed and planning permission is granted for a change of use to hot food takeaway at 406 Catcote Road, Hartlepool, Cleveland TS25 2LS in accordance with the terms of the application, Ref H/2016/0453, dated 7 October 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 'CamCube CC (2510), filter hosing for cylindrical carbon filter'; Location Plan at a scale of 1:1250; existing and proposed elevations plan, and proposed side elevation plan; existing and proposed floor plans, and extraction and ventilation technical details.
 - 3) The premises shall only be open for customers between the following hours:

1700 – 2300 Mondays – Fridays
1700 – 2300 Saturdays, Sundays and Bank Holidays

Procedural Matters

2. The Council published the Hartlepool Local Planning Framework: Local Plan Publication Stage: Consultation Document (December 2016) (ELP) in December 2016. However, the ECS is an emerging document which has not yet been subject to an Examination in Public. I am also mindful of paragraph 216 of the National Planning Policy Framework (the Framework) regarding the weight to be given to emerging plans.
3. I acknowledge that one of the aims of ELP policy RC18 is consistent with one of the Framework's core planning principles of taking account of and supporting local strategies to improve health, social and cultural well-being for all. Paragraph 171 of the Framework also refers to local planning authorities

<https://www.gov.uk/planning-inspectorate>

Appeal Decision APP/H0724/W/17/3170084

working with public health leads and health organisations to understand and take account of the health status and needs of the local population. However, I am advised that there remains an unresolved objection to the policy that the Council acknowledge goes to the heart of the policy, and that the document as a whole has not been subject to examination in public. This limits the weight that I can give it at this time and I have considered the appeal accordingly.

Main Issue

4. The main issue is the effect of the proposed development upon the health and well-being of local residents.

Reasons

5. Saved policies Com5, Com12 and GEP1 of the Hartlepool Local Plan 2006 (LP) states that proposals for A5 uses (HFTAs) will be approved in local centres where there is no significant adverse effect on the amenities of occupiers of adjoining or neighbouring properties. It goes on to state that proposals will also be approved where the scale, function and character of the area is maintained. Additionally, Com12 also states such uses will be approved where they will not lead to traffic congestion, or otherwise adversely affect highway safety. The Council acknowledge that the proposal would be in accordance with these saved LP policies and, from my observation of the site and its surroundings, and from all that I have read, I see no reason to disagree.
6. However, ELP policy RC18 sets out the Council's proposed approach to hot food takeaway (HFTAs) proposals. This policy states that the Council will seek to protect the vitality and viability of the network of retail and commercial centres within the Borough, protect the residential amenity of nearby residents and that they are 'committed to ensuring that Hartlepool residents have the best possible opportunities to live a healthy lifestyle'. Proposals for HFTAs will therefore be strictly controlled in line with criteria set out in policy RC18 and depending on the locational context in which they are located.
7. The appeal site lies within an existing parade of commercial premises, identified by policy RC18 as the Fens Shops Local Centre (FSLC). Here, ELP policy RC18 states that the amount of Use Class A5 (HFTA) uses within the local centre should not exceed 7% of the total available floorspace within the centre. Although the proposal would result in the amount of A5 floorspace within the local centre rising from 7% to approximately 12%, thereby beyond the threshold proposed by ELP policy RC18, the Council do not object to the effect of the proposal on the vitality or viability, function, character or appearance of the FSLC.
8. The Council is instead concerned that the proposal would introduce an additional HFTA use into the FSLC, within a ward area that has higher than average child and adult obesity levels. As a whole, I am also advised that Hartlepool has a higher than average number of HFTAs and have noted the comments of the Council's Public Health section and the statistics quoted from the National Obesity Observatory, the National Childhood Measurement Programme and ONS Public Health Mortality Files. As a consequence, it is argued, an increase in the amount of A5 floorspace within the Fens and Rossmere ward area could exacerbate childhood obesity levels and mortality rates for the under 75's.

<https://www.gov.uk/planning-inspectorate>

2

Appeal Decision APP/H0724/W/17/3170084

9. However, I have no substantive evidence before me to demonstrate that an additional HFTA unit, and the corresponding increase in A5 floorspace within the FSLC from 7% to approximately 12%, could be directly attributable to any material decline in the health and well-being of local residents. Nor, despite the relatively nearby presence of Fens Primary School, do I have any compelling evidence to suggest that it would encourage unhealthy eating amongst pupils of that nearby school. There may be other schools farther afield but it was not clear from my site visit, nor has it been suggested in submissions, that the FSLC lies on a main transit route towards those schools.
10. It is not a matter of dispute that the general principle of the proposal would accord with saved LP policies Com5, Com12 and GEP1. Whilst the figures regarding obesity and health within the Fens and Rossmere ward, and across the Borough as a whole, are noted there is insufficient evidence before me that would allow me to conclude that the proposal would prejudice the ability of the Borough's residents to live a healthy lifestyle, or would materially harm the health and well-being of the population. I find no conflict with paragraphs 17 or 171 of the Framework in this respect.
11. Although the proposal would increase the amount of A5 floorspace within the FSLC from 7% to approximately 12%, contrary to the provisions of policy RC18 of the ELP, the Council do not object to the proposal in terms of it creating a proliferation of A5 uses and the effect that that could have on the vitality, viability, character or function of the local centre. I have no reason to reach a different conclusion in this respect. However, whilst the proposal would exceed the threshold limit for A5 uses set out in ELP policy RC18, neither the evidence before me nor the weight that I can afford to ELP policy RC18 provides sufficient justification to dismiss the appeal on these grounds.

Other Matters

12. I note that a letter of objection was received citing concerns over competition arising from the proposal. This, however, is not a material consideration to which I can give any weight.

Conditions

13. I have considered the Council's list of suggested conditions in light of the Framework and Planning Practice Guidance. The conditions I shall impose are based upon those suggested by the Council, and upon which the appellant has commented, but I have varied them where necessary in the interests of clarity and precision.
14. In addition therefore to a time limit condition, I agree that conditions specifying the approved plans and the opening hours are necessary in order to provide certainty and to protect the amenity of occupiers of adjoining and nearby properties, respectively.

Conclusion

15. For the reasons set out, and having considered all other matters, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

<https://www.gov.uk/planning-inspectorate>

PLANNING COMMITTEE

6 September 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. Non-compliance with conditions relating to working hours at a housing development site at land off Coniscliffe Road.
2. The use of a caravan as a separate dwelling in the garden of a residential property in Dallas Road.
3. Car repairs at a residential property in Hereford Street.
4. Erection of a dwellinghouse not in accordance with approved plans at a development plot in Worset Lane.
5. Incorporation of land into rear garden curtilage at a residential property in Lindsay Road.
6. Unauthorised works to a listed residential property in Elwick Road.
7. Erection of a timber outbuilding in the rear garden of a residential property in Meadow Drive.
8. Development not being carried out in accordance with the approved plans at a comprehensive school in Owton Manor Lane.
9. Display of advertisements at a residential development site on Elwick Road.

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

1. The installation of an observatory dome in the rear garden of a residential property in Summer Lane. Permitted development rights apply in this case.
2. The siting of a shipping container at an allotment site in Brierton Lane. The container is in compliance with the Council's 'Allotment Rules and Regulations of Tenancy' therefore no further action is necessary.
3. The use of a residential property in Warren Road for car repairs and the storage of scrap vehicles. It was found that the car repairs were low level and domestic in scale and that no scrap vehicles were stored at the property. As such it is considered that there has not been a material change of use of the property from a dwellinghouse and therefore that no further action is necessary.
4. The erection of a rear extension at a residential property in Ripon Close. A valid planning application has since been received.
5. Car repairs and sales at a residential property in West View Road. No evidence of car repairs and sales leading to a material change of use of the property as a dwellinghouse could be established. No further action necessary.
6. The siting of a shipping container at an MOT centre in Catcote Road. A valid retrospective planning application has since been received.
7. Change of use to a day nursery at a residential property in Grange Road. It was found that the property is currently in use as care leavers' accommodation and as such no material change of use has occurred.
8. Alterations to a driveway and front boundary wall at a residential property in Linden Grove. The works related only to the re-erection of a brick gate pillar. No further action necessary.

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

AUTHOR

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