

# PLANNING COMMITTEE

## AGENDA



**Wednesday 10 January 2018**

**at 10.00am**

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

### MEMBERS OF PLANNING COMMITTEE:

Councillors S Akers-Belcher, Barclay, Belcher, Buchan, Cook, Fleming, James, 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 29<sup>th</sup> November 2017 (*to follow*)

#### 4. ITEMS REQUIRING DECISION

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

1. H/2017/0335 12-14 Church Street (page 1)
2. H/2015/0281 Seaview Park Homes, Easington Road (page 33)
3. H/2017/0569 Land off Valley Drive, Tunstall Farm (page 57)
4. H/2017/0457 Three Gates Farm, Dalton Piercy Road, Dalton Piercy (page 67)
5. H/2017/0526 4 South Crescent (page 95)

##### 4.2 Appeal at 1 Serpentine Gardens, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*

##### 4.3 Appeal at 5 Chichester Close, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*

##### 4.4 Appeal at 33 Silverwood Close, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*



- 4.5 Appeal at Low Throston House, Netherby Gate, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 4.6 Review of One Stop Shop and Monitoring Fees - *Assistant Director (Economic Growth and Regeneration)*

**5. ITEMS FOR INFORMATION**

- 5.1 Update on Current Complaints - *Assistant Director (Economic Growth and Regeneration)*

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

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

**EXEMPT ITEMS**

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

**8 ITEMS REQUIRING DECISION**

- 8.1 Complaint Cases to be closed (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.2 Enforcement Action (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*
- 8.3 Non-Compliance with Condition (paras 5 and 6) - *Assistant Director (Economic Growth and Regeneration)*

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

**10. FOR INFORMATION**

Any requests for a Site Visit on a matter then before the Committee will be considered with reference to the Council's Planning Code of Practice (Section 16 refers). No requests shall be permitted for an item requiring a decision before the committee other than in accordance with the Code of Practice

Any site visits approved by the Committee at this meeting will take place on the morning of the Next Scheduled Meeting on Wednesday 7 February 2018



# **PLANNING COMMITTEE**

## **MINUTES AND DECISION RECORD**

### **29 November 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, Tim Fleming,  
Marjorie James and Ray Martin-Wells

In accordance with Council Procedure Rule 4.2 Councillor Allan Barclay was in attendance as substitute for Councillor Sandra Belcher and Jim Lindridge was in attendance as substitute for Councillor Kaylee Sirs.

Officers: Peter Devlin, Chief Solicitor  
Jim Ferguson, Planning and Development Manager  
Mike Blair, Transport and Infrastructure Manager  
Adrian Hurst, Environmental Health Manager (Environmental Protection)  
Kieran Bostock, Principal Engineer (Environmental Engineering)  
Ryan Cowley, Senior Planning Officer  
Jane Tindall, Senior Planning Officer  
Jo Stubbs, Democratic Services Officer

## **59. Apologies for Absence**

Apologies were submitted by Councillors Sandra Belcher, Brenda Loynes, George Morris and Kaylee Sirs.

## **60. 12-14 Church Street, Hartlepool**

The Chair reported that a request had been put forward for a site visit in respect of this application. Valid reasons had been given. Members voted unanimously to approve a site visit for this application. The application was therefore deferred to Wednesday 10<sup>th</sup> January. The site visit would take place at 9am on Wednesday 10<sup>th</sup> January immediately prior to the next meeting.

## 61. Declarations of interest by members

None

## 62. Confirmation of the minutes of the meeting held on 1<sup>st</sup> November 2017

Minutes approved

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

**Number:** H/2017/0335

**Applicant:** MR H KANDOLA

**Agent:** SJD ARCHITECTS LTD MR STEVE DODDS TANNERS  
BANK DESIGN STUDIO AISLABY ROAD EAGLESCLIFFE  
STOCKTON ON TEES

**Date received:** 09/06/2017

**Development:** Change of use to 3 no. house in multiple occupation (sui generis) with partial ground floor demolition to rear and alteration to front elevation (Amended plans to retain partial commercial use at ground floor).

**Location:** 12 14 CHURCH STREET HARTLEPOOL

**Decision:** **Deferred for a committee site visit**

**Number:** H/2017/0479

**Applicant:** MR I CRAGGS MANORSIDE PHASE 2 WYNYARD  
BILLINGHAM

**Agent:** WHITEBOX ARCHITECTURE LTD MR I SMITS 8  
CHURCH HILL KNUTSFORD

**Date received:** 06/09/2017

**Development:** Approval of reserved matters of H/2015/0270 in respect of erection of a single dwelling over basement with associated access, landscaping and boundary treatments

**Location:** PLOT 12 MANORSIDE PHASE 2 WYNYARD  
BILLINGHAM

Councillor Ray Martin- Wells queried whether he should declare a prejudicial interest in this application as he had done so previously on the outline application due to his personal relationship with the previous owner. The Chief Solicitor advised that as this was a different owner a declaration was not necessary unless Councillor Martin-Wells also knew this owner. Councillor Martin-Wells confirmed that he did not and remained in the meeting.

Mr Halliman indicated that while he did not object to the application in principal he did have the following concerns:

- What provisions had been put in place to ensure the adjoining site would not be flooded during construction of the basement? The Principal Engineer confirmed that as part of the conditions a drainage scheme would need to be agreed. The builders would also be expected to prevent any flooding should they come across water during their excavations.
- Had safeguards been put in place to protect nearby properties from damage due to pile driving? The Principal Engineer confirmed that a condition relating to piling could be added.
- Part of the new roof would slope down to within 3m of Mr Halliman/s property. Would he have adequate protection from rainwater? The Principal Engineer confirmed that a drainage condition was in place relating to this.

Members approved the application by a majority.

**Decision: Reserved Matters Approved**

### **CONDITIONS AND REASONS**

1. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 2330-99 (site plan), 2330-1000 (basement and ground floor plan), 2330-1001 (first and second floor plans), 2330-1005 (proposed elevations) and 2330-1006 (proposed elevations and CGIs) and details received by the Local Planning Authority on the 6th September 2017 and Dwg No: 2330-1007 (plot 14 section and elevation) received by the Local Planning Authority on the 14th November 2017.  
For the avoidance of doubt.
2. 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.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority

before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.

In the interests of visual amenity.

4. 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.

5. Details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the development hereby approved is commenced. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

6. Prior to the occupation of the dwellinghouse hereby approved, details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. 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 dwelling 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.

7. Notwithstanding the submitted levels details and prior to the commencement of development of the dwellinghouse hereby approved, details of the existing and proposed levels of the site (including the finished floor levels of the building(s) to be erected, any proposed mounding and or earth retention measures, details of decking, steps, and levels of the adjacent properties/boundaries/garden levels) shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.

To take into account the position of the buildings and impact on adjacent properties.

8. 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.

9. 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.

10. Prior to the commencement of the development hereby approved details of piling methods for foundations on the site, including details of works to assess vibration effects during piling operations in accordance with BS 5228-2:2009 and A1:2014 'Code of practice for noise and vibration control on construction and open site - Part 2: Vibration' shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in full accordance with the approved scheme.

To ensure that any potential impacts on adjacent properties are identified and mitigated against.

The Committee considered representations in relation to this matter.

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<b>Number:</b>	H/2017/0469
<b>Applicant:</b>	MR J DARRAGH
<b>Agent:</b>	ELG PLANNING GATEWAY HOUSE 55 CONISCLIFFE ROAD DARLINGTON
<b>Date received:</b>	29/08/2017
<b>Development:</b>	Change of use of car parking area to external seating area and associated works (retrospective application)
<b>Location:</b>	UNIT 30-34 NAVIGATION POINT MIDDLETON

## ROAD HARTLEPOOL

The Agent, Joe Smith, urged members to support the application, which would result in the loss of 10 parking spaces in an area of 290. The seating had been in place for almost a year with no significant issues and there were various times when the car parks on Navigation Point were not at full capacity. A previous application of this kind had been refused and subsequently overturned by the Planning Inspector and Mr Smith was confident the same thing would happen in this case. It did not impact on the visual amenity and there was still ample space for pedestrians. There had only been 1 objection and the owners felt that removing the seating could affect the viability of the units.

A member raised the concern that if they allowed these seats to remain the other premises along the parade would take the same action which would result in the loss of more parking spaces. When premises closed patrons would inevitably spill out into these areas, causing a disturbance to residents, and seating would encourage them to remain. They acknowledged that this was only a problem for a few nights but still felt unable to support the application.

Members refused the application by a majority

**Decision: Planning Permission Refused**

### REASONS FOR REFUSAL

1. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that has a detrimental impact on the general amenity of the area by virtue of its nature, scale, siting and design. In particular, it is considered that the proposal has a detrimental impact on visual amenity in terms of the appearance of the area and has the potential to impact on residential amenity in terms of increased noise and disturbance, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016).
2. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that has a detrimental impact on highway safety by virtue of the loss of parking provision and potential for increased congestion, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP3 of the emerging Hartlepool Local Plan (2016).

The Committee considered representations in relation to this matter.

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**Number:** H/2017/0456

**Applicant:** MR JACKSON CATCOTE ROAD HARTLEPOOL

**Agent:** K BAKER DESIGN AND DEVELOPMENT LTD MR  
KEVIN BAKER 14 CHAMOMILE DRIVE  
STOCKTON

**Date received:** 09/08/2017

**Development:** Siting of secure container

**Location:** MOT CENTRE AJS CATCOTE ROAD  
HARTLEPOOL

A member queried why the container was felt to be a problem. The member suggested that if the signs were removed visually, and the container painted a subdued colour the view would be little different from a fence. A Senior Planning Officer advised that the container was set forward from the buildings on site and therefore visually intrusive.

Members referred to issues with parking in that area, some of which were exacerbated by this fence. They requested that a referral be made to Neighbourhood Services Committee to look at what could be done to address issues with parking on Catcote Road

A member felt that refusing the application was an overreaction particularly as parking spaces were not being taken up and entry and exit to the site were not affected. They acknowledged the difference in colour and concerns over signage but felt that to refuse would be using a sledgehammer to crack a nut.

The application was refused through use of the Chair's casting vote.

**Decision:** Planning Permission Refused

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

- 1 In the opinion of the Local Planning Authority the development, by virtue of its design, siting and prominent location, would unduly detract from the character and appearance of the street scene. The development is therefore considered to be contrary to those provisions of saved policy 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.

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**Number:** H/2017/0504

**Applicant:** DR JKB PATEL STATION LANE SEATON CAREW  
HARTLEPOOL

**Agent:** HOWARTH LICHFIELD PARTNERSHIP MR DAVID  
MCKEAG 4 OLD ELVET DURHAM

**Date received:** 19/09/2017

**Development:** Change of use to doctor's surgery (Use Class D1) at  
ground floor and three x one bedroom flats (Use  
Class C3) at first floor level

**Location:** 85 STATION LANE HARTLEPOOL

In response to members' queries a Senior Planning Officer confirmed that the existing surgery was also on Station Lane opposite the car park but was a smaller premises.

A member offered the view that he considered a doctor's surgery was an acceptable use in a residential area.

Members approved the application by a majority.

**Decision:** **Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 15089-2011 Rev P01 (ground and first floor plans as proposed), 15089-2010 Rev P02 (elevations as proposed) and details received by the Local Planning Authority on the 13th September 2017 and Dwg No: 15089-2012 Rev P01 (site and location plan as proposed) received by the Local Planning Authority on the 18th September 2017.  
For the avoidance of doubt.
3. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.  
In the interests of visual amenity.
4. 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.

5. Prior to the commencement of development details of all hard landscaping and surfacing materials (including car parking areas, footpaths and any other areas of hard standing to be created) of the development shall be first submitted to and approved by the Local Planning Authority. 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 part of the building 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.

In the interests of visual amenity.

6. Notwithstanding the submitted information and plans, details of the means of enclosure of the site shall be submitted to and approved by the Local Planning Authority before the development hereby approved is occupied. Thereafter the development shall be carried out in accordance with the approved details and the enclosures erected prior to the occupation of any part of the building hereby approved.

In the interests of visual amenity of the surrounding area.

7. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a medical centre within Use Class D1 and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).

To enable the Local Planning Authority to retain control over the development in order to protect the amenities of the occupants of neighbouring properties.

8. The residential use hereby approved shall be used as 3no. flats as defined by The Town and Country Planning (Development Management Procedure) (England) Order 2015 or in any provision equivalent to that Order in any statutory instrument revoking or re-enacting that Order with or without modification.

For the avoidance of doubt and in the interests of the amenities of the occupants of neighbouring properties.

9. No construction/building works or deliveries shall be carried out except between the hours of 0800 and 1800 on Mondays to Fridays and between 0900 and 1300 on Saturdays. There shall be no construction activity on Sundays or on Bank Holidays.

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

10. The development hereby approved shall operate solely in accordance with the working layout as set out on Dwg No: 15089-2011 Rev P01 (ground and first floor plans as proposed) received by the Local Planning Authority on 13th September 2017.

For the avoidance of doubt.

11. Prior to the occupation of the doctors surgery and the residential flats, details of refuse storage shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed details and retained for the lifetime of the development.  
In the interests of the amenities of the occupants of neighbouring properties.
12. The doctors surgery use hereby approved shall only be open to the public between the hours of 08:00 and 18:00 Mondays to Friday.  
In the interests of the amenities of the occupants of neighbouring properties.

**Number:** H/2017/0483

**Applicant:** Mr Burney

**Agent:** Dovetail Architects Ltd Mr Andrew Cooke Suite 4,  
First Floor Clock Tower House Horndon Industrial  
Estate West Horndon

**Date received:** 12/09/2017

**Development:** Erection of a single storey drive through coffee outlet  
including car parking, landscaping and associated  
works

**Location:** LAND AT GREEN STREET GREEN STREET  
HARTLEPOOL

Members were pleased to note the interest shown in this site by a multi-national company. It would create jobs and rejuvenate a derelict gateway site.

Members approved the application by a majority.

**Decision:** **Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 3671\_PL05 (proposed elevations) and 3671\_PL04A (proposed floor plan) and details received by the Local Planning Authority on the 25 August 2017 and 3671\_PL01A (location plan) and 3671\_PL03F (proposed site plan - option 5) received by the Local Planning Authority on 8 November 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. No development shall commence until a scheme for the surface water management system for the site including the detailed drainage design, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained for the lifetime of the development to secure the operation of the surface water management system. With regard to the management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.  
To prevent increased risk of flooding from any sources in accordance with the NPPF.
5. The development hereby approved shall be carried out in accordance with the approved Flood Risk Assessment (FRA) '3671 - FRA' and the following mitigation measures detailed within the FRA:
  1. Identification and provision of safe route(s) into and out of the site to an appropriate safe haven.
  2. Finished floor levels are set no lower than 6.17m above Irlandsce Datum (AOD).The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed in writing by the Local Planning Authority.  
To ensure safe access and egress from and to the site and to reduce the risk of flooding to the proposed development and future occupants.
6. 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.

7. Prior to the commencement of development, a detailed scheme of soft landscaping, including, tree planting shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. All planting, seeding or turfing comprised in the approved details shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.  
In the interests of visual amenity and to ensure a satisfactory form of development.
8. No development shall take place until a Construction Management Plan has been submitted to and agreed in writing with the Local Planning Authority to agree the routing of all HGVs movements associated with the construction phases, and to effectively control dust emissions from the site remediation and construction works. The Construction Management Plan shall address earth moving activities, control and treatment of stock piles, parking for use during construction, measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.  
To avoid excessive noise and disturbance to the occupants of nearby properties and highway safety.
9. Notwithstanding the provisions of The Town and Country Planning (Use Classes) Order 1987 (as amended) and The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting those orders), the development hereby approved shall be used solely as a Restaurant and Cafe Use within the A3 Use Class and for no other Use within The Town and Country Planning (Use Classes) Order 1987 (as amended).  
To enable the Local Planning Authority to retain control over the development in order to safeguard the vitality and viability of the defined town centres in the Borough.
10. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the development hereby approved shall not be extended in any way

(including through the provision of mezzanine floor space) 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 commercial properties and in the interests of the vitality and viability of the town centre and local centres.

11. In the event that this permission is implemented the earlier planning permission (H/2016/0219) shall not be implemented on the application site.  
For the avoidance of doubt.
12. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.  
In the interests of the amenities of the occupants of neighbouring properties.

**Number:** H/2017/0430

**Applicant:** Mr Gavin Wright Coniscliffe Road HARTLEPOOL

**Agent:** Mr Eklas Bradwell unit 10 Enterprise House  
Thomlinson Road HARTLEPOOL

**Date received:** 03/08/2017

**Development:** Alterations to raise roof height, including first floor rear extension, 2 no. dormer windows to front and 1 no. dormer window to rear to form additional living accommodation at first floor; two storey glazed projection to front. (Amended description)

**Location:** 1A CONISCLIFFE ROAD HARTLEPOOL

Members approved the application by a majority.

**Decision:** **Planning Permission Approved**

### **CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.  
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with plans, Location Plan at 1:1250, Block Plan at 1:500 received by the Local Planning Authority on 13th September 2017, and amended

drawing Proposed Elevations Rev. C received by the Local Planning Authority on 12th October 2017.

For the avoidance of doubt.

3. Prior to the commencement of the development hereby approved, the 4no. upper floor windows to be installed within the first floor rear elevation (serving en-suite, bathroom and 2no. bedrooms as detailed on Proposed Elevations Rev. C received by the Local Planning Authority on 12th October 2017) of the proposed dwellinghouse facing onto the adjacent boundaries, shall be restricted to a 35 degree top hung opening and shall be obscurely glazed using a minimum of type 4 opaque glass of the Pilkington scale or equivalent, details of which shall first be submitted to and agreed in writing with the Local Planning Authority prior to the installation of the windows. The agreed scheme shall thereafter be installed in accordance with the agreed details prior to the use of the extensions hereby approved and shall remain for lifetime of the development hereby approved.  
In the interests of the amenities of the occupants of neighbouring properties.
4. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.  
In the interests of visual amenity.

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

Members were informed of 14 complaints currently under investigation and 5 complaints which had been investigated.

##### **Decision**

That the report be noted

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

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

Minute 66 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local

Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 67 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes – (a) to give under any enactment notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment

Minute 69 – Any Other Business - This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

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

Authorisation was sought for Members to issue an enforcement notice in respect of an unauthorised development. Details are provided in the closed minutes.

### **Decision**

Details are provided in the closed minutes.

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

Authorisation was sought for Members to issue an enforcement notice in respect of an unauthorised development. Details are provided in the closed minutes.

**Decision**

Details are provided in the closed minutes

**68. 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.

**69. Any Other Business**

Details are provided in the closed minutes

The meeting concluded at 11:25am.

CHAIR

**No:** 1  
**Number:** H/2017/0335  
**Applicant:** MR H KANDOLA  
**Agent:** SJD ARCHITECTS LTD MR STEVE DODDS TANNERS  
 BANK DESIGN STUDIO AISLABY ROAD  
 EAGLESCLIFFE STOCKTON ON TEES TS16 0JJ  
**Date valid:** 09/06/2017  
**Development:** Change of use to 3 no. house in multiple occupation (sui generis) with partial demolition to rear and alteration to front elevation (Amended plans to retain partial commercial use at ground floor).  
**Location:** 12 14 CHURCH STREET HARTLEPOOL

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## PURPOSE OF REPORT

1.1 A valid application has been submitted for the development highlighted within this report accordingly Hartlepool Borough Council as Local Planning Authority is required to make a decision on this application. This report outlines the material considerations in relation to the proposal and presents a recommendation. This application was deferred at the last Planning Committee (29/11/17) for a site visit to take place before this meeting (10/1/2018).

## BACKGROUND

1.2 The following planning applications and history are considered to be relevant to the current application site:

1.3 HHDC/1985/0395 – Planning permission was granted in 1985 for change of use from shop, showroom and offices to Information Technology Centre.

1.4 HFUL/1986/0493 – Planning permission was granted in 1986 for the erection of a two-storey rear extension to provide kitchen and bathroom facilities.

1.5 HHDC/1990/0216 – Planning permission was granted in 1990 for the erection of a two storey extension to the rear.

## PROPOSAL

1.6 Planning permission is sought for change of use of the existing building to 3 no. houses in multiple occupation (HMO) with partial demolition to rear, alterations to the front elevation and partial retention of the existing commercial use (last known use D1, non-residential institutions) at ground floor.

1.7 The application initially comprised the use of all of the building as HMO however in view of concerns with respect to the loss of an active ground floor frontage onto Church Street, the proposal was amended to part retain the existing use at ground floor.

1.8 The applicant has indicated in their submission that the proposal is for use as student accommodation and the applicant anticipates that the retained ground floor units would be attractive as start-up/incubator units to be compatible with HBC aspirations for an innovations and skills quarter.

1.9 The application has been referred to the Planning Committee in view of the number of objections received.

## **SITE CONTEXT**

1.10 The application site relates to 12-14 Church Street, Hartlepool. The properties were previously (c. 1985) converted to accommodate the Council's former Information Technology Centre (ITeC) and it is understood that it has periodically accommodated similar uses (training centres) since then. This is the last known use of the building (use class D1 - non-residential institutions). The properties are adjoined to the west by 15 Church Street and to the east by 11 Church Street. To the rear (south) of the properties lies adopted highway (John Street) with the car park of the Church Street campus of Cleveland College of Art and Design (CCAD) beyond. To front (north) of the properties lies the adopted highway on Church Street with 66-82 Church Street beyond.

## **PUBLICITY**

1.11 The application has been advertised by way of neighbour letters (31), site notice and a press notice. To date, 3 letters of objection have been received with the following concerns:

- Need for more business in area not Housing/HMOs
- Not beneficial for Church Street
- Replacing shop fronts is detrimental to the character of the Conservation Area
- Not in accordance with regeneration plans and Innovation and Skills Quarter
- Student accommodation would be detrimental to public realm and investment
- HMOs have previously brought crime to street
- No demand for HMOs
- Impact on access/parking at rear of premises

1.12 1 letter of support has been received with the following comments:

- CCAD welcomes private investment in the development of Church Street following our own significant investment in new facilities at 1 Church Street. As the college grows there will be greater demand for quality student accommodation of the type detailed in this application.

1.13 Copy Letters **D**

1.14 The period for publicity has now expired.

## **CONSULTATIONS**

1.15 The following consultation responses have been received;

### **HBC Public Protection**

07/08/2017: I have no objections to the amended plans.

UPDATE 16/11/2017: Further to our conversation concerning the application for the conversion of 12-14 Church Street to an HMO with retention of commercial units to the ground floor. It is likely that the party walls to these premises are only 4.5" single skin party walls. I would therefore require a sound insulation condition to the party walls with neighbouring premises.

### **HBC Housing Services**

19/07/2017: I have reviewed the above planning application and have the following comments to make:

Housing Services would have no objections in principle to the proposed development, however the applicant needs to be aware that the premises will be subject to mandatory HMO licensing under the provisions of the Housing Act 2004. A licence would be required for each of the three Houses in Multiple Occupation.

Broadly speaking, the accommodation as detailed in the plans appears to comply with our minimum room size requirements and the minimum standards that are required for facilities for bathing and toilet facilities and the preparation, cooking and consumption of food.

It would also appear that there are adequate facilities to store and dispose of refuse.

HMO licences are issued with a set of mandatory conditions and depending on the property (and following consultation with relevant agencies, such as the Fire Authority), there may be additional discretionary conditions attached. In particular, conditions will relate to the management of the property, referencing of prospective tenants and anti-social behaviour.

We would recommend that, if approved, the applicant consults directly with Housing Services about the requirements of mandatory licensing.

UPDATE 21/07/2017: I have reviewed the amended application and whilst I do not have any objections in principle to the proposed development, the reconfiguration has resulted in a reduction in the size of the kitchens which would mean that the number of occupants would be restricted by the HMO licence. I have attached our minimum space and amenities standards which set out the requirements.

For the purpose of this planning application, I have referred to the Category A (Bedsitting) standards. These require that a minimum kitchen space of 3sqm per person or 21sqm per unit. This could be achieved by providing kitchen facilities in the rooms shown as living/dining rooms in the two end properties. As the living/dining room and kitchen is a combined space in the middle unit, we would accept that configuration. In the case of all three units, dining facilities must be provided on the same floor or adjacent floor to the kitchen. If these changes are made, then the number of occupants would be only restricted by the number of lettings/bedsits.

UPDATE 31/07/2017: If the HMOs are going to be occupied on a shared house basis, this would be acceptable but the licence will need to include a condition to restrict the use as such.

UPDATE 15/11/2017: My comments still apply. There are different room sizes depending on whether the property is a shared house or occupied as bedsits. Typically a shared house will have common rooms (as you would expect when people are living as a 'family' unit) and the bedroom sizes may be smaller where shared common rooms are provided. Room sizes are locally adopted standards and are used as guidelines although bedrooms always need to meet the minimum requirement as currently set out in part X of the Housing Act 1985.

As I have set out below, the properties would be required to be licensed and this will limit total number of households and individuals. In the case of student accommodation, this would be one household with the number of individuals being determined by the amenities and space available. If it were bedsits, the number of households would generally be the same as the number of individuals, reflecting that the occupants tend to live independently of each other and would occupy the accommodation on individual tenancy agreements.

In terms of the licence, we could stipulate that the property is occupied on a shared house basis (restricting the household number implies this anyway) but I'm not sure that we could restrict it specifically for student use as this would be unduly restrictive, e.g. students could continue to occupy the property when their course of study ends.

### **HBC Heritage and Countryside**

26/06/2017: The application site is 12 – 14 Church Street which is within Church Street Conservation Area, a designated heritage asset. The buildings adjacent (8 – 11 Church Street), are locally listed buildings and therefore considered to be heritage assets.

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. 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. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

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

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

Policy HE6 of the recently submitted Local Plan supports the retention of historic shop fronts in Church Street, stating ‘Replacement shop fronts should be of high quality design responding to the local context.’ The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style.

This is supported by the ‘Shop Front and Commercial Frontages Design Guide Supplementary Planning Document’ which provides advice on the development; of relevance are the following guidelines,

- Replacement shop fronts should respond to the context, reinforcing or improving the wider appearance of the street.
- The age and architecture of the building should be taken into consideration in any new design or alterations.
- The street scene and the design solutions adopted at adjoining buildings should be noted so that the new shop front fits into the street scene.
- The finishing materials should be chosen to complement the design of the host building and surrounding property.
- Where a shop front occupies the ground floor of more than one building, the design and proportions of each shop front should relate to each individual building. A single shop front that spans two or more buildings disregarding architectural detail and decoration will not be acceptable.

The Church Street Conservation Area comprises the former historic and commercial area of West Hartlepool. The buildings are generally of Victorian origin, though a number of buildings have had late Victorian or Edwardian alterations, particularly to the front elevations. The properties are usually three storey, though a handful are more, some buildings having additional attic accommodation with traditional gabled roof dormers for light and ventilation.

The building form and materials consist of pitched slate roofs, with chimney stacks and pots. The emphasis to the building is vertical given by the traditional sliding sash windows and the shop fronts at street level. Elevations are brick finished or rendered and painted. Some later alterations particularly in the Edwardian period

have added decorative features in the form of stucco render. Bay windows of the Victorian canted and the Edwardian square type have been added above shop fronts at the first floor, often replacing earlier sash windows.

Of particular note in the Church Street area are the shop fronts, some original examples of which survive. These often have highly decorative features such as moulded corbels above pilasters, cornice moulding to fascias, and decorative mullions and transoms.

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk. This is due to the high number of vacant properties in the area and deterioration of buildings. 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 significance of the conservation area lies in the following values;

- Aesthetic value derived from the architectural detailing within the area.
- Historic value of the development of the Church Street area as one of the principal roads in the development of West Hartlepool, and
- Communal in the value provided by the meaning it has to residents of Hartlepool as the central area for industrial development in Hartlepool's heyday.

Church Street was one of the main streets in West Hartlepool. The Heritage Statement suggests that the buildings were originally houses which were later converted to shops however early photographs of the street would indicate that the properties were constructed as commercial buildings, with the Ward Directories confirming this showing in 1898 12 – 14 were respectively occupied by, a tobacconist, solicitors and ironmonger.

The Heritage Statement also suggested that the shop fronts are replacements. This may be the case as investment in the street in the early 1990s under the City Challenge Scheme resulted in the repair and replacement of a number of frontages. The shop fronts that feature on the buildings are appropriate to the properties in scale and proportion. In particular the existing shop fronts follow the guidelines found in the Shop Front Design Guide which states, 'For a shop front design to be successful three elements, the stallriser, fascia and shop window should be in proportion.'

The proposed shop fronts are inappropriate and contrary to the guidance in the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document'. The style does not reflect the design and architectural detailing found in the wider area. Large, fixed display windows can be seen throughout this conservation area; when the buildings are occupied they provided animation to the streetscene. The loss of these windows and their replacement with smaller sash windows would have a detrimental impact on the conservation area due to the loss of architectural detail with an alternative design which creates dead frontages giving the street the feeling of being closed for business.

Aside from the main shop windows the detailing to the properties does not reflect that of a traditional shop front. The stallriser appears taller than those generally found in this area and the pilasters are wider. Overall the effect reduces the amount of glazing within the frontage and does not present the appearance of a traditional shop front.

These three buildings sit adjacent to four locally listed buildings, 8 – 11 Church Street. These buildings have retained many of their traditional detailing and neighbouring property in the block provides the wider setting for these. The buildings currently sit together harmoniously and, although not identical in design, have common features such as large display windows, low stallrisers and narrow pilasters and frames to the glazing. The introduction of three shop fronts which are not of an appropriate design would disrupt this resulting in harm to the setting of these locally listed buildings.

The Design and Access Statement and Heritage Statement state, 'ground floor rear infill extensions are to be removed, to recreate the yards'. The description of the works does not adequately describe the proposal and it appears that it is a two storey extension which is being demolished. The extension to be demolished appears to be more contemporary to the building than that at No. 14 which appears to be a more recent addition. It is however acknowledged that extensions to the buildings would not have covered the whole of the yard area, and this effort to provide some space to the rear of the building is noted, and therefore in principle there would be no objections to this element of the works.

With regard to the use of the building, it is acknowledged that there is a requirement to find appropriate uses for the upper floors of properties in the area in order to ensure that there is a mix of activities throughout Church Street, both during the day and on an evening. It is, however, considered that the introduction of a residential use to the ground floor of these buildings would be detrimental to the character of the conservation area, in particular due to the loss of the commercial space and the alterations to the buildings which would be required to facilitate this scheme.

It is considered that the proposal will cause less than substantial harm to the designated heritage asset (Church Street Conservation Area) and the heritage assets (8 – 11 Church Street). This is due to the alterations to the shop fronts which are of a design which is out of keeping with the wider area and would therefore harm the character of the conservation area and the setting of the locally listed buildings. In addition it is considered that a residential use on the ground floor of the buildings would harm the conservation area as the removal of commercial space reduces the active frontages in the area thereby harming the character of the conservation area which is that of a commercial thoroughfare. No information has been provided to demonstrate that this harm will be outweighed by the public benefits of the proposal.

UPDATE 26/07/2017: In principle I have no objection to the revised scheme and welcome the introduction of the commercial space to provide activity to the ground floor. In considering the spaces shown on the plans these do provide quite limited space and it is not clear how these facilities will be serviced. Further information should be considered to ensure that these units would be viable.

In relation to the amendments to the shop fronts in principle there would be no objection to the insertion of doors into the frontages however it is considered that the detailing requires some refinement. Should the applicant be progressed in this form it is request that this element of the work is conditioned in order to ensure that the detailing is appropriate to the conservation area.

### **Historic England**

On the basis of the information available to date, in our view you do not need to notify or consult us on this application under the relevant statutory provisions.

### **Tees Archaeology**

29/06/2017: Thank you for the consultation on this planning application.

12-14 Church Street are part of a nineteenth century terrace and would originally have been used for a mixture of commercial and residential purposes. They are within the Church Street Conservation Area and were built during the early stages of the development of West Hartlepool.

Although the buildings are of historic interest I have no objection in principle to the proposed alterations, however it would be reasonable to request that the developer provides a historic building survey as a record of the buildings prior to any alterations. This would involve a suitably qualified professional carrying out a photographic, written and drawn survey of the buildings and producing a report which presents the results alongside historical research. This should be made publicly accessible in line with the advice given in NPPF para 141.

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

Recording of a heritage asset through a programme of historic building recording  
A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

C) The development shall not be occupied until the historic building recording has been completed in accordance with the programme set out in the Written Scheme of

Investigation approved under condition (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

I would be happy to provide a brief for the historic building recording along with a list of contractors who are able to tender for such projects in the area.

UPDATE 25/07/2017: My previous comments of 29/06/2017 remain valid.

### **HBC Arboricultural Officer**

Not object

### **HBC Traffic and Transport**

11/07/2017: The impact on parking would not be severe therefore I do not want to object.

UPDATE 03/08/2017: There's no off street parking proposed as part of the development. The on street parking is predominantly business parking and limited waiting. There are pay and display car parks in the vicinity. There's some unregulated parking to the rear of the property however this is subject to complaints regarding access for business.

There are generally low rates of car ownership for this type of dwelling. However the number of dwellings proposed will create demand for parking. This type of dwelling would normally require 1 space per 6 occupants therefore 4/5 spaces would normally be provided.

I would not consider that the impact severe if no parking was provided. Parking to the rear of the property would be on a first come first served basis, otherwise residents would have to purchase a business permit to guarantee a parking space. I therefore do not wish to object to this application.

### **HBC Engineering Consultancy**

30/08/2017: Guidance states that you don't need to do a sequential test if your development involves a change of use (eg from commercial to residential) unless your development is a caravan, camping chalet, mobile home or park home site.

You also don't need to do a sequential test if one has already been carried out for a development of the type you're planning (eg a residential development) for your site. Planning Policy has recently undertaken one as part of the local plan work so we are covered on both fronts.

### **Environment Agency**

06/09/2017: In the absence of an acceptable Flood Risk Assessment (FRA) we object to the grant of planning permission and recommend refusal on this basis for the following reasons:

UPDATE 06/10/2017: Based upon the additional submitted information and the findings of the Royal Haskoning report highlighted in the submitted Flood Risk Assessment (FRA), we now wish to withdraw our previous objection of 6 September 2017.

The FRA states the development is in Flood Zone 1 based upon the Royal Haskoning report. We understand that the defended scenario shows the land to be within Flood Zone 1. However, we wish to note that our Flood Map presents the undefended risk only and as such, does not take into account existing defences.

We also have the following advice to offer in respect of the proposal.

#### Flood Proofing

##### Advice to LPA/applicant

We recommend that consideration be given to use of flood proofing measures to reduce the impact of flooding when it occurs. Flood proofing measures include barriers on ground floor doors, windows and access points and bringing in electrical services into the building at a high level so that plugs are located above possible flood levels.

Consultation with your building control department is recommended when determining if flood proofing measures are effective.

Additional guidance can be found in our Floodline Publication 'Damage Limitation'. A free copy of this is available by telephoning 0845 988 1188 or can be found on our website [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk) click on 'flood' in subjects to find out about, and then 'floodline'.

Reference should also be made to the Department for communities and local Government publication 'Preparing for Floods' please email: [communities@twoten.com](mailto:communities@twoten.com) for a copy or alternatively go to: <http://www.planningportal.gov.uk/uploads/odpm/4000000009282.pdf> as well as the communities and local Government publication 'Improving the flood performance of new buildings' which can be viewed at: <http://www.communities.gov.uk/publications/planningandbuilding/improvingflood>

#### Flood warning and emergency response

##### Advice to LPA

The Environment Agency does not normally comment on or approve the adequacy of flood emergency response procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement with this development during an emergency will be limited to delivering flood warnings to occupants/users covered by our flood warning network.

The Planning Practice Guidance to the National Planning Policy Framework states that those proposing developments should take advice from the emergency services when producing an evacuation plan for the development as part of the flood risk assessment.

In all circumstances where warning and emergency response is fundamental to managing flood risk, we advise local planning authorities to formally consider the emergency planning and rescue implications of new development in making their decisions.

**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.

### **HBC Economic Regeneration**

13/06/2017: The Council is set to spend circa £7m on a regeneration programme focused within the Innovation and Skills Quarter (ISQ) which includes Whitby Street. The Grade II listed former General Post Office at 13-17 Whitby Street is set to undergo a major refurbishment and new-build extension starting in August/September 2017 with the aim of creating a business start up centre for graduates in the creative industries. The whole area is to be revitalised through Council and Combined Authority funding to enable a change in focus within the area to encourage day time business and educational uses. Therefore, from a regeneration perspective there is clear need from the adopted Regeneration Masterplan to encourage the use of buildings within the area that will support the regeneration of the ISQ. A HMO next to the new facility at 13-17 Whitby Street will not be the most appropriate use of buildings around a centre that will be trying draw in business tenants and their clients to use it.

The Cleveland College of Art & Design has also just opened a £11m educational campus at the bottom of Church Street with the aim of drawing students to study there from around the region and the Council aims to support CCAD's development through appropriate regeneration within the ISQ.

UPDATE 01/08/2017: The application is located in a prominent position within Church Street which has been identified within the Hartlepool Vision and Hartlepool Regeneration Masterplan as a key regeneration priority. The proposals comprise developing an "Innovation and Skills Quarter" to support the growth of a cluster of businesses, including those within the creative and digital industries sector, supported by graduates from Cleveland College of Art and Design.

A major programme of public realm improvements is planned for Church Street and Church Square to improve the environment, enhancing links between the Cleveland College of Art and Design's new campus and their existing buildings in Church Square, the town centre and Hartlepool College of Further Education. The programme of public realm works will be complemented by a Heritage Lottery Fund Townscape Heritage Scheme targeted at improving the historic buildings within Church Street.

The regeneration proposals aim to create a new role for the area, diversifying the business offer. It is important that all applications within the area support the regeneration objectives of the Innovation and Skills Quarter which are outlined within the Hartlepool Vision, Hartlepool Regeneration Masterplan and Church Street Creative Industries Strategy.

The revised proposal to include commercial units (although limited) on the ground floor of the property is welcomed as it will provide much needed commercial floorspace to contribute to the viability of the street. It is important that the units created are viable and kept as commercial units.

Protecting and enhancing the heritage of Church Street is a key regeneration priority with the aim of making the area attractive to creative businesses and private sector investment. Particular emphasis should therefore be given to ensuring that the shopfronts are of a high quality design and construction.

Robust and effective management arrangements are required for all residential uses within the area given the regeneration aims and the neighbouring campus of Cleveland College of Art and Design.

**HBC Countryside Access Officer:** No comments.

**HBC Building Control:** In relation to the above application I can confirm a Building Regulation application will be required and there will be significant work required to the building to ensure compliance with fire safety legislation, sound resistance / reverberation and accessibility to name a few.

### **Cleveland Fire Brigade**

25/07/2017: Cleveland fire Brigade offers no representations regarding the development as proposed.

However access and water supplies should meet the requirements as set out in approved document B volume 1 of the building regulations for domestic dwellings, or where buildings other than dwelling houses are involved then these should meet the requirements of Approved Document B Volume 2 for both access and water supply requirements.

It should be noted that Cleveland Fire Brigade now utilise a Magirus Multistar Combined Aerial Rescue Pump (CARP) which has a vehicle weight of 17.5 tonnes. This is greater than the specified weight in AD B Section B5 Table 20.

Further comments may be made through the building regulation consultation process as required.

UPDATE 31/07/2017: With regards to the above referenced planning application, can I confirm that a building regulations application is going to be required? If so I will consult on this but if not then it must be ensured that 60 minutes of fire resistance is maintained separating commercial and residential areas.

### **HBC Waste Management**

10/11/2017: I have been out to see this and can confirm that the bins can be emptied from here. We have two trade bins here and they are done early before the cars arrive from the businesses.

Therefore, we have no issues, subject to the following conditions:

- That the access to the back street remains in place; and
- That the back street remains open only for business parking, because if residents are allowed to park there, we will not be able to get in and access the street first thing.

We can service bins from the front. That would actually be easier for us than the rear, which gets tight. However, one concern might be that the bins at the front would interfere with the image of the area?

But in terms of us emptying them, that will be fine.

UPDATE 13/11/2017: Two 770L bins should be sufficient for 7 domestic units, especially given the nature of the units here (ie probably mainly single person occupancy, or two maximum). This would leave one 770L bin for the commercial unit.

However, the trade waste would need to be kept separate from domestic, unless they have taken the decision to take out a trade waste contract for the entire building. This is because we would, if required, provide a free waste service for the domestic units, but cannot do this for the businesses.

It would be acceptable for one of the three bins to be trade and 2 to be domestic, but the amount of waste generated by the business will dictate the size of bin required.

Despite the finer logistics of it all, above, in answer to your question, three 770L bins should be sufficient.

### **HBC Community Safety and Engagement (summarised) –**

14/11/2017: Please find the attached document which contains community safety information to assist with the decision making in relation to the above planning application.

Please note:

Some of the data contained in this document relates to incomplete financial years (April – October 2017). As such, this data is unaudited and maybe subject to change. Therefore the information contained in this document is restricted and cannot be shared in the Public Domain.

Contents of document summarised (figures omitted):

Analysis to ascertain the levels of crime and anti-social behaviour in Church Street has been conducted for the period 1st April 2016 to 31st October 2017 and data sources that have been researched include:

- Cleveland Police – recorded crime and incidents
- Vulnerable Localities Index

Located in the Headland and Harbour ward, Church Street is one of the main night-time economy areas in the town and as such, much of the crime and disorder in this area is linked to alcohol (approx. 28%).

Incidents in this area are predominantly reported on a Saturday and Sunday where two thirds of these incidents occur between midnight and 5am.

Approx. 0.98% of anti-social behaviour in Hartlepool and approx. 6.7% of anti-social behaviour in the Headland and Harbour ward occurred within the research area.

Anti-social behaviour incidents linked to existing residential dwellings in Church Street equate to approx. 17.5% of all incidents in this area during the reporting period.

Violent crime in the research area equates to almost half of all crime recorded in the area. Key days for the occurrence of violent crime are Saturday and Sunday with more than half of offences occurring between 10pm and 4am. Many of these violence offences are alcohol related with approx. 85% of offences occurring on weekend recorded as “under the influence” or as “occurred at licensed premises”.

Other crime types recoded within the research area include burglary, theft and handling stolen goods, criminal damage and drug offences.

Approx. 0.68% of crime in Hartlepool and approx. 5% of crime in the Headland and Harbour ward occurred within the research area.

Crimes linked to existing residential dwellings in Church Street equate to approx. 22.5% of all recorded crime in this area during the reporting period.

The Vulnerable Localities Index is a composite measure that brings together data on crime, with indicators on social exclusion, datasets used include deprivation, low educational attainment and qualifications, young person population (15-24 yrs) and, crime and disorder information. As defined by the Jill Dando Institute of Crime Science a vulnerable community displays two core attributes; it is an area that experiences problems that relate to community breakdown and fragmentation, and it is an area where the trends indicate continual problems, recurring problems or an increasing problem.

The identification of vulnerable localities allows the direction of crime reduction resources into those areas with the greatest need. As such each one of the 313 Census Output Areas in Hartlepool has been given a Vulnerable Localities Index score based upon their crime, deprivation and demographic make-up. Any area with a score over 200 is deemed as a vulnerable locality. As such there are 22 areas in Hartlepool that have been identified as vulnerable localities; these are located in the Jesmond, Victoria, Headland & Harbour, Burn Valley, Foggy Furze and Manor House wards .

Within the Headland and Harbour ward, there is a vulnerable locality in the Church Street area.

## **Cleveland Police**

11/07/2017: National Planning Guidance

National Building Guidance states that designing out crime and designing in Community Safety should be central to the planning and delivery of new developments.

### **Secured by Design**

Secured by Design is a Police initiative to guide and encourage those engaged with the specification, design and build of new homes and commercial premises to adopt crime prevention measures in these new developments.

The principles of Secured by Design have been proven to achieve a reduction of crime risk by up to 75% by combining minimum standards of physical security and well tested principles of natural surveillance.

These types of premises have the potential to be vulnerable to criminal activity I would therefore recommend that measures are put in place to reduce the opportunities for crime and ensure the safety of residents. I would recommend that the following seeks to be implemented with a view to achieve the Secured by Design award.

### **Access Control**

Main communal doors have an access control system which will include an integral camera with both audio and colour visual communication between occupant and visitor. Images of persons using the door entry system should be recorded and stored for 30days. Unrestricted access from the building should be available in event of emergency or power failure.

Access to all areas and floors should be restricted to help curtail anti-social behaviour within the building any internal access controlled doors require a release mechanism for Fire Service in event of emergency this should be clearly identified and agreed with Fire Service.

### **Lighting**

All door entrances fitted with dusk/dawn lighting. 24 hour lighting using a photoelectric cell should be provided to communal areas, stairwells, corridors.

### **Door Security**

Main communal or shared entrances will be subject to greater use and will need to be of robust construction able to withstand day to day use of a communal application. To ensure the door is fit for purpose it is recommended that the door complies with the requirements of BS6375. In relation to security certification to one of the following standards STS202 Issue 3 (2011) Burglary Rating 2, LPS1175 Issue 7.2(2014) Security Rating 2+(minimum) or PAS 24:2014 tested BS EN 1627 Resistance Class 3 will also demonstrate that the door set is suitable for purpose. Any glazing to door sets within 400mm must incorporate one pane of laminated glazing meeting or exceeding the requirements of BS EN 356:2000classPIA

All primary internal flat entrances doors certified to PAS 24:2014 with non-key locking internal face PAS 8621 with a door viewer or vision panel would also be recommended. These doors shall be of robust construction and fire rated (FD30).

#### Mail Delivery

Secure mail delivery facilities should be provided the following should be incorporated located at the primary entrance of the building within view with the internal area covered by CCTV or located in a secure airlock with access controlled entrance hall Letter boxes certified to TS009 Door&Hardware Federation Technical Specification. Letter boxes should have anti fishing properties and fire retardation where considered necessary.

#### Cycle Storage/Refuge Areas

Secure area should be provided with CCTV coverage of cycle storage area. Cycle Stands should be provided preferably under cover to enable locking of wheels and cross bar and be certified to Sold Secure Silver Standard.

#### Emergency Exit doors

These can be vulnerable to attack require to be to be certified to PAS 24 :2012 or PAS24:2016.

UPDATE 11/07/2017: The main issues in relation to security and safety issues are regards physical security and access control. I believe the internal layout does not allow full circulation of the building which is advisable. Obviously Fire Service will require to be satisfied re Fire Safety.

UPDATE 03/08/2017: The only comments I would make would be to ask the developer to consider the principles of Secured by Design, particularly for the cycle storage.

### **PLANNING POLICY**

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

#### Local Policy

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

- GEP1 - General Environmental Principles
- GEP2 - Access for All
- GEP3 - Crime Prevention by Planning and Design
- GEP9 - Developers' Contributions
- Com1- Development in the Town Centre
- Com2 – Primary Shopping Area
- Tra16 - Car Parking Standards
- HE1 - Protection and enhancement of the conservation areas
- HE2 - Environmental improvements in conservation areas
- HE3 - Development in the vicinity of conservation areas

### Emerging Local Plan

1.18 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, 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 unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

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

SUS1 - Presumption in Favour of Sustainable Development

LS1 - The Locational Strategy

CC1 - Minimising and adapting to Climate Change

CC2 - Reducing and Mitigating Flood Risk

RC2 - The Town Centre

RC3 - Innovation and Skills Quarter

HSG1 – New Housing Provision

HE1 - Heritage Assets

HE2 - Archaeology

HE3 - Conservation Areas

HE5 - Locally Listed Buildings and Structures

HE7 - Heritage at Risk

QP1 - Planning Obligations

QP3 - Location, Accessibility, Highway Safety and Parking

QP4 - Layout and Design of Development

QP5 - Safety and Security

QP6 - Technical Matters

### National Policy

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

strategies relating to health, social and cultural well-being. The following paragraphs are relevant to this application:

Paragraph 2 - Application of planning law  
 Paragraph 6 - Purpose of the planning system – creation of sustainable development  
 Paragraph 7 - Three dimensions to sustainable development  
 Paragraph 9 - Pursuing sustainable development  
 Paragraph 11 - Determination in accordance with the development plan  
 Paragraph 12 - Status of the development plan  
 Paragraph 13 - The National Planning Policy Framework constitutes guidance  
 Paragraph 14 - Presumption in favour of sustainable development  
 Paragraph 17 - Core planning principles  
 Paragraph 56 - Design of the built environment  
 Paragraph 57 - High quality inclusive design  
 Paragraph 60 - Promotion or reinforcement of local distinctiveness  
 Paragraph 64 - Improving the character and quality of an area  
 Paragraph 99 - Managing climate change risks in vulnerable areas  
 Paragraph 103 - Ensuring that flood risk is not increased elsewhere  
 Paragraph 111 - Use of previously developed land  
 Paragraph 128 - Significance of a heritage asset  
 Paragraph 129 - Impact upon a heritage asset  
 Paragraph 131 - Positive contribution towards local character and distinctiveness  
 Paragraph 132 - Significance of a heritage asset and its setting  
 Paragraph 134 - Less than substantial harm to a heritage asset  
 Paragraph 137 - Positive contribution to a heritage asset  
 Paragraph 196 - Determination in accordance with the development plan  
 Paragraph 197 - Presumption in favour of sustainable development  
 Paragraph 203 - Conditions or planning obligations  
 Paragraph 216 - Weight given to Emerging Plans

**1.21 HBC Planning Policy (summarised):** There are no planning policy objections in principle to the proposal subject to the consideration of the relevant material planning considerations in accordance with the provisions of the relevant saved policies of the adopted Hartlepool Local Plan (2006) and the emerging Hartlepool Local Plan (2016).

## PLANNING CONSIDERATIONS

1.22 The main material planning considerations when considering this application are the principle of the development, planning obligations, the impact on the character, appearance and setting of designated and non-designated heritage assets (including the surrounding Conservation Area), the amenity of neighbouring land users, highway and pedestrian safety, safety and security, waste management, flood risk and archaeology. These and all other planning and residual matters are considered in full below.

## PRINCIPLE OF DEVELOPMENT

1.23 Paragraph 6 of the National Planning Policy Framework (NPPF) states that the purpose of the planning system is to achieve sustainable development. Paragraph 7 states that there are three dimensions to sustainable development: economic, social

and environmental. At the heart of the NPPF is a presumption in favour of sustainable development which should be seen as a golden thread running through plan-making and decision-taking (NPPF paragraph 14).

1.24 The core planning principles are set out at Paragraph 17 of the NPPF. These include ‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings’ (4th core planning principle) and ‘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’ (8th core principle).

1.25 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.

1.26 The site is within the boundary of saved policy Com1 (The Development of the Town Centre) of the adopted Hartlepool Local Plan 2006. Saved policy Com1 cross-references to other policies including saved policy Com2 (Primary Shopping Area). Saved policy Com2 permits proposals for the residential use of upper floors of properties provided that the further development of commercial activities is not prejudiced and subject to the installation of appropriate noise insulation.

1.27 The site is also within the boundary of the Church Street Conservation Area. Saved policy HE1 (Protection and Enhancement of Conservation Areas) states that 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 the appearance of the area and where the development does not adversely affect the amenities of occupiers of adjoining or nearby properties.

1.28 The Council’s emerging Local Plan (2016) is at an advanced stage of preparation (The Examination Hearings having taken place in September 2017) and as such weight can now also be given to policies within this document subject to the extent to which there are unresolved objections to those policies. The extent to which there are unresolved objections to the following policies is very limited and the policies are consistent with the NPPF. Therefore, it is considered that great weight can be attached to these policies.

1.29 The site is within the boundary of emerging policy RC2 (The Town Centre). The policy identifies residential uses as one of the uses that is permissible as part of the mix to diversify, support and protect the town centre. The site is also within the boundary of the proposed Innovation and Skills Quarter (ISQ) as set out in emerging policy RC3 and outlined on the emerging proposals map. Emerging policy RC3 states that the provision of small scale starter units will be encouraged within the ISQ.

1.30 Emerging policy HE3 (Conservation Areas) states that the Borough Council will seek to ensure that the distinctive character of the Borough will be conserved or enhanced through a constructive conservation approach. Emerging policy HE3 sets

out a number of criteria to which particular regard will be given when determining applications within Conservation Areas. These include 'The scale and nature of the development in terms of appropriateness to the character of the particular conservation area'. Emerging policy HE3 also states that proposals for demolition within Conservation Areas will be carefully assessed and sets out criteria against which such proposals must be assessed.

1.31 Emerging policy QP4 (Layout and Design of Development) 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 criteria for the policy includes the requirement that new development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties by way of general disturbance, overlooking and loss of privacy, overshadowing and visual intrusion particularly relating to poor outlook'. The policy also states that most development should blend seamlessly with its surroundings.

1.32 The Council's Economic Regeneration team have commented that the revised proposal to include/retain commercial units (although limited) on the ground floor of the property is welcomed as it will provide much needed commercial floorspace to contribute to the viability of the street, however it is important that the units created are viable and kept as commercial units. The units to be retained/sub-divided currently fall within the D1 use class (non-residential institution) and as such any change of this use is likely to require planning permission. It has also been advised that robust and effective management arrangements are required for all residential uses within the area given the regeneration aims and the neighbouring campus of Cleveland College of Art and Design.

1.33 The proposal comprises the reuse of an existing building that is currently vacant. The application site is within a sustainable location within the urban core of the town and close to amenities. The proposal is for student accommodation and is located within walking distance of both Cleveland College of Art and Design (CCAD) and Hartlepool College of Further Education. The proposed residential use of the upper floors and ground floor commercial use are consistent with the saved policies of the Hartlepool Local Plan (2006) and emerging policies of the emerging Hartlepool Local Plan (2016). The principle of the development is therefore considered to be acceptable, subject to the detailed consideration of the relevant material planning considerations as set out in full below.

## PLANNING OBLIGATIONS

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

1.35 In line with the saved policies of the Hartlepool Local Plan 2006 and the adopted Planning Obligations Supplementary Planning Document (SPD), provision of or contribution towards play and sports facilities will be required for housing

developments comprising of five dwellings or more. The development comprises 21 new bedroom spaces (supporting a minimum of 21 adults) and as such the Council considers that the contributions should be calculated on the basis of 21 x the standard rate contribution. These requirements are set out in detail below.

1.36 In the interests of ensuring that residents have access to a variety of leisure opportunities and in having regard to the size of the site, it would be unreasonable to suggest that the applicant should provide new built sports facility on site. However, it is considered necessary to assist in improving the Built Sports Facilities which residents are likely to use. A sum of £5,250 (£250 per bedroom) should therefore be provided for the improvement of fitness facilities at Mill House Leisure Centre.

1.37 A contribution of £5,250 (£250 per dwelling) has been sought towards Green Infrastructure (GI) in the interests of ensuring that residents have access to adequate public amenity space. The Council's Planning Policy team recommend that GI contributions should go towards the access improvements to the England Coast Path in the area just south of the Marina, close to the Yacht Club.

1.38 No contributions are sought for children's play facilities or education. This is because the proposal is unlikely to generate these types of requirements.

1.39 The applicant has agreed to pay the requisite developer contributions in full and as such the recommendation is subject to the signing of an appropriate Section 106 Legal Agreement to secure these.

#### CHARACTER, APPEARANCE AND SETTING OF DESIGNATED AND NON-DESIGNATED HERITAGE ASSETS (INCLUDING THE CONSERVATION AREA)

1.40 The application site is within Church Street Conservation Area, a designated heritage asset. The buildings adjacent (8 – 11 Church Street), are locally listed buildings and therefore considered to be heritage assets.

1.41 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).

1.42 Emerging policy HE6 of the emerging Local Plan supports the retention of historic shop fronts in Church Street. The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style. This is supported by the 'Shop Front and Commercial Frontages Design Guide Supplementary Planning Document' which provides advice on such development.

1.43 The conservation area is considered to be ‘at risk’ under the criteria used by Historic England to assess heritage at risk. This is due to the high number of vacant properties in the area and deterioration of buildings. Emerging policy HE7 of the emerging Local Plan sets out that the retention, protection and enhancement of heritage assets classified as ‘at risk’ is a priority for the Borough Council.

1.44 Both Historic England and the Council’s Heritage and Countryside Manager have been consulted on the application. Historic England have offered no comments on the application.

1.45 The Council’s Heritage and Countryside Manager has advised that, with regard to the use of the building, it is acknowledged that there is a requirement to find appropriate uses for the upper floors of properties in the area in order to ensure that there is a mix of activities throughout Church Street, both during the day and on an evening.

1.46 The extension to be demolished to the rear of the site appears to be more contemporary to the building than that at No. 14 which appears to be a more recent addition. It is however acknowledged that extensions to the buildings would not have covered the whole of the yard area, and this effort to provide some space to the rear of the building is noted, and therefore in principle there would be no objections to this element of the works.

1.47 The Council’s Heritage and Countryside Manager had however initially raised concerns with respect to the loss of the existing uses and associated shop fronts at ground floor and the resulting impact on the character of the Conservation Area. Similar concerns have also been received from objectors. In view of these concerns, the proposal has been amended to partially retain the existing use at ground floor and associated shop fronts, albeit with the insertion of additional doors in the front elevations.

1.48 Following the submission of amended plans, the Council’s Heritage and Countryside Manager has since advised that the introduction of commercial space to provide activity at ground floor is welcome and there are no objections in principle to this, subject to a suitable planning condition requiring further details with respect to the proposed shop frontage amendments, and this is recommended accordingly. The Council’s Heritage and Countryside Manager has however queried the viability of the units given their small size and servicing arrangements. The agent for the application has responded to these comments, indicating that they view the units as start-up/incubator units to be compatible with HBC aspirations for an innovation and skills quarter and that units these sizes would be more attractive to start-up businesses, albeit it should be noted the last known use class is D1 (non-residential institution) and as such planning permission is likely to be required to change this use.

1.49 In view of the above, the application is considered to be acceptable with respect to the impact of the proposal on the character, setting and appearance of designated and non-designated Heritage Assets (including the Conservation Area) subject to the abovementioned planning condition.

## AMENITY OF NEIGHBOURING LAND USERS

1.50 The proposal is located within a mixed use area with a variety of commercial uses and residential flats along Church Street within the vicinity of the site. The application site is adjoined to the east and west by existing commercial buildings. The proposal comprises the conversion of an existing mid-terrace building within the Church Street and the demolition of part of an existing rear offshoot to create a rear yard area. The proposal does not include any extensions to the existing buildings.

1.51 To the north (front), there are satisfactory separation distances of approximately 20 metres between the first and second floor front elevation windows and the properties on the opposite side of Church Street, in accordance with guideline separation distances for principal-to-principal elevations as set out within Supplementary Note 4 of the Hartlepool Local Plan 2006. As such it is considered there would be no significant impact on the amenity and privacy of existing or future occupants of the host property or neighbouring properties to the north in terms of loss of privacy or amenity.

1.52 To the east, the proposal is adjoined to 11 Church Street and does not extend beyond the southern elevation of this property. There are therefore no windows facing in this direction. It is therefore considered there would be no appreciable impact on the amenity of this neighbour in terms of loss of privacy or amenity.

1.53 To the south, whilst the proposal incorporates a number of new windows in the southern (rear) elevations of the properties, the buildings overlook the car park of the Church Street campus of Cleveland College of Art and Design. It is therefore considered there are no implications for the amenity of neighbouring properties to the south.

1.54 To the west, the application site is adjoined to 15 Church Street. Whilst the host property currently features windows in the western elevation of the existing rear offshoot (facing the rear offshoot of this adjoining property), this adjoining property does not feature any windows in its eastern elevation facing the application site and as such it is considered there would be no impact on neighbour amenity or the amenity of future occupiers resulting from overlooking/loss of privacy from the properties to the west.

1.55 With respect to the internal configuration of the development, the proposal includes a number of new windows that are to overlook the newly created rear yard area to the rear of 13 Church Street. Whilst there are to be bedroom windows located in both the side (west) elevation of 12 Church Street and rear (south) elevations of 13 Church Street, given that these are at a perpendicular angle to one another with only oblique views between, it is considered there would not be a significant detrimental impact on the amenity of future occupiers through lack of privacy/overlooking. Whilst there is only minimal separation distances between the bedroom windows in the side (west) elevations of the rear offshoots and the blank side (east) elevations of the rear offshoots at 13 Church Street and 15 Church Street opposite, there are no windows that directly face one another and this relationship is considered to be characteristic of the relatively dense urban grain in this area. It is

therefore considered that there would be no significant detrimental impact on the amenity of future occupiers of the property in terms of overshadowing, any overbearing effect or lack of privacy or amenity as to warrant refusal of the application.

1.56 Furthermore, the Council's Public Protection section has been consulted on the application and have confirmed that they have no objections to the proposal subject to a planning condition securing details of appropriate sound insulation in the interests of the amenities of future occupiers and neighbouring properties and this is recommended accordingly.

1.57 The application is therefore considered to be acceptable with respect to the impact on the amenity of existing and future occupiers of the host dwellings and neighbouring properties.

## HIGHWAY AND PEDESTRIAN SAFETY

1.58 The Council's Highways, Traffic and Transport section has been consulted on the application and has advised that, whilst there is no off-street parking proposed as part of the development and only limited/restricted on-street parking at this location, there are pay and display car parks in the vicinity and unregulated parking to the rear of the property.

1.59 Whilst there are generally low rates of car ownership for this type of dwelling, it has been advised that the development would typically require 1 space per 6 occupants and therefore 4/5 spaces would normally be provided. However, the Council's Highways, Traffic and Transport section has commented that it is considered that the impact of no parking provision would not be severe.

1.60 In view of the above comments, it is considered, on balance, that the application is acceptable with respect to the impact on highway and pedestrian safety.

## FLOOD RISK AND DRAINAGE

1.61 The application site is located within Flood Zone 1. The application has therefore been accompanied by a Flood Risk Assessment (FRA). The Council's Engineering section and the Environment Agency have been consulted on the application.

1.62 The Council's Engineering section has raised no concerns with respect to the application. Whilst the Environment Agency (EA) initially submitted an objection to the application on the basis of the content of the submitted FRA, following further correspondence from the agent for the application with respect to this that was subsequently forwarded to the EA, the EA have now withdrawn their objection. The EA have also provided advice for the applicant with respect to flood proofing measures and as such a suitable informative note to this effect is recommended.

1.63 Northumbrian Water has also been consulted on the application and has advised that at this stage they would have no comments to make.

1.64 In view of the above, the application is considered to be acceptable with respect to matters of flood risk.

## ARCHAEOLOGY

1.65 Tees Archaeology have been consulted on the application and have advised that, whilst they have no objections in principle to the proposal, the site is of archaeological interest and it is therefore considered reasonable to request that the developer provides a historic building survey as a record of the buildings prior to any alterations. An appropriate planning condition is therefore recommended accordingly.

1.66 The proposal is therefore considered acceptable with respect to matters of archaeology subject to the abovementioned planning condition.

## SAFETY AND SECURITY

1.67 An objection has been received commenting that HMOs in this area have previously resulted in greater levels of crime.

1.68 The Council's Community Safety and Engagement Unit have been consulted and provided details of ASB and crime analysis. The unit has advised that the area is considered a vulnerable locality with respect to crime and anti-social behaviour and have provided details of crime and anti-social behaviour within the area. It has been advised that, as Church Street is one of the main night-time economy areas in the town, much of the crime and disorder in this area is linked to alcohol. Incidents in this area are predominantly reported on a Saturday and Sunday where two thirds of these incidents occur between midnight and 5am.

1.69 Anti-social behaviour incidents linked to existing residential dwellings in Church Street equate to approx. 17.5% of all incidents in this area during the reporting period. Crimes linked to existing residential dwellings in Church Street equate to approx. 22.5% of all recorded crime in this area during the reporting period.

1.70 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate crime prevention measures as outlined in Secured by Design guidelines. It has been advised that the main issues with respect to safety and security relate to physical security and access control and Cleveland Police have provided advice for the applicant on Secured by Design principles and measures to improve safety and security for future occupants. A suitable informative note to this effect is therefore recommended accordingly.

1.71 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that suggest the scheme will lead to an increase in crime/anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the

Police Service or the Community Safety and Engagement team. Furthermore and as set out above, both Cleveland Police's Architectural Liaison Officer and the Council's Community Safety and Engagement team have raised no objections to the application.

1.72 The provisions of Section 17 of the Crime and Disorder Act 1998 have therefore been taken into account in the preparation of this report. In view of the above, it is considered that the proposed development would not harm the living conditions of neighbouring occupiers, with particular reference to antisocial behaviour, crime and the fear of crime. As such, it would not be contrary to saved Policy GEP1 and would accord with the guidance in the NPPF, in this respect.

## WASTE MANAGEMENT

1.73 With respect to the waste management, the submitted details demonstrate capacity for 3x 770L waste bins within the rear yard areas of each property. Whilst the proposed ground floor commercial units do not have any direct access through the buildings to the rear yard areas, the agent for the application has advised that these units will have access to the bin storage in the rear yards through the rear access (via Lynn St/John St).

1.74 The Council's Waste Management team has been consulted with respect to this and has advised the proposed bin storage arrangements are sufficient to service both the domestic and commercial units within each property and have raised no concerns with respect to the storage and collection of waste. However, given the regeneration aspirations for Church Street and in the interests of visual amenity, planning conditions are recommended to ensure the waste storage arrangements set out in the submitted details are implemented prior to the use(s) coming into effect and also to prevent the storage of waste to the front of the properties.

1.75 In view of the above, the application is considered to be acceptable with respect to waste management subject to the abovementioned planning condition.

## RESIDUAL MATTERS

1.76 The Council's Housing Services section has advised that they have no objections in principle to the proposal and the proposals are acceptable with respect to the requirements of the HMO licence provided the HMOs are occupied on a shared house basis. The applicant will be subject to mandatory HMO licensing under the provisions of the Housing Act 2004 and as such a suitable informative note is recommended to this effect.

1.77 Cleveland Fire Brigade have offered no representation regarding the development proposed however have advised the proposals will need to meet the requirements of the building regulations. The Council's Building Control section has confirmed a building regulations application will be required and as such these matters will be considered through that process. Nevertheless, a suitable informative note is recommended to make the applicant aware of this.

1.78 Objections have been received with respect to the proposal that have cited a lack of need/demand for this type of accommodation on Church Street and a need for more business uses instead. However, need and potential alternative uses are not material planning considerations and as such have not been taken into account in reaching a recommendation.

## CONCLUSION

1.79 In conclusion, it is considered on balance that the application is acceptable with respect to the abovementioned relevant material planning considerations, and in accordance with the relevant saved policies of the adopted Hartlepool Local Plan 2006, relevant emerging policies of the emerging Hartlepool Local Plan (2016) and relevant paragraphs of the NPPF. The application is therefore recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

1.80 There is no evidence of equality or diversity implications.

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

1.81 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.

1.82 There are no Section 17 implications.

## REASON FOR DECISION

1.83 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 built sport facilities (£5,250) and green infrastructure (£5,250), 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 approved shall be carried out in accordance with the following approved plan(s) and details; 1694-17-100 (Location Plans), 1694-17-101 (Existing Ground Floor Plan), 1694-17-102 (Existing First Floor Plan), 1694-17-103 (Existing Second Floor Plan), 1694-17-104 (Existing Elevations), 1694-17-107 (Proposed Second Floor) received 7th June 2017 by the Local Planning Authority; and amended plans 1694-17-105 Revision B (Proposed Ground Floor Plan) received 24th July 2017 by the Local Planning Authority; and 1694-17-106 Revision A (Proposed First Floor Plan), 1694-17-108 Revision C (Proposed Elevations Sheet 1), 1694-17-109 Revision B (Proposed

Elevations Sheet 2) and 1694-17-110 Revision A (Proposed Elevations Sheet 3) received 15th November 2017 by the Local Planning Authority.  
For the avoidance of doubt.

3. Notwithstanding the details submitted with the application and prior to the commencement of the development, large scale details, including cross sections, of the proposed alterations and new doorways to the ground floor shop fronts on Church Street shall be submitted to and approved in writing by the Local Planning Authority. The works shall thereafter be carried out in accordance with the approved details.  
To protect the character of the conservation area and in the interests of visual amenity.
4. Notwithstanding the requirements of condition no. 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.
5. Details of all walls, fences, gates 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.
6. A) No demolition/development shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
  1. The programme and methodology of site investigation and recording
  2. The programme for post investigation assessment
  3. Provision to be made for analysis of the site investigation and recording
  4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
  5. Provision to be made for archive deposition of the analysis and records of the site investigation
  6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under paragraph (A).

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

The site is of archaeological interest.

7. Prior to the commencement of development details of noise insulation measures shall be first submitted to and agreed in writing by the Local Planning Authority. The scheme shall ensure adequate protection is afforded against the transmission of noise between the residential units and neighbouring properties. The noise insulation scheme, as approved, shall be implemented in full prior to the residential units (3no. Houses in Multiple Occupation) hereby approved being occupied and shall be retained thereafter for the lifetime of the development.  
In the interests of the amenities of future occupiers and neighbouring properties.
8. Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order with or without modification, the 3no. Houses in Multiple Occupation (HMOs) hereby approved shall be used solely for the purposes of accommodation of students undertaking full time educational courses, unless otherwise agreed in writing with the Local Planning Authority.  
In the interests of the potential adverse impact of an unrestricted consent on the use of the site and the surrounding area.
9. The proposed waste storage provisions that are to serve the use(s) hereby approved shall be implemented in accordance with the layout and details shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan received 24th July 2017) and shall be provided prior to the development hereby approved being brought into use and shall thereafter be retained for the lifetime of the development.  
For the avoidance of doubt and in the interests of visual amenity.
10. No waste storage facilities shall be positioned to the front of the properties (on Church Street).  
For the avoidance of doubt and in the interests of visual amenity.
11. The commercial units hereby retained and subdivided at ground floor as shown on plan 1694-17-105 Revision B (Proposed Ground Floor Plan, received 24th July 2017) shall be solely used within their existing D1 use class (non-residential institutions) unless otherwise agreed in writing with the Local Planning Authority.  
For the avoidance of doubt.

## BACKGROUND PAPERS

1.84 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working hours. Copies of the applications are available on-line:  
<http://eforms.hartlepool.gov.uk:7777/portal/servlets/ApplicationSearchServlet> except

for such documents that contain exempt or confidential information and a paper copy of responses received through publicity are also available in the Members library.

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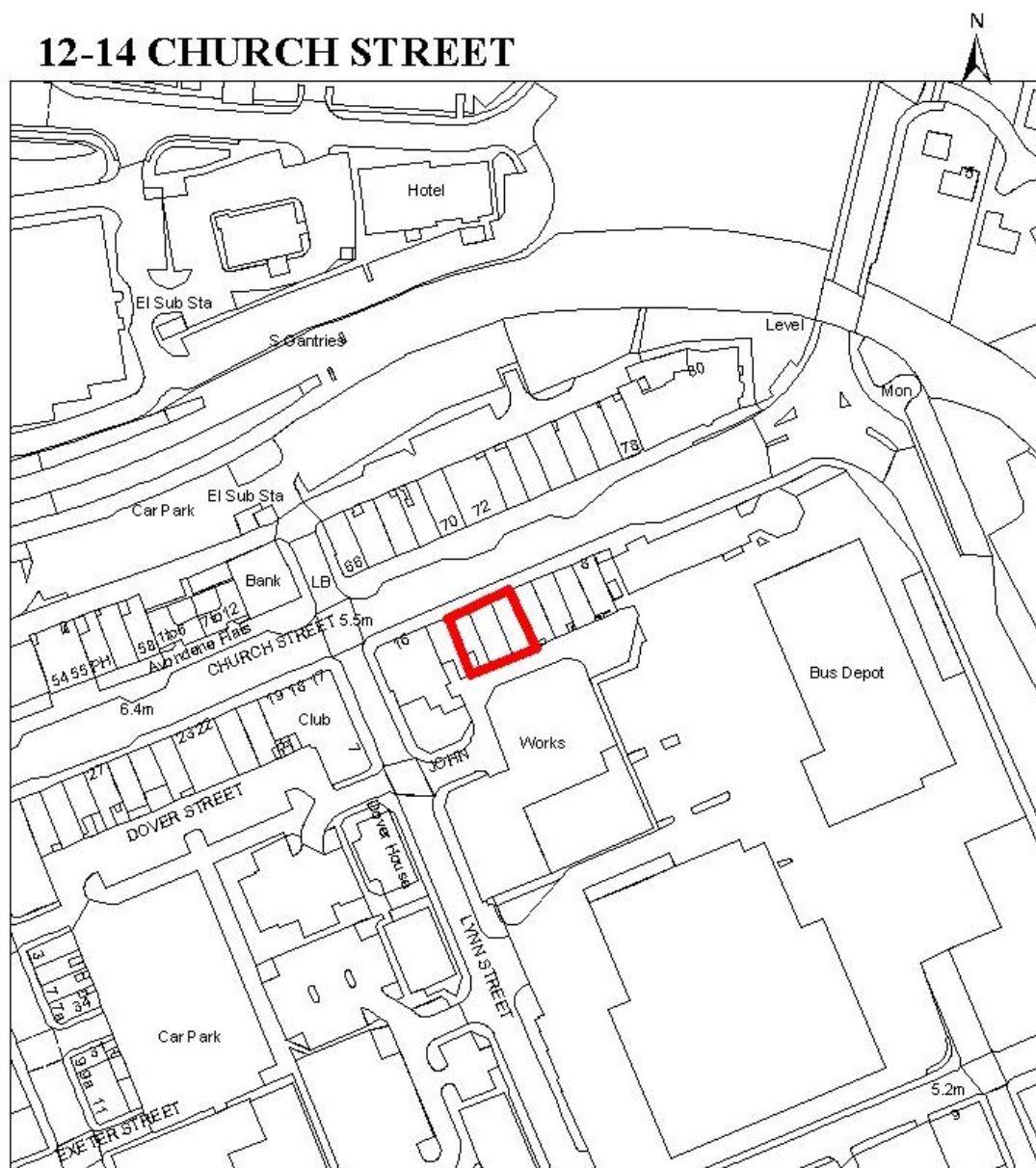
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**12-14 CHURCH STREET**



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<h1 style="text-align: center;">HARTLEPOOL</h1> <h2 style="text-align: center;">BOROUGH COUNCIL</h2>	DRAWN <div style="text-align: center; font-size: 2em;"><b>GS</b></div>	DATE <div style="text-align: center; font-size: 1.5em;"><b>14/11/17</b></div>
	SCALE <div style="text-align: center; font-size: 1.5em;"><b>1:1000</b></div>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <div style="text-align: center; font-size: 1.5em;"><b>H/2017/0335</b></div>	REV



**No:** 2  
**Number:** H/2015/0281  
**Applicant:** Hill Enterprises Ltd MORECAMBE Lancashire LA4 9BB  
**Agent:** Leith Planning Scott Bracken 14 South Clifton Street  
 Lytham FY8 5HN  
**Date valid:** 14/07/2015  
**Development:** Outline application with some matters reserved for the  
 erection of up to 195 dwellings  
**Location:** SEAVIEW PARK HOMES EASINGTON ROAD  
 HARTLEPOOL HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

2.3 H/RES/1995/0612 – Approval of siting, design and external appearance of mobile homes, means of access and landscaping of site as reserved under application H/FUL/0290/89.

## PROPOSAL

2.4 This application seeks outline planning permission (with some matters reserved) for residential development for up to 195 dwellings. The applicant is seeking consent at this stage for the principle of the development, the means of access to the site and the scale of development; matters of appearance, layout and landscaping of the site (the reserved matters) are reserved for future approval. Notwithstanding the above an indicative layout has been submitted to illustrate how the scale of development proposed might be achieved on the site.

2.5 Following the initial assessment of the application and receipt of consultation responses, a number of issues were raised in respect of the scheme, primarily relating to the principle of development, highways matters, ecology and design matters, in addition to concerns over the housing density. A number of revisions to the proposed plans and additional information have been submitted in order to seek to address these issues. These matters will be considered in further detail within the main body of the report.

2.6 Access is proposed to be taken from Easington Road to the west of the site, located to the southern side of the existing park homes. It is proposed to introduce highway improvements to accommodate the proposed access, including a right turn

only lane southbound on Easington Road, relocation of the existing bus stop on the southbound side of the road and a new pedestrian refuge point to the north of the proposed access to allow pedestrians to cross.

2.7 The indicative layout includes a mix of house types with one, two, three, four and five bedroom dwellings as well as 36 flats arranged in three blocks. The southern boundary within the eastern extent of the site is predominantly landscaped with two drainage ponds. Within the western extent dwellings are interspersed with two areas of public open space.

2.8 The application is accompanied by a number of supporting documents including a Planning Statement, Transport Assessment and Travel Plan, Flood Risk Assessment, Ecology Statement, Phase 1 Habitat Survey and Arboricultural Report.

2.9 The proposed development has been screened during the course of this application and in accordance with Section 5 of the Town and Country Planning (Environmental Impact Assessment/EIA) Regulations 2011; the Local Planning Authority has adopted an opinion to the effect that the development is not considered to be EIA development.

2.10 The application has been referred to the Committee as more than 3 objections have been received.

## **SITE CONTEXT**

2.11 The application relates to land at Seaview Park Homes, located west of Easington Road, Hartlepool. The total application site area is approximately 7.2ha. Land to the northeast of the site is also in the ownership of the applicant (approximately 1.4ha) and is developed with park homes. The full extent of the site benefits from permission for use as a caravan park without occupancy restrictions and as such, could in the future be developed with further park homes.

2.12 The eastern boundary of the site is delineated by Easington Road (A1086), to the south is a public right of way, beyond which is existing residential development extending westward for approximately half of the applicant site's extent. A small area of land to the south of the public right of way is subject to an ongoing outline planning application for 50 dwellings that the Council are minded to approve subject to a section 106 agreement (application reference H/2015/0283).

2.13 Further beyond these sites there are open fields to the south of the application site, there are also open fields the west and north of the site. The southern boundary of the site follows the limit to development identified within the Hartlepool Local Plan 2006 and the emerging Local Plan.

2.14 There are notable changes in levels across the site, principally either side of the watercourse that runs through the centre of the site (east to west).

2.15 Since submission of the application a number of trees and vegetation have been removed from the site, though these were not formally protected and as such did not require permission prior to the works being carried out.

## PUBLICITY

2.16 The application was advertised by way of neighbour letters, site notices (x3) and a press notice. Following the submission of amended plans, additional 21 day neighbour consultations were undertaken. The publicity period has expired.

2.17 To date, 47no letters of objection have been received, including more than one objection from the same individuals following separate rounds of consultation and a 38 signatory petition. These objections and concerns can be summarised as follows:

- Noise and disruption during construction,
- Loss of privacy/overlooking,
- Works have commenced on site prior to permission being granted,
- Loss of wildlife habitat,
- Increase in traffic, associated noise and air pollution in the area,
- Proposed access would create a highway safety issue,
- Loss of amenity with families living in an area intended to be retirement properties (park homes),
- Increased flood risk,
- Existing park homes site is poorly maintained,
- Loss of trees,
- Loss of view,
- Lack of green space within the development,
- Change in character of a rural area,
- Potential structural damage to park homes due to their construction (no foundations),
- A lack of a 5 year housing supply should not result in otherwise unsustainable developments being approved,
- Dog fouling on Nelson Farm Lane could be made worse,
- Existing hedges should be protected and enhanced.

2.18 Copy Letters **A**

## CONSULTATIONS

2.19 The following consultation responses have been received;

**HBC Traffic and Transport:** Access A number of amendments have been made to the junction design including the relocation of the junction northwards by a few metres and the relocation of a pedestrian refuge. This now allows refuse vehicles and other large vehicles to travel between the proposed access and Hartville Road in a safe manner. The proposed access is shown on plan NTP-17025 -003 rev A is now acceptable. However, planning application H/ 2017/0344 for a housing development on the opposite side of Easington Road requires a slight relocation of the pedestrian refuge and relocation of the southbound bus stop.

In capacity terms the size of the development would not constitute a severe impact on the surrounding highway network, there would therefore be no requirements for further mitigation on local junctions.

If both developments proceed I will need to investigate the potential reduction in speed limit from 40mph to 30 mph on this stretch of road due to the number of junctions in close proximity. I will need to consult with the Police on this requirement prior to making a recommendation. The developer would need to pay all costs associated with the speed limit changes. If this development was to proceed on its own then I would require the resiting of the 40 mph speed sign at the commencement of the ghost island and replacement of the speed limit signs.

The developer should provide staggered junction warning signs from both approaches to the development.

#### Internal Layout

I do not consider that the proposed roundabout features at each junction are required. These will create potential maintenance issues. As well as requiring extra highway infrastructure such as chevron and mini roundabout signs and markings. I would like to see these junctions replaced by standard T junctions.

There are a number of carriageways with no footways, shared surface carriageways should be cul-de-sacs and not more than 25 properties. The carriageway for a shared surface should be 6 metres wide which would include a 1.2 metre service strip.

The proposed play areas need to be enclosed by an appropriate boundary.

All 2/3 bed properties should have 2 parking spaces and 4 bed properties should have 3 spaces. With a minimum drive length being 6 metres in length. A garage may be counted as a space if it is 6 x3 metres. There are a number of areas which do not follow these requirements.

The Flats should provide 1.5 parking spaces per flat. The level of parking is not shown on the plan. This needs to be shown in more detail.

There are 2 areas where there are acute hair pin bends, appropriate measures need to be implemented in these locations to keep traffic speeds low, I have concerns that larger vehicles will struggle to make these turns. Swept path analysis should be carried out to determine whether refuse vehicles can make these turns.

All roads and pavings should be constructed in accordance with the HBC Design Guide and Specification, and under a section 38 / advanced payment code.

**HBC Engineering Consultancy:** Having reviewed this application we will need a contaminated land condition to cover both on site testing and gas monitoring.

Having reviewed the FRA provided and I would need to see a calculation of the existing run off rates before a proposed run off rate can be agreed. I would also need to see some outline drainage proposals as at this stage I am not convinced that a soakaway solution would suffice. I also have concerns regarding the potential for 900mm of flooding on the site and would ask the applicant to demonstrate this has been addressed.

It is evident from the layout plans provided that ponds are likely to be utilised to attenuate surface water however we would need to see designs and drainage calculations as well as agreeing a discharge rate into the watercourse. I will also need to seek clarification as to what the developer is proposing to do with the watercourse itself that runs as an open channel through the site.

**HBC Ecologist:** The applicant has resolved my outstanding ecology issue, as recorded in an email dated 06/10/2017 from Scott Bracken of Leith Planning (Group) Ltd.

The applicant is willing to make a financial contribution of £150/dwelling for habitat improvements on Hartlepool BC owned land, specifically improving neglected Local Wildlife Sites through management. This will compensate for the loss of on-site habitats. This is acceptable and I recommend that this is secured through a S106 agreement.

This contribution is in addition to a financial contribution of £250/dwelling to satisfy mitigation for the Habitat Regulations.

I have no further ecology concerns.

I have considered the additional ecology information provided by the applicant, which consists of three reports produced by United Environmental Services Ltd (UES) for Seaview Park Homes, Easington Road, Hartlepool.

- Preliminary Ecological Appraisal – 14/09/2017.
- Ecological Impact Assessment – 15/09/2017.
- Landscape and Ecological Management Plan – 14/09/2017.

I recommend that delivery of the LEMP is conditioned.

Reason: Biodiversity enhancement.

**HBC Arboricultural Officer:** I have reviewed the arboricultural impact assessment that has been submitted in support of the application and have conducted a site visit to verify the findings of the assessment.

The arboricultural impact assessment provides details of the tree cover at the site which mainly consists of areas of tall scrub with occasional groups and individual trees. The majority of the scrub areas and trees are located within a wooded gully with a small watercourse that runs west to east through the site. The hedgerows to the boundaries of the site are also included.

The assessment has categorized the majority of the scrub areas and trees as of low value in arboricultural terms. A small number of individual trees and tree groups have been identified as being more prominent and providing good visual amenity for the surrounding area and therefore have been categorized as of moderate value.

The assessment advocates the clearance of the majority of the trees and scrub in order to facilitate the development. A number of the moderate value trees are shown to be retained, along with the hedge that runs along the site's southern boundary; however as these form only a small proportion of the total tree/scrub cover, the overall effect of the proposal will lead to a considerable change in the character of the site.

Given the low value of the majority of the trees and scrub areas in terms of public visual amenity it is not considered appropriate to insist on their retention and legal protection by means of a tree preservation order. Therefore, somewhat regrettably, it is considered that the proposal is acceptable in terms of its impact upon tree cover at the site.

The retained trees at the site will require protection by temporary barriers during the development phase. To that end, the submission of an arboricultural method statement should form part of a reserved matters application or be required by condition.

A general indication of landscaping for the proposed development has been submitted which includes extensive new tree planting throughout the site and an amenity green space along the realigned watercourse. The outline landscape proposal appears generally acceptable, and in the long term should make a positive contribution to public visual amenity, however there is insufficient information to enable a full assessment of the proposal therefore it is recommended that full landscaping details form part of a reserved matters application or be required by condition.

**HBC Public Protection:** No objections to this proposal subject to the following conditions:

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

No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 9.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority.

**HBC Countryside Access Officer:** I have some comments to make along with some questions relating to the pedestrian route located within the proposed development and parallel to the existing public bridleway.

1. Will the pedestrian route, which runs from close to the new entrance point to the connection with the public bridleway, be open for public use, as well as residents use?
2. If this is to be the case; will the developer be installing signage at both ends directing the public/pedestrians to the path, along with information for dog walkers – ‘Bag It and Bin It’?
3. At the connection point, with the existing public bridleway, will the developer be installing specific countryside furniture (eg kissing gate), so as to restrict the usage to pedestrians only?
4. As the pedestrian path is a single linear path; will it be ‘Access 4 All’ friendly, i.e. will it be able to accommodate users with mobility issues (wheelchairs, mobility scooters etc)
5. Will the path also connect with the development throughout its length? At present the layout plan shows the entire length to be devoid of linking paths and this would, in my opinion, prohibit residents from accessing the path along its length. At present they would have to walk to either end before they could walk onto the path. My suggestion is for two small linking paths to be created to allow the residents free and easy access along its route.
6. At its western end is there easy access from the development, onto the path, through the public open space (POS) area or will there be a separate path created to the side of the POS, separate to the central grassed section of the POS?
7. At the western POS, close to the western end of the development; will the two paths, which run from the centre point to the two lower corners of the POS, be connected to the public bridleway or are they cul-de-sac paths that only take residents to the corners of the POS?
8. At the four road junctions that lay along the new road, parallel to the pedestrian path, will there be continuation of the southern pavement/footway that seems to be ‘cut off’ by these circular road junctions?

These questions would be best discussed between the developer and me so that clarity can be reached between all parties.

Following direct consultation the applicant has confirmed that they would be able to take account of the requests above as part of a reserved matters application, as a result HBC Countryside Access Officer has confirmed they have no objections.

**HBC Housing & Regeneration:** My comments would be that we include affordable housing provision as part of this application, in particular three bedroom house accommodation and two bedroom house accommodation.

**HBC Economic Development:** No comments received.

**Environment Agency:** This proposal falls outside the scope of matters on which the Environment Agency is a statutory consultee. Therefore we have no comment to make on this application.

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

Having assessed the proposed development against the context outlined above we have the following comments to make:

The planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for NWL to be able to assess our capacity to treat the flows from the development. We would therefore request the following condition:

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

The Developer should develop their Surface Water Drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact our pre-development enquiry team on 0191 419 6646 or email [developmentenquiries@nwl.co.uk](mailto:developmentenquiries@nwl.co.uk) to arrange for a Developer Enquiry to ascertain allowable discharge points and rates.

**Natural England:** Internationally and nationally designated sites

The application site is within or in close proximity to a European designated site (also commonly referred to as Natura 2000 sites), and therefore has the potential to affect its interest features. European sites are afforded protection under the Conservation of Habitats and Species Regulations 2010, as amended (the 'Habitats Regulations'). The application site is in close proximity to the Teesmouth & Cleveland Coast and Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC) which are European sites. The sites are also listed as

Teesmouth and Cleveland Coast and Northumbria Coast Ramsar sites and also notified at a national level as Durham Coast and Tees and Hartlepool Foreshore and Wetlands Sites of Special Scientific Interest (SSSIs). Please see the subsequent sections of this letter for our advice relating to SSSI features.

In considering the European site interest, Natural England advises that you, as a competent authority under the provisions of the Habitats Regulations, should have regard for any potential impacts that a plan or project may have. The Conservation objectives for each European site explain how the site should be restored and/or maintained and may be helpful in assessing what, if any, potential impacts a plan or project may have.

### No objection

Natural England notes that your authority, as competent authority under the provisions of the Habitats Regulations, has screened the proposal to check for the likelihood of significant effects.

Your draft assessment concludes that the proposal can be screened out from further stages of assessment because significant effects are unlikely to occur, either alone or in combination. This conclusion has been drawn having regard for the measures built into the proposal that seek to avoid all potential impacts. On the basis of information provided, Natural England concurs with this view.

\*Natural England's view is provided on the basis that the proposed financial contribution towards wardening of the SPA is secured by means of A S106 or similar legal agreement. In the event that an appropriate financial contribution is not secured, the draft HRA should be updated accordingly and Natural England re-consulted.

### SSSIs - No objection – with conditions

This application is in close proximity to the Tees and Hartlepool Foreshore and Wetlands and Durham Coast Sites of Special Scientific Interest (SSSIs). However, given the nature and scale of this proposal, Natural England is satisfied that there is not likely to be an adverse effect on this site as a result of the proposal being carried out in strict accordance with the details of the application as submitted. We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(1) of the *Wildlife and Countryside Act 1981* (as amended), requiring your authority to re-consult Natural England.

### Conditions

- The Council should ensure that an appropriate contribution to the SPA wardening scheme is secured by means of a S106 or similar legal agreement and that an appropriate mechanism is in place to ensure delivery of the wardening scheme on the ground.

These conditions are required to ensure that the development, as submitted, will not impact upon the features of special interest for which Tees and Hartlepool Foreshore and Wetlands and Durham Coast SSSIs are notified.

If your Authority is minded to grant consent for this application without the conditions recommended above, we refer you to Section 28(1) (6) of the *Wildlife and Countryside Act 1981* (as amended), specifically the duty placed upon your authority, requiring that your Authority;

- Provide notice to Natural England of the permission, and of its terms, the notice to include a statement of how (if at all) your authority has taken account of Natural England's advice; and
- Shall not grant a permission which would allow the operations to start before the end of a period of 21 days beginning with the date of that notice.

Should the application change, or if the applicant submits further information relating to the impact of this proposal on the SSSI aimed at reducing the damage likely to be caused, Natural England will be happy to consider it, and amend our position as appropriate.

#### Updated comments of 10/11/17

The advice provided in our previous response applies equally to this amendment and additional information although we made no objection to the original proposal. Natural England's view was provided on the basis that the proposed financial contribution towards wardening of the SPA is secured by means of a S106 or similar legal agreement. In the event that an appropriate financial contribution is not secured, the draft Habitats Regulations Assessment should be updated accordingly and Natural England reconsulted.

The proposed amendments to and additional information for the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

**Tees Archaeology:** The developer has submitted an archaeological desk based assessment in line with the advice given in the NPPF (para 128).

The document concludes that although there are no known archaeological sites within the development area, there is sufficient evidence about the surrounding landscape to suggest that there is some archaeological potential, particularly for prehistoric material. I agree with this conclusion.

The desk based assessment report is very empirical and does not make any particular recommendations. I have therefore had a detailed look at the site, making reference to the desk based assessment and aerial photographs. It would seem that the majority of the site has been subject to considerable ground disturbance associated with its use as a caravan/static park. Certainly the western and eastern thirds of the site have had access roads, caravan/static bases, services, septic tanks etc excavated in the last 50 years. The pitches appear to have been remodelled several times, particularly in the last 15 years. The middle third of the development area seems less disturbed but its northern edge has two access roads driven through and there is considerable disturbance from a building and caravan storage. The southern part of the site contains a watercourse and woodland belt and this appears to remain as open space on the indicative plans and would not be disturbed.

The type of archaeological remains expected, i.e. prehistoric remains, are unlikely to survive this level of disturbance. Although there may be discrete areas that have not been disturbed there is insufficient evidence to make a case for further archaeological work.

I therefore have no objection to the proposal and have no further comments to make.

**Ramblers Association:** No comments received.

**Teesmouth Bird Club:** The bird club is in agreement with the ecologist's appraisal of the bird assembly using or breeding on the site. The mitigation and biodiversity suggestions should be made a planning consent requirement - especially so with the water course and hedge replantings and retentions.

**Hartlepool Water:** In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assessed the capacity within Hartlepool Water's network to accommodate the anticipated demand arising from the development. Having assessed the proposed development against the context outlined above, I can confirm the following:

- We do not anticipate any diversion work
- Differences due to pressure degrees will be dependent on finished levels of the development, extensive off-site works may have to be carried out to achieve adequate pressure to supply this development.
- We have no objection to this development.

**Cleveland Police:** No comments received.

**Durham County Council:** Comments awaited.

**RSPB:** The RSPB previously commented on the proposal in our letters dated 12th August 2015, 12th February 2016 and 26th April 2016.

We considered that the key issue requiring assessment was the potential for indirect effects through an increase in recreational disturbance on the nearby designated sites and the resultant effects on their interest features, the breeding little tern colony and over wintering species/assemblages. We considered that there had been an inadequate assessment of the potential impacts and insufficient information submitted about the proposed mitigation. Consequently the RSPB objected. The applicant has now agreed to a financial contribution of £250 per house to mitigate for the potential impacts upon the Teesmouth and Cleveland Coast SPA (as described above). We understand that these monies will be spent according to Hartlepool Borough Council's developing Local Plan Mitigation Strategy (Strategy). However, we seek clarification that the appropriate per house tariff has been applied in this case, given the proximity of the proposed development to the Teesmouth and Cleveland Coast SPA.

We understand that the draft Strategy gives priority to ensuring continued wardening of the little tern breeding colony but that it will also guarantee implementation of year-round access management measures – including wardening provision. Therefore, although the strategy is not yet finalised, the RSPB agrees that this is the most appropriate framework available to the applicant. For the reasons outlined above, the

RSPB would be in a position to withdraw our objection to the proposed development subject to confirmation that the appropriate developer contribution tariff has been applied in this case and that the financial contribution is secured through Section 106 or other appropriate legal agreement. For the avoidance of doubt, should the final Strategy adopt a different tariff, or a different approach to wardening and access management, we would expect any future planning application within the Borough to accord with the final version of the Strategy.

**Tees Valley Wildlife Trust:** No comments received.

## PLANNING POLICY

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

### National Planning Policy Framework (NPPF)

2.21 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 Government's 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 headings – 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 surroundings, 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.

2.22 The following paragraphs in the NPPF are of particular relevance to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
37	Minimise journey lengths
47	To boost significantly the supply of housing

49	Housing and the presumption in favour of sustainable development
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
58	Quality development for the area.
60	Should not attempt to stifle innovation, originality or initiative
61	The connections between people and places
64	Improving the character and quality of an area
72	School Places
73	Access to open space and sport and recreation
96	Minimise energy consumption
118	Conserve and enhance biodiversity
119	Presumption of Sustainable Development does not apply where appropriate assessment is required under Birds or Habitats directives
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations

2.23 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. However given that on this development there is a requirement for a habitats assessment paragraph 119 applies, this outlines that:

*“119. The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.”*

2.24 Therefore this application should not be assessed against the presumption in favour of sustainable development outlined in paragraph 14.

2.25 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The housing requirement in the 2006 Local Plan is not up-to-date. 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 sites is assessed. As the emerging Local Plan has been through an examination in public, the authority can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period

2.26 On Monday 15<sup>th</sup> April the North East Regional Spatial Strategies (RSS) was revoked and therefore no longer forms part of the development plan for the Borough.

2.27 The Tees Valley Minerals and Waste 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:

<b>Policy</b>	<b>Subject</b>
MWC4	Safeguarding Minerals from Sterilisation
MWP1	Waste Audits
MWP10(a)	Construction and Demolition Waste Recycling

Policy MWC4 states that:

*“Within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:*

- A) The development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or*
- B) The mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or*
- C) The need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.”*

2.28 This site is within the safeguarded area for shallow reserves of limestone resources and therefore the reserves should be protected for any potential future use. Advice from the Council's Public Protection Officer is that mineral extraction at this location may be difficult, due to the close proximity of homes to the south. Planning Policy accept that view.

Policy MWP1 states that:

*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. Waste audits should consider the following management options in their recommendations:*

*Residential developments*

*Sufficient storage space should be provided, both internally and externally, for household waste disposal, recycling and compost bins, ensuring that appropriate access is provided to move these bins from their storage positions to their collection points. Adequate access and turning facilities must be provided for refuse collection vehicles.”*

2.29 It appears that a waste audit has not been submitted as part of the application. A waste audit would be required for a development of this nature and size. The waste audit would need to consider the development's overall waste impact. In order for the proposals to be in accordance with policy MWP1 further information is needed from the developer at application stage.

Adopted Hartlepool Local Plan 2006

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

<b>Policy</b>	<b>Subject</b>
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP9	Developer's Contributions
GEP12	Trees, Hedgerows and Development
Hsg9	New Residential Layout
Tra16	Car Parking Standards
Rec2	Provision for Plan 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 – Publication Stage (December 2016)

2.31 The Council's emerging Local Plan has now been through the Examination in Public (EiP) and the Inspector's interim findings were received on Thursday 16<sup>th</sup> November (available to view on the Council's website). The Inspector did not propose a main modification to the limits to development and he did not reject the amendment that would include this site as being within the strategic gap. Weight can therefore be given to the policies within the emerging Local Plan.

2.32 In this context, it is considered that the following policies are relevant to the determination of this application:

<b>Policy</b>	<b>Subject</b>
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
INF4	Community Facilities
QP1	Planning Obligations
QP3	Location, Accessibility, Highway Safety and Parking
QP4	Layout and Design of Development
QP5	Safety and Security
QP6	Technical Matters
QP7	Energy Efficiency
HSG1	New Housing Provision
HSG2	Overall Housing Mix
HSG9	Affordable Housing

RUR1	Development in the Rural Area
RUR2	New Dwellings Outside of Development Limits
NE1	Natural Environment
NE2	Green Infrastructure
NE4	Ecological Networks

Planning Policy comments (summarised);

2.33 The Council's Planning Policy section considers the principle of this form of development unacceptable in this location, on the urban edge of Hartlepool beyond the limits to development and within the strategic gap due to their impact on the wider countryside setting.

## **PLANNING CONSIDERATIONS**

2.34 The main material planning considerations in determining this application are the principle of development, the impact on the character and appearance of the surrounding area, ecology, the impact on highway and pedestrian safety, the impact on the amenity of neighbouring land users, flood risk and drainage, and contaminated land. These and all other planning and residual matters are considered in full below.

### **PRINCIPLE OF DEVELOPMENT**

2.35 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the 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.

2.36 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The housing requirement in the 2006 Local Plan is not up-to-date. 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 sites is assessed. As the emerging Local Plan is at an advanced stage and has been through an examination in public, the authority can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period.

2.37 The limits to development, as shown on the 2006 Local Plan policies map, have been reviewed through the emerging Local Plan (policy LS1), in order to achieve the housing requirement for the Borough. The site has not been allocated within the emerging Hartlepool Local Plan as a future housing site. The boroughs future housing need is expected to be delivered on sites allocated through the plan and the Inspectors interim findings have supported the Council's proposed allocation locations.

2.38 Through a main modification to the emerging plan, policy LS1 identifies the site as being within the strategic gap. The inspector's interim view does not state that the area should be excluded from the strategic gap therefore the Council give full weight to policy LS1 and consider that the land is allocated as strategic gap.

2.39 The purpose of the strategic gap in this location is to limit the spread of urban areas outside of the limits to development and to protect the character of the countryside and rural areas.

2.40 The proposal is in direct conflict with policy LS1 and could if approved potentially conflict with the landscape character and subsequently reduce its integrity within the northern part of the borough.

2.41 In view of the above, the principle of the form of residential development proposed in this location is not acceptable. The proposed development is on the urban edge of Hartlepool, beyond the limits to development and within the strategic gap. In terms of developer contributions, had the development been acceptable, these would need to have been agreed with the applicant, however, the proposal remains unacceptable in principle and cannot be supported.

2.42 It is noted that the site currently benefits from approval for the siting of caravans or park homes, which has been partially implemented at the eastern end of the site. There are no occupancy conditions on the approval and as such permanent residential living is permissible on the site. Notwithstanding that, it is considered that the nature and scale of the proposed traditional dwellings and the engineering operations that would be required to facilitate them are substantially different than could be realistically achieved by the fallback position of expanding the number of park homes on the site.

2.43 The submitted indicative layout plan, although indicative, does not demonstrate that the scale of development proposed could be reasonably accommodated on the site while still complying with the Council's supplementary guidance note in relation to separation distances for new housing development, specifically that there should be 20m between principal elevations that face each other. This suggests a scale of development whereby the amenity of future occupiers would be compromised due to the number of residential units proposed for the site, in conflict with local policy. Questions have also been raised in respect to whether adequate parking can be accommodated.

2.44 The existing form of residential accommodation is small in scale; the caravans are more in keeping with the setting and are not considered intrusive to the countryside, conversely, a more intensive, urbanising development such as that proposed in this application would be intrusive and therefore detrimental.

## IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

2.45 The appearance of the existing site reflects its location at the urban / rural fringe whereby the density of the built up area of the town lessens before opening out into the countryside. The site is softened by the undulating levels and landscaping to the

boundaries, while the caravans present on the site reflect the transition to a more rural location.

2.46 The proposed development would introduce traditional brick built dwellings at both single storey and two storey, as well as three storey blocks of flats and would necessitate substantial changes in ground levels to facilitate construction. The scale of the proposals would significantly alter the appearance of the site, introducing a much denser and recognisably urban built form. It would also undermine the function of the strategic gap.

2.47 The character of the site is rural, partially open, with a limited amount of activity, the increase in density and nature of the larger family homes proposed would result in much greater levels of activity more akin to a suburban setting than a rural location. While acknowledging there would be no restriction on various age groups or family groups living in park homes, it is substantially less likely than in four and five bedroom dwellings. The level of activity in the area along with domestic paraphernalia such as domestic outbuildings etc, would alter the character of the area in a way that detracts from the rural-fringe location.

## ECOLOGY

2.48 The application site is in close proximity to the Teesmouth & Cleveland Coast and Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC) which are European sites; the sites are also designated as Ramsar sites and Sites of Special Scientific Interest (SSSI). Following assessment the Council's Ecologist does not consider the development would have significant effects on the designated sites, subject to contributions being made to allow continued preservation (such as a warden scheme). The applicant has agreed to this approach and an appropriate legal agreement could secure such contributions if the principle of development were found to be acceptable.

2.49 Objectors have raised concerns about the potential loss of wildlife on the application site should permission be granted, the primary ecological concerns are in relation to the potential impact of residential development on protected sites in close proximity should occupants use the protected sites for recreation. There are no concerns in relation to protected species being affected on the application site itself.

## HIGHWAY AND PEDESTRIAN SAFETY

2.50 When the application was initially submitted concerns were raised by HBC Traffic and Transport regarding the proposed access arrangements. Guidance within the Hartlepool Borough Council Design Guide indicates a 60 metre junction spacing on a road such as Easington Road, though it is acknowledged that Government guidance reduces this standard to 50m (Design Manual for Roads and Bridges). Advice from HBC Traffic and Transport was initially that as the standard separation between junctions had not been met the proposals should be redesigned with highway improvements necessary in the interests of safety.

2.51 The applicant has since provided additional assessments of the proposed access arrangements to determine their suitability, particularly for use by large

vehicles such as refuse wagons. The junction has been moved further to the north, a right turn only lane on the southbound carriageway proposed, the existing southbound bus stop relocated and a new pedestrian refuge point proposed.

2.52 Following the amendments made to the junction design it is determined that large vehicles would be able to travel between this and other existing access points in a safe manner and therefore the proposed access is considered acceptable by HBC Traffic and Transport. While the development would increase traffic movements on the existing road network, it is not considered the number of houses proposed would constitute a severe impact on the surrounding highway network.

2.53 It is noted that another application for residential development on the opposite site of Easington Road is also currently under consideration. If both developments were to proceed it may be necessary for a reduction to the speed limit on the stretch of road. If this development were to proceed on its own replacement speed limit signs and additional warning signs would be required at the developer's expense. These could be secured via legal agreement if necessary.

2.54 HBC Traffic and Transport still have some concerns with the internal layout of the scheme, however as the application is in outline and layout is a reserved matter this could be addressed at reserved matters stage should this application be approved.

2.55 A final matter of concern from Traffic and Transport is whether there is sufficient space available within the site to allow suitable levels of parking provision and appropriately designed driveways for each of the properties proposed. While the layout of the scheme is a reserved matter the applicant has not addressed these concerns and it does suggest the density of housing proposed is too great to ensure the proposed dwellings are appropriately served by usable car parking.

2.56 A number of objections have been received in relation to the proposed access point, its potential impact on highway safety and the increase in traffic that would result from the proposed development. The applicant has demonstrated that a suitable access could be achieved and HBC Traffic and Transport have no objections to the principle of development, subject to suitable revisions to the internal layout at reserved matters stage and the safety requirements being secured. It is difficult therefore to attribute significant weight to the objections received. While acknowledging that the guidance regarding the separation distances between junctions has not been met, this is only guidance and a suitable alternative has been proposed and therefore this reason alone would not warrant refusal of the application.

## AMENITY OF NEIGHBOURING LAND USERS

2.57 While the indicative layout submitted as part of the application is for illustrative purposes only, it does indicate that appropriate separation distances to protect the privacy of existing occupiers on Redwood Close and Applewood Close to the south could be achieved. However, the submitted layout does not include the most recently constructed park homes outside of the red line boundary to the north but within the applicant's ownership, the applicant has been asked to provide an up to date layout

to reflect the existing situation to allow an assessment of the impact the proposed development would have but this has not been provided. It is not therefore possible to determine with any certainty whether the proposed dwellings at the eastern end of the site would allow an unreasonable level of overlooking of the existing park homes.

2.58 Neighbouring occupiers have raised concerns about the potential noise and disruption that could be caused during construction, including that park homes by their nature are not built to the same construction methods as traditional houses and as such may be more susceptible to noise and vibration. While an understandable concern, some level of disruption associated with construction work is unavoidable, however no objections on these grounds have been raised by the Council's Public Protection service and it is not considered this concern would warrant refusal of the application.

2.59 Should noise during construction be beyond reasonable limits, the Council's Public Protection service would have powers to deal with this as a statutory nuisance; however they have made no objections to the application subject to conditions to secure a construction management scheme and restrictions on hours of construction in order to protect amenity. If damage were to be caused to the property of existing residents during construction it would be a civil matter between the two parties.

2.60 There are no occupancy restrictions on the extant caravan/park home permission for the site, as such there would be nothing to prevent families moving to the existing site or any new units that could be introduced on the site. The concern that existing occupiers may be disturbed by new occupants not being retirees cannot undermine any merit there may be in the proposed development. The fact that any change in occupant profile cannot be a determining factor in terms the impact on amenity is a separate issue to the potential change in the character of the area that may result from a varied occupancy as outlined above in relation to the principle of development.

## FLOOD RISK AND DRAINAGE

2.61 Although the site is within Flood Zone 1, it is at risk of surface water flooding, particularly at the proposed site entrance to the east and along the existing watercourse; as such a flood risk assessment has been submitted in support of the application. This finds that the proposals would increase impermeable surfaces and could therefore increase potential flood risk to the local area, if this were not mitigated.

2.62 It is proposed that a suitable separate drainage scheme to manage surface water is to be provided and the FRA concludes this would not increase the risk of flooding downstream of the site. The Council's Engineering Consultancy accept the principle of this approach but have advised they need to see the specific details of the scheme proposed for this to be agreed. If the principle of development were found to be acceptable, these details could be secured via condition.

## CONTAMINATED LAND

2.63 HBC Engineering Consultancy have advised that a Phase 2 intrusive investigation with contaminated land testing and gas monitoring would be required but that this could be dealt with via condition. There is nothing to suggest the principle of development could not therefore be agreed at outline stage and this information provided at a later date.

## RESIDUAL MATTERS

2.64 The Council's Arboricultural Officer has indicated that the existing vegetation on the site did not warrant protection or warrant refusal of the scheme, as such while the works to clear vegetation on the site are regrettable, they do not constitute the commencement of development without the benefit of planning approval and do not warrant refusal of the application.

2.65 The ongoing upkeep of the existing park homes site has been raised as a concern by objectors; this is a civil matter and cannot influence the outcome of this planning application.

2.66 The loss of a view over land in another person's ownership is not a material planning consideration and cannot be taken into account in determining the application.

2.67 While noting that the increase in numbers of residents could increase the number of dog owners in the area and therefore the potential for dog fouling in the area to be increased, this would also be true if the existing permission for caravans/park homes were further implemented and is not a planning matter relevant to this application.

## CONCLUSION

2.68 The application is not considered to be acceptable with respect to the abovementioned relevant material planning considerations and is considered not to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant paragraphs of the NPPF. The development is recommended for refusal for the reasons set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

2.69 There is no evidence of equality or diversity implications.

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

2.70 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.

2.71 There are no Section 17 implications.

## REASON FOR DECISION

2.72 It is considered by Officers that the proposal in the context of relevant planning policies and material planning considerations is unacceptable by virtue of its location, nature, scale, density and design, as set out in the Officer's Report.

## RECOMMENDATION – REFUSE for the following reasons;

1. The proposed development is outside the limits to development as defined by the Hartlepool Local Plan (2006) and the emerging Hartlepool Local Plan (2016). In the opinion of the Local Planning Authority the proposed development by virtue of the location, scale and design of development would result in urban sprawl, which would be detrimental to the character of the surrounding rural area and would undermine the purpose of the strategic gap identified in the emerging Local Plan. As such the proposals would be contrary to policies Gep1, Hsg9, RUR1, RUR7 and RUR12 of the Hartlepool Local Plan (2006), policies SUS1, LS1, RUR1 and RUR2 of the emerging Hartlepool Local Plan (2016) and paragraphs 14 and 17 of the NPPF.
2. In the opinion of the Local Planning Authority it is not considered that the applicant has demonstrated that a development of the scale proposed can be accommodated on the site. The design, scale and form of the development proposed, as demonstrated by the indicative layout, would be over intensive and would be likely to result in inadequate separation distances between properties and inadequate levels of parking provision. The proposals are therefore considered to be contrary to Policy Gep1, Rec2 and Hsg9 of the Hartlepool Local Plan (2006), policies QP4, RUR1 and RUR2 of the emerging Hartlepool Local Plan (2016) and paragraph 14, 17, 56 and 57 of the NPPF.

## BACKGROUND PAPERS

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

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

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**SEAVIEW PARK**

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2015/0281</b>	REV

**No:** 3  
**Number:** H/2017/0569  
**Applicant:** TAYLOR WIMPEY NORTH EAST COLIMA AVENUE  
 SUNDERLAND TYNE & WEAR  
**Agent:** TAYLOR WIMPEY NORTH EAST RAPIER HOUSE  
 COLIMA AVENUE SUNDERLAND  
**Date valid:** 24/10/2017  
**Development:** Variation of conditions 1, 4 and 5 to planning application  
 H/2015/0422 to update plans showing boundary  
 enclosure to northern boundary  
**Location:** Land off Valley Drive Tunstall Farm HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

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

3.3 H/2014/0196 – Outline application for residential development of up to 110 dwellings with all matters reserved except means of access. Approved conditionally, decision dated 21/05/15 (allowed on appeal).

3.4 H/2015/0422 – Reserved matters application for the erection of 110 dwellings (Use Class C3) including associated infrastructure and landscaping and engineering works. Approved conditionally, decision dated 22/01/16.

## PROPOSAL

3.5 The application seeks permission to vary the conditions applied to the reserved matters application for residential development at the site, as they relate to the approved plans. The variation seeks to include a 1.8m high close boarded boundary fence to the northern boundary of the site to delineate the ownership of the applicant and define the boundary of the rear gardens of future occupiers of the houses to the north of the site.

3.6 The application has been referred to planning committee at the request of a local ward councillor and as three or more objections have been received.

## SITE CONTEXT

3.7 The application site is an area of approximately 7.8 hectares and is currently being developed following reserved matters approval for dwellings. The site abounds

residential properties to the west along Valley Drive and Hylton Road to the north. A variety of boundary treatments are currently in situ along the northern boundary of the site, delineating the rear gardens of properties on Hylton Drive, these include some timber fencing, post and wire fencing and varying levels of vegetation.

## **PUBLICITY**

3.8 The application has been advertised by way of neighbour letters (515no), site notice (2no) and a press notice. To date, 7no objections have been received from neighbouring land users, including a number from the same properties. The objections received can be summarised as follows:

- The submitted plans are inconsistent or unclear about what is proposed,
- The swale proposed at the entrance to the site has not been constructed,
- The proposals do not comply with the Party Wall Act,
- Dispute over the site boundary and land ownership,
- Proposals would result in the loss of existing hedging,
- Loss of existing hedging would result in the loss of wildlife,
- Current development has resulted in a loss of privacy for existing residents,
- The development may exacerbate existing flood risk,
- Privacy of existing residents is not protected,
- Proposals are a cost cutting exercise,
- Previously agreed landscaping has been omitted,
- Construction vehicles are causing pollution and traffic problems,
- Consulting residents is a waste of council tax,
- New dwellings are causing major traffic problems.

3.9 One letter of no objection has been received.

3.10 Copy Letters **B**

3.11 The period for publicity expired 07/12/17.

## **CONSULTATIONS**

3.12 The following consultation replies have been received:

**HBC Heritage & Countryside** – no comments.

**HBC Engineering Consultancy** – no response received.

**HBC Landscape** – I previously commented on the landscape treatment on H/2015/0422 and raised no objection to this. This application however, relates to alterations to the fencing/boundary treatment where a landscape strip abuts the boundary of the properties backing onto Hylton Road. I have no objection to this being realigned providing that the landscape element remains as previous and no damage occurs to it during any works to the fencing.

**HBC Public Protection** – Do not object.

**HBC Ecology** – While all hedges support some wildlife, I am satisfied that the hedge along the northern boundary of the site does not have special ecological merit and that it is not a hedge that would be protected under the Hedgerow Regs 1997. I am satisfied that there is adequate biodiversity enhancement on the wider site to mitigate any loss or damage to perimeter hedges.

The biodiversity enhancements, including a SUDS pond and landscaping will provide opportunities for a number of species, including invertebrates, birds and bats.

## PLANNING POLICY

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

### National Planning Policy Framework (NPPF)

3.14 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 Government's 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 headings – 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.

3.15 The following paragraphs in the NPPF are of relevance to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development
11	Determination is accordance with the development plan
12	Status of the development plan
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
109	Contribution to and enhancement of the natural and local environment
206	Weight given to Emerging Plans

Adopted Hartlepool Local Plan 2006

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

<b>Policy</b>	<b>Subject</b>
GEP1	General Environmental Principles
GEP3	Crime Prevention by Planning and Design

Emerging Local Plan – Publication Stage (December 2016)

3.17 The Council's emerging Local Plan has now been through the Examination in Public (EiP), pending the findings of the Planning Inspector, 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 unresolved objection received to date in relation to those policies, identified through the public consultation process, in accordance with paragraph 216 of the NPPF.

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

<b>Policy</b>	<b>Subject</b>
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
QP4	Layout and Design of Development
QP5	Safety and Security

3.19 The Council's Planning Policy section is satisfied with the proposed amendment.

**PLANNING CONSIDERATIONS**

3.20 The main material planning considerations when considering this application are the principle of development, the impact on the character and appearance of the surrounding area and the impact on the amenity of neighbouring land users.

**PRINCIPLE OF DEVELOPMENT**

3.21 This application relates only to the principle of the boundary treatment to the north of the site and not the principle of residential development of the site as a whole, which has already been approved and has commenced on site. The proposals do not include any changes to the scale or nature of the residential development.

3.22 Given the principle of residential development has already been established and that the northern boundary of the site abuts existing residential properties it would be common practice that some form of boundary treatment would exist to demarcate properties and ensure their security – both in terms of the new housing being developed and the existing properties neighbouring the site.

3.23 It is therefore considered that the proposals would represent a sustainable form of development and the principle is accepted in this instance subject to the scheme satisfying other material planning considerations as set out below.

#### IMPACT ON CHARACTER AND APPEARANCE OF SURROUNDING AREA

3.24 The 1.8m high close boarded timber fence proposed is of a suitable quality and traditional appearance, as might be expected to the rear of domestic properties. While the existing boundary treatments at the rear of properties on Hylton Drive are variable in appearance, it is not considered the fencing proposed would detract from the character of the area and would instead create a uniform appearance when viewed from within the development currently under construction. The Council's Arboricultural Officer has no objections to the proposed fence providing no changes are made to the previously agreed landscaping scheme, as shown in the submitted plans.

#### AMENITY OF NEIGHBOURING LAND USERS

3.25 The proposed development would ensure the properties both sides of the boundary are securely enclosed. This would be in accordance with Secure by Design principles and local policy aspirations to reduce the fear of crime. This would be in the interests of the amenity of both existing and future occupiers of existing homes on Hylton Drive and those under construction by the applicant.

3.26 Concerns have been raised in relation to the location of the proposed boundary treatment and the landscaping included in the original approval for the site. It has been confirmed by the applicant and detailed in the submitted plans and specifications that the proposed fencing will be located at the extent of the applicant's ownership, immediately abutting the rear gardens of neighbouring properties on Hylton Road.

3.27 The landscaping previously approved is to be retained where currently in place and complied with as per the approved details where it has yet to be implemented. The landscaping would be within the rear gardens of the new properties to the north of the site.

3.28 The concerns raised that the development would result in a 'no man's land' with the landscaping in between the boundary treatments for existing and proposed housing either side, are understandable, however they are not borne out by the proposals for which approval is sought. The suggestion that the proposals would result in a maintenance issue are therefore unfounded.

3.29 Introducing an appropriate boundary treatment between existing and new houses would not result in a loss of privacy. Conversely, if the boundary were to remain open in places where currently no screening exists, an inappropriate level of overlooking between properties would result.

## OTHER PLANNING MATTERS

3.30 Concerns have been raised with regards to the impact of the proposal on existing vegetation and hedging in the area, and any consequent impact on wildlife. It is not the intention of the applicant to remove the existing vegetation in order to facilitate the works, however the Council's Ecologist has confirmed there is adequate biodiversity enhancement on the wider site to mitigate any loss or damage to perimeter hedges should it occur and they have no objections as a result.

3.31 No objections have been received from other technical consultees including matters of highway safety.

## RESIDUAL MATTERS

3.32 Concerns raised with respect to the proposed drainage of the site and whether that has been completed in accordance with the previously proposed details are not material to this application, which relates only to the boundary fence to the north, and is being separately investigated by the Council's Enforcement Officer. It is not considered that the boundary fence will alter flood risk on the site and as such the proposals are acceptable in that regard, accordingly there are no objections from HBC Engineering Consultancy.

3.33 It has been suggested that there are inconsistencies in the submitted plans, in that the layout and sections are not deemed to correlate. In assessing the submitted plans it is considered these show a boundary fence at the northernmost extent of the ownership of the applicant, with some existing vegetation and the additional landscaping previously approved within the rear gardens of the new dwellings. These accord with the previous agreement for landscaping to form a part of the gardens of the new houses. Confusion on that matter may have resulted from a dispute about the extent of land ownership (i.e. whether existing landscaping/hedging is within the applicant's ownership or that of a neighbouring property).

3.34 The developer was asked to supply an additional drawing as part of the submission that showed only the location of the proposed boundary fence, which was duly provided. This plan does not indicate that the previously agreed landscaping proposals will not be implemented on site; it was requested to avoid confusion in relation to other details on the submitted drawings for the avoidance of doubt. The applicant will be obliged to comply with all relevant conditions on the previous approval. A planning condition is secured accordingly for the avoidance of doubt.

3.35 It has been suggested that there is some dispute between the applicant and neighbouring occupiers as to the extent of each party's ownership and their willingness or otherwise to enter into an agreement about a party wall. This is a civil matter and not a planning consideration. In any event, should planning permission be granted it would not overcome the need to establish any other permissions, including the agreement of other landowner as may be necessary, to allow the proposals to be implemented.

3.36 The intentions of the developer with regards to the cost of development or a perceived cost cutting exercise is not a material planning consideration, notwithstanding this the proposals would introduce an additional boundary treatment that was not previously included in the approved application and as such would be in addition to rather than at the expense of the currently approved plans.

3.37 Disruption currently being experienced as a result of construction, such as large vehicles entering the site or their fumes causing pollution is regrettable but unfortunately an unavoidable short-term inconvenience that is not a material planning consideration and cannot therefore inform the outcome of an application. In any event, this relates to the development for which permission already exists and not the amended boundary details to which this application relates. Notwithstanding this, the original outline approval for the site included a condition to restrict hours of construction to protect the amenity of neighbouring occupiers and would remain in place should this amendment be approved. In addition, no objections have been raised by Public Protection in relation to the impact of the proposals on neighbouring occupiers.

## CONCLUSION

3.38 The application is considered to be acceptable with respect to the above mentioned relevant material planning considerations and is considered to be in accordance with the saved policies of the adopted Hartlepool Local Plan 2006, emerging policies of the emerging Hartlepool Local Plan 2016 and relevant paragraphs of the NPPF. The development is recommended for approval subject to the planning conditions set out below.

## EQUALITY AND DIVERSITY CONSIDERATIONS

3.39 There is no evidence of equality or diversity implications.

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

3.40 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.

3.41 There are no Section 17 implications.

## REASON FOR DECISION

3.42 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 planning 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 Dwg No(s); 1N/TUN/SK-10 Rev R (LPE Layout), 90864/8026 Rev B, received 19/10/17 by the Local Planning Authority and additional plan 1N/TUN/PL-21, received 02/11/17 by the Local Planning Authority.  
For the avoidance of doubt.
3. Notwithstanding the details agreed via condition 2 above, details of the finished stain colour of the fence hereby approved shall be agreed in writing with the Local Planning Authority prior to works commencing. Thereafter the scheme shall be implemented in accordance with the agreed details.  
In the interests of a satisfactory form of development.
4. This approval relates solely to this application for the variation of conditions 1, 4 and 5 in respect of the boundary enclosure to the northern boundary. The requirements of all the conditions (including conditions 1, 4 and 5) in all other respects attached to the reserved matters permission (approval reference H/2015/0422, dated 22/01/16) shall continue to apply to this consent and shall be complied with.  
For the avoidance of doubt.

## BACKGROUND PAPERS

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

## CONTACT OFFICER

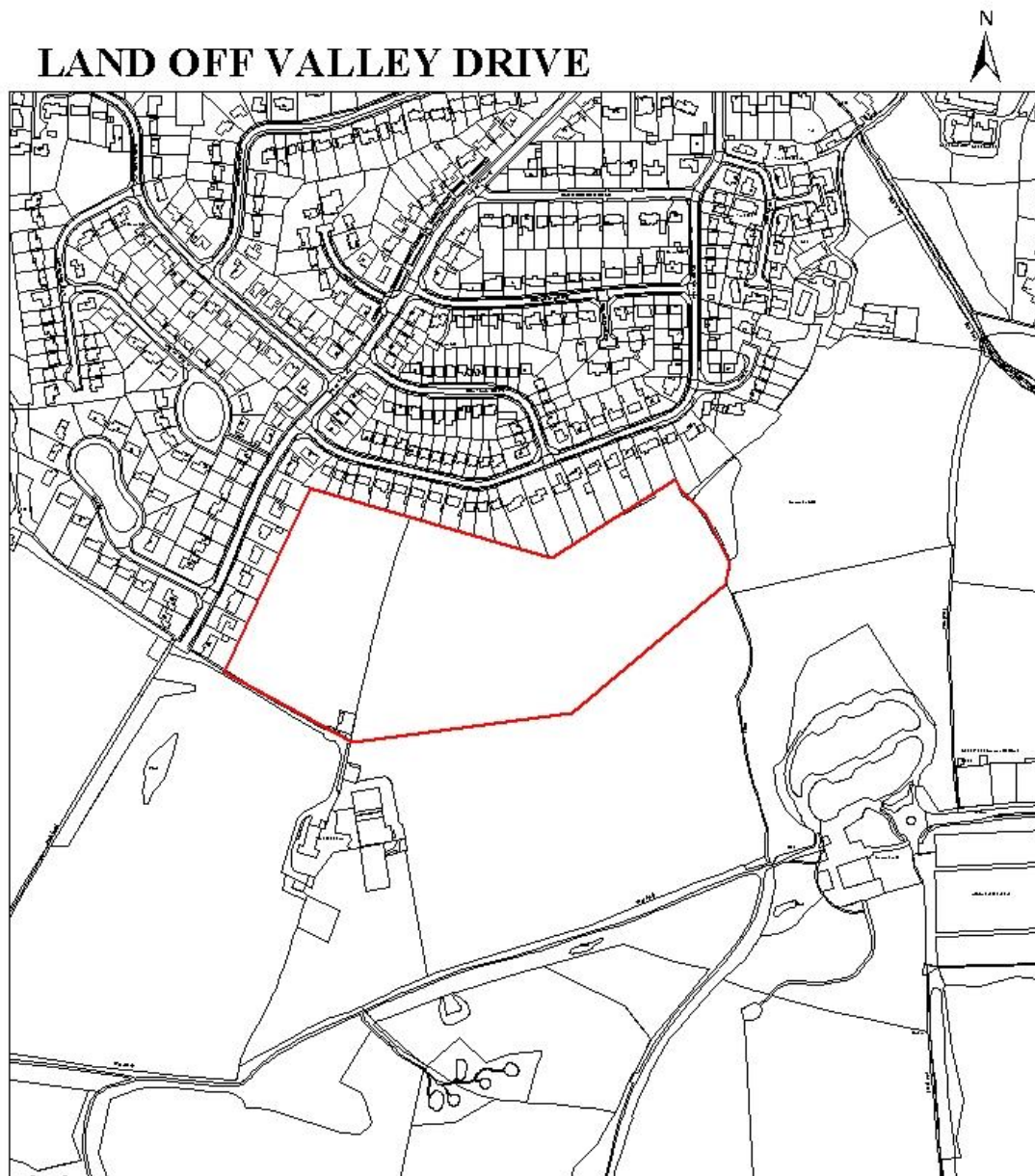
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:5000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0569</b>	REV

**No:** 4  
**Number:** H/2017/0457  
**Applicant:** Mr Darab Rezai Dalton Piercy Road Dalton Piercy  
HARTLEPOOL TS27 3HW  
**Agent:** Integra Residential 105 Harton House Road South  
Shields NE34 46EB  
**Date valid:** 18/10/2017  
**Development:** Demolition of existing farm buildings and erection of 3  
new dwellings with associated internal access road,  
parking and landscaping  
**Location:** THREE GATES FARM DALTON PIERCY ROAD  
DALTON PIERCY HARTLEPOOL

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## PURPOSE OF REPORT

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

## BACKGROUND

4.2 The following planning history is considered to be relevant to the current application site;

4.3 HFUL/2004/0935 – Planning permission was granted on 21<sup>st</sup> December 2004 for the erection of a two-storey rear extension to provide ground floor kitchen, sitting room and dining room and first floor bedrooms and balcony.

4.4 H/2012/0555 – Planning permission was refused by the Planning Committee on 9<sup>th</sup> January 2013 for the conversion of a barn and kennels to a detached dormer bungalow on the grounds the proposal would be contrary to policy as it was not considered that the development would meet any of the circumstances which would support a dwelling in this unsustainable rural location.

4.5 H/2013/0063 – Planning permission was refused on 3<sup>rd</sup> April 2013 for the conversion and extension of existing outbuildings to form a single storey residential annexe on the grounds that the proposal would be contrary to policy and result in a detrimental impact upon the amenity of the host dwelling.

4.6 APP/H0724/A/13/2197718 – An appeal against the refusal of application H/2013/0063 was dismissed on 3<sup>rd</sup> September 2013 by the Planning Inspectorate on the grounds the proposal would fail to satisfy Local Plan policy Hsg11 in terms of its relationship to the existing dwelling and the was not considered to be in line with the intentions for the reuse of buildings set out in national policy.

4.7 H/2014/0257 – Planning permission was granted on 25<sup>th</sup> July 2014 for the conversion of two barns to holiday cottages.

## **PROPOSAL**

4.8 Planning permission is sought for the demolition of existing farm buildings and erection of 3no. new dwellings with associated internal access road, parking and landscaping.

4.9 The proposal comprises the demolition of the existing barn structures to the south of the existing dwellinghouse and the erection of 2no. south-facing 2.5 storey detached dwellings. These dwellings measure approximately 8.65 metres in width by 5.75 metres in depth. The dwellings feature a dual pitched open gable roof with an eaves height of approximately 5 metres and a ridge height of approximately 8.7 metres. The internal layout of the dwellings comprises kitchen/dining room, living room, W/C and lobby at ground floor, two bedrooms (one with en-suite) and a bathroom at first floor and a third bedroom (with en-suite) at second floor level.

4.10 The proposal also comprises the demolition of an existing kennel building (not in use) north-west of the existing dwellinghouse and the erection of a detached bungalow measuring approximately 7.8 metres by 17.25 metres with an approximately 5.4 metre x 6.1 metre attached garage to the east. The proposed bungalow features a hipped roof with an eaves height of approximately 2.45 metres and a total ridge height of approximately 3.9 metres. The internal layout of the bungalow comprises ground floor lobby/hall, four bedrooms (one with en-suite), a bathroom, a W/C, living room, kitchen/dining room and double garage.

4.11 The application has been referred to the Planning Committee at the request of an elected Member.

## **SITE CONTEXT**

4.12 The application site is Three Gates Farm located between Dalton Piercy village and the A19 trunk road. The property which covers a site area of approximately 8635 square metres comprises a large detached dwelling with a range of sheds, barns and other outbuildings. The group of buildings which are well set back into the site are serviced by a 75m long driveway which also forms part of a public right of way (footpath No 4, Dalton Piercy).

4.13 The site is surrounded by open fields. Neighbouring properties include Meadow View, a residential property set in large grounds and located directly to the south west of the application site. The Windmill Hotel/restaurant lies approximately 250m to the west with a small number of dwellings to the south east on Dalton Back Lane collectively known as Three Gates.

4.14 The site is predominantly enclosed by post and rail fencing however there is also a mature hedge along the front boundary of the site.

## **PUBLICITY**

4.15 The application has been advertised by way of neighbour letters (10) a site notice and a press notice. To date, 2 objections have been received with the following concerns (summarised):

- In open countryside, not in a village, beyond development limits.
- Unjustified isolated dwellings in the countryside.
- Detrimental impact on the character and appearance of the rural area and rural landscape.
- Contrary to NPPF.
- Contrary to saved policies of the adopted Local Plan.
- Contrary to New Dwellings Outside of Development Limits SPD.
- Contrary to emerging policies of the emerging Local Plan.
- Contrary to policies within the Hartlepool Rural Neighbourhood Plan.
- Housing in this location not necessary.
- Development would not be sustainable- no facilities, no transport services/reliant on cars.
- Detrimental impact on highway safety.
- Previous applications for additional dwellings at this site have been refused.

#### 4.16 Copy Letters C

4.17 The period for publicity has now expired.

### CONSULTATIONS

4.18 The following consultation responses have been received;

**HBC Engineering** – I can see no drainage details on this application. The applicant is proposing to discharge into a soakaway system however we will need to see the percolation test results before we can confirm if this is acceptable.

I am satisfied that the surface water drainage can be dealt with via our standard condition.

**Environment Agency** - No representation received.

**Hartlepool Water** – Thank you for your recent enquiry regarding the above proposed development. In making our response Hartlepool Water has carried out a desk top study to assess the impact of the proposed development on our assets and has assess the capacity within Hartlepool Waters network to accommodate the anticipated demand arising from the development. Having assessed the proposed development against the context outlined above I can confirm the following.

- I confirm that Hartlepool Water has sufficient capacity in the local network to supply the proposed new development.
- The proposed new additional developments will be required to have separate metered water connections from our local network main.
- We have no objection to this development.

**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.

**HBC Ecology** – I note that my predecessor, Ian Bond, assessed that a bat survey was not required for planning application number H/2012/0555, as the buildings were sound and not very suitable for bat roosts.

I have scrutinised the photographs supplied on page 3 of the Design, Access & Flood Risk Statement dated August 2017 and I assess that the buildings have remained in relatively good condition and that the bat roost potential remains negligible.

A look at an aerial image on Bing maps shows that the surrounding habitat is of 'low suitability' for foraging and commuting bats and that there is no nearby woodland or water bodies (Figure 1). I assess that the application is unlikely to harm bats.

I do not require a bat assessment or any ecology survey.

#### Recommendations

I recommend that the Council bat and nesting bird informative is issued, which reminds developers of their legal duty to halt work if bats or nesting birds are found. See Appendix 1.

In terms of biodiversity enhancement, as advised in NPPF guidance, I recommend the following Condition:

- At least one integral bat roost box is built into each new structure. Reason – biodiversity enhancement.

For information: Examples of integral roof tile and brickwork boxes can be found on a number of websites, such as:

<http://www.habibat.co.uk/>

<https://www.nhbs.com/1fe-schwegler-bat-access-panel>

#### Hartlepool BC Bat and Bird informative.

Bats are highly mobile species and individual bats can turn up in any building or any tree which has suitable holes or crevices. All species of bat in the UK are protected by both UK and European legislation. This legal protection extends to any place that a bat uses for shelter or protection, whether bats are present or not. Should bats or signs of bats (such as droppings, dead bats etc) be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately and advice sought from Natural England. Failure to do this may result in the law being broken. The Natural England Bat Helpline number is: 0845 1300 228. For further information contact the Council's ecologist on 01429 523431.

Breeding 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 breeding bird whilst

it is being built or in use. In practice the bird breeding season is mainly confined to the period from March to July inclusive but it should be noted that some species will breed outside this period. If bird's nests that are actively being built or used are found then work should be suspended until the birds have finished breeding. For further information contact the Council's ecologist on 01429 523431.

**Natural England** - Natural England has no comments to make on this application.

Natural England has not assessed this application for impacts on protected species. Natural England has published Standing Advice which you can use to assess impacts on protected species or you may wish to consult your own ecology services for advice.

Natural England and the Forestry Commission have also published standing advice on ancient woodland and veteran trees which you can use to assess any impacts on ancient woodland.

The lack of comment from Natural England does not imply that there are no impacts on the natural environment, but only that the application is not likely to result in significant impacts on statutory designated nature conservation sites or landscapes. It is for the local planning authority to determine whether or not this application is consistent with national and local policies on the natural environment. Other bodies and individuals may be able to provide information and advice on the environmental value of this site and the impacts of the proposal to assist the decision making process. We advise LPAs to obtain specialist ecological or other environmental advice when determining the environmental impacts of development.

We recommend referring to our SSSI Impact Risk Zones (available on Magic and as a downloadable dataset) prior to consultation with Natural England. Further guidance on when to consult Natural England on planning and development proposals is available on gov.uk at <https://www.gov.uk/guidance/local-planning-authorities-get-environmental-advice>

**HBC Heritage and Countryside** - Further to our discussion I can confirm that there are no listed buildings, locally listed buildings or conservation areas on this site therefore I would not wish to comment on this application.

**Tees Archaeology** - Thank you for the consultation on this application. Three Gates Farm appears to be a late 18th century or early 19th century farm complex. It is clearly present on the 1839 Dalton Piercy Tithe Plan. The farm buildings are entered on the Historic Environment Record (HER 8602) and can be considered to be a heritage asset of local interest (NPPF Annexe 2).

I have no objection in principle to the demolition of the farm buildings. As the buildings will be demolished it would be reasonable to request that the developer provides a historic building survey as a record of the farmstead. This would involve a suitably qualified professional carrying out a photographic, written and drawn survey of the historic parts of the farm and producing a report which presents the results alongside historical research. This should be made publicly accessible in line with the advice given in NPPF para 141.

The historic building recording could be secured by means of a planning condition. I set out below the suggested wording for this condition:-

Recording of a heritage asset through a programme of historic building recording

A) No demolition shall take place until a programme of historic building recording including a Written Scheme of Investigation has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:

1. The programme and methodology of site investigation and recording
2. The programme for post investigation assessment
3. Provision to be made for analysis of the site investigation and recording
4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
5. Provision to be made for archive deposition of the analysis and records of the site investigation
6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

B) No demolition shall take place other than in accordance with the Written Scheme of Investigation approved under condition (A).

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

I would be happy to provide a brief for the historic building recording along with a list of contractors who are able to tender for such projects in the area.

**HBC Countryside Access Officer** - Public Footpath No.4 (north section), Dalton Piercy Parish, runs through this property boundary, on the eastern side. It runs in a north-north westerly direction up the existing drive, staying on the same alignment as it continues past the existing main house, exiting and continuing into an arable field, where it continues roughly in the same direction until it terminates at the A19. At present there are no obstructions to the free passage of anyone wishing to walk upon its route.

Within the development application; there is a set of gates that is proposed to be installed at a point where the drive enters the area in front of the main house.

At present, when the Council (Hartlepool Borough Council) requires access along the footpath, to cut overgrown vegetation, there is free passage, through existing field gates. This requirement is a statutory duty placed upon it as part of Highways Act 1980

With the installation of these double gates; the plans are not sufficiently detailed to show if there is any access for the council vegetation clearance team to access the path beyond, with machinery. It also does not show if there is any room for the

public to freely pass and repass along the full length of the public footpath, as is their right.

I will require more detailed plans showing the access requirements for the public to walk the path and the vegetation clearance teams to bring machinery onto the footpath to clear the upgrowth, every year.

Alternatively, if the applicant is wishing to consider partial diversion of this public footpath instead; he will need to discuss with me any plans for this possibility and also show that he has the full support of any other landowner if the possible diversion was to run through their landholdings.

I look forward to seeing more details on the above concerns

**HBC Landscape** – Whereas I have no objections to the proposal from an Arboricultural aspect and any effect on existing trees, as part of the Development and being in line with Planning Policy Rur7 of the Adopted Local Plan (Development in the Countryside) there is an expectation that some tree planting will be included with the development (formally termed landscaping). If approved I would require sight of this as part of the new build and the following condition should be included:

J161 A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works\* to be undertaken, and be implemented in accordance with the approved details and programme of works.

\*Program of works in this context applies only to tree or shrub planting.

**HBC Public Protection** – I would have no objections to this application subject to the following conditions;

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

Demolition or construction works and deliveries or despatches shall not take place outside 08:00 hours to 18:00 hours Mondays to Fridays and 09:00 hours to 13:00 hours on Saturdays nor at any time on Sundays or Bank Holidays.

**HBC Waste Management** – No representation received.

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

**Highways England** – I write representing Highways England regarding the above planning application. We have no objection to the above application and enclose a formal response accordingly.

Our prime concern is the safe operation of the Strategic Road Network. The Dalton Piercy turn off the A19 allows right turns, though there are plans to close central reserve gaps and this may not be the case in the future. We would wish to keep turn manoeuvres at central reserve gaps to a minimum in order to lessen accident risk.

The scale of the development is such that the impact of additional traffic is not severe and do not amount to an objection to planning consent, but these concerns should be noted.

I trust this is clear, but should further information be required, please do not hesitate to get in touch.

Referring to the planning application referenced above, dated 24 October 2017, A19, Demolition of farm buildings and construction of 3 dwellings, Three Gates Farm, Dalton Piercy Road, Dalton Piercy, Hartlepool, notice is hereby given that Highways England's formal recommendation is that we:

- a) offer no objection;

Highways Act Section 175B is / is not relevant to this application

**Cleveland Police** - With regard to the planning application ref H/2017/0457. I recommend that the applicant actively seeks to achieve Secured By Design accreditation for the proposed new dwellings development. In any case I would encourage Mr Rezai to make contact with me at an early stage for any input/advice I might be able to offer. Further information is available at [www.securedbydesign.com](http://www.securedbydesign.com)

I would, at this stage mention that developers should ensure that the security of a development is not compromised by excessive permeability and that adequate lighting be installed for all areas of the development, including all non- adopted highways, eg. shared surfaces, shared drives.

**Ramblers Association** – As the proposed development does not affect the Right of Way of the side of the site we have no comments.

## PLANNING POLICY

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

### Hartlepool Local Plan (2006)

4.20 The 2006 Local Plan forms part of the Development Plan and is still the overriding consideration for determining planning applications.

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

Policy	Subject
GEP1	General Environmental Principles
GEP3	Crime Prevention by Planning and Design
GEP9	Developers' Contributions
GEP12	Trees, Hedgerows and Development
HSG5	Housing supply
Hsg9	New Residential Layout
Tra16	Car Parking Standards
GN1	Enhancement of the green network
GN5	Tree Planting
RUR1	Urban Fence
RUR7	Development in the Countryside
RUR12	New housing in the Countryside

#### Emerging Hartlepool Local Plan (2016)

4.22 The Council's emerging Local Plan has been through an Examination in Public (EiP) and the inspectors interim findings have been received. When applying NPPF paragraph 216, it is considered that the relevant policies in the emerging plan hold great weight in decision making. The current timescale for adoption of the emerging Local Plan is spring 2018.

4.23 The following policies in the emerging Hartlepool Local Plan (anticipated to be 2013) are relevant to the determination of this application:

Policy	Subject
SUS1	The Presumption in Favour of Sustainable Development
LS1	Locational Strategy
CC1	Minimising and adapting to Climate Change
CC2	Reducing and Mitigating Flood Risk
INF1	Sustainable Transport Network
INF2	Improving Connectivity in Hartlepool
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
RUR1	Development in the rural area
RUR2	New Dwellings outside of development limits
NE1	Natural Environment
NE2	Green infrastructure
HE2	Archaeology

4.24 The inspectors interim findings were received on Thursday 16th November and are available to view on the council's web site. The inspector did not propose a main modification to the limits to development and raised no significant concerns with relation to the housing and rural policies. No additional housing sites were considered necessary in the Inspector's Interim findings.

#### Hartlepool Rural Neighbourhood Plan

4.25 The rural neighbourhood plan has been subject to examination and the examiner's report was submitted to the Council on 4 July 2017. The Rural Plan examiner recommended a number of changes to the plan to ensure that it delivers sustainable development and has proper regard to national policy and guidance. The examiner's overall conclusions are that the plan, if amended in line with his recommendations, meets all the statutory requirements including the basic conditions test.

4.26 On 4th September 2017 the council accepted the examiner's recommendations and agreed that the Plan, as modified by the examiner's recommendations, can proceed to referendum.

4.27 In accordance with NPPF paragraph 216 the council are giving weight to the policies within the rural plan due to its advanced stage in the plan making process and the lack of unresolved objections with regard to the relevant policies.

4.28 The relevant policies within the Rural Neighbourhood Plan are:

Policy	Subject
GEN1	Village Envelopes
GEN 2	Design Principles
H4	Housing In The Countryside
T1	Improvements To The Highway Network
T3	Improvement and Extension of The Public and Permissive Rights Of Way Network
PO1	Planning Obligations

#### National Planning Policy Framework (NPPF)

4.29 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 Government's 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 headings – 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.

4.30 The NPPF does not change the statutory status of the development plan as the starting point for decision making.

4.31 The following paragraphs are relevant to this application:

Para	Subject
2	Application of planning law (development plan and material considerations)
6	Purpose of the planning system – creation of sustainable development
7	Three dimensions to sustainable development
9	Pursuing sustainable development involves seeking positive improvements in the quality of the built, natural and historic environment, as well as in people's quality of life.
10	Applying local circumstances to decision making
11	Determining applications in accordance with the development plan
12	Development plan is the starting point for decision making
13	The National Planning Policy Framework constitutes guidance
14	Presumption in favour of sustainable development
17	Core planning principles
29	Transport and facilitating sustainable development
32	Transport Statements and Travel Assessments
34	Minimising the need to travel
35	Exploit sustainable transport modes
36	Travel Plans
37	Minimise journey lengths
47	To boost significantly the supply of housing
49	Housing and the presumption in favour of sustainable development
50	Deliver a wide choice of high quality homes
55	Housing in rural areas
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
58	Quality development for the area.
60	Should not attempt to stifle innovation, originality or initiative
61	The connections between people and places
64	Improving the character and quality of an area
66	Views of those directly affected by the proposal
69	Social interaction and healthy communities
72	School Places
73	Access to open space and sport and recreation

75	Public rights of way
95	Low carbon future
96	Minimise energy consumption
109	Contribute to and enhance the natural environment
118	Conserve and enhance biodiversity
123	Minimising pollution i.e noise pollution possibly by use of condition
173	Viability
176	Development mitigation through conditions or agreements
183	Neighbourhood Plans
186	Positive approach to delivering sustainable development
187	Work proactively to deliver economic, social and environmental benefits.
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203 - 205	Planning Obligations
206	Planning conditions
216	Weight given to Emerging Plans

#### Other Relevant Documents:

4.32 The New Dwellings Outside of Development Limits (NDODL) SPD (2015). The NDODL SPD was endorsed in 2015. This Supplementary Planning Document (SPD) provides the guidance on whether the principle of a new dwelling in the countryside is appropriate and as to when a justification test will be required and details what information the applicant will be required to submit as part of the justification test.

#### Planning Policy comments (summarised)

4.33 The Council can demonstrate a five year supply of deliverable housing sites and a 15 year supply over the plan period without this site.

4.34 The Council consider that the proposed site is within an unsustainable location and occupiers would have no choice but to travel by car. There is no public bus service and there are no safe and direct walking and cycling routes to key employment and service locations.

4.35 The applicant has not put forward any proposals that would lead to a reduction in greenhouse gasses. The proposal would need to incorporate measures to secure 10% of the development's energy use from a decentralised or renewable source, such as solar or wind etc.

4.36 Given their location and the lack of services and amenities, the location of the proposed dwellings is isolated and thus Planning Policy considers that the homes would be isolated dwellings in the countryside. Planning Policy is of the opinion that the test relating to redundant or disused buildings is not applicable as the proposal is to demolish existing building and erect new ones. Planning Policy note that the application can assist in sustaining the rural services in the area, however given that such services are severely limited in this area, there is very little to sustain, the level

of impact is therefore deemed to be negligible and not sufficient enough to support the proposal.

4.37 The principle of development is therefore not considered to be acceptable and the proposal is considered to be contrary to emerging policies LS1 and RUR2 of the emerging Hartlepool Local Plan (2016), the adopted New Dwellings Outside of Development Limits SPD (2015) and NPPF paragraphs 29, 30, 35 and 55.

## PLANNING CONSIDERATIONS

4.38 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 impact of the proposal on the character of the surrounding area, the amenity of future occupiers and neighbouring land users, highway and pedestrian safety, flood risk and drainage, ecology, heritage assets and archaeology and public rights of way. These and all other planning and residual matters are set out in detail below.

## PRINCIPLE OF DEVELOPMENT

4.39 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications for planning permission are determined in accordance with the development plan, unless material considerations indicate otherwise.

4.40 The development plan for Hartlepool includes the saved policies of the adopted Hartlepool Local Plan 2006 and the adopted Tees Valley Minerals and Waste SPD.

4.41 Paragraph 196 of the National Planning Policy Framework (NPPF) sets out that the NPPF is a material consideration in planning decisions. Paragraph 216 of the NPPF stipulates that decision-takers may also give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan, the extent to which there are unresolved objections to relevant policies and the degree of consistency of those policies with the NPPF.

4.42 The Council's emerging Local Plan (2016) has now been submitted to the Secretary of State pending an Examination in Public (EiP) and therefore policies within this document now hold a degree of weight in decision making. Similarly the Rural Neighbourhood Plan is at an advanced stage and therefore policies within the document can be given a degree of weight when assessing development proposals within the rural area.

### *Adopted Hartlepool Local Plan (2006)*

4.43 In relation to the saved policies of the 2006 Local Plan, the site sits outside of the main urban fence (Rur1) and is therefore classified as development in the countryside (Rur7).

4.44 Saved policy Rur1 states that "the spread of the urban area into the surrounding countryside and undeveloped areas of the coast beyond the urban fence...will be strictly controlled."

4.45 Saved policy Rur7 stipulates that factors including the operational requirements of the agriculture and forestry industries and viability of a farm enterprise, in addition to other material planning considerations, will be taken into account in determining applications for development in the open countryside. The development is not required to support a rural business.

#### *Emerging Hartlepool Local Plan (2016)*

4.46 Paragraph 47 of the NPPF requires authorities to significantly boost housing supply including by identifying and updating annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements. The housing requirement in the 2006 Local Plan is not up-to-date. 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 sites is assessed. The emerging Local Plan has been through an examination in public and the Inspectors interim finding have been issued. The Council can now demonstrate a five year supply of sites, including when 20% is frontloaded from the back end of the plan period.

4.47 The limits to development as shown on the 2006 Local Plan proposals map have been reviewed through the emerging Local Plan (policy LS1), in order to achieve the housing requirement for the Borough. The proposed site has not been allocated within the emerging Hartlepool Local Plan as a future housing site. The Borough's future housing need is expected to be delivered on sites allocated through the plan and the inspectors interim findings have supported the Council's proposed allocation locations. The application site therefore remains outside of the limits to development within the emerging Local Plan.

4.48 Notwithstanding the fact that the council can demonstrate a five year supply of deliverable housing sites and a 15 year supply over the plan period, it is considered that the proposed site is within an unsustainable location, which is not well served by employment, retail, amenities or services and occupiers would have no choice but to travel by car.

4.49 Emerging policy RUR1 (Development in the Rural Area) stipulates development outside the development limits will be strictly controlled and proposals for new dwellings in the rural area must meet the criteria set out in the New Dwellings Outside of Development Limits Supplementary Planning Document and be in accordance with emerging policy RUR2. Emerging policy RUR2 (New Dwellings Outside of Development Limits) stipulates that new dwellings outside of development limits will only be permitted if there is clear justification, in line with paragraph 55 of the NPPF and the New Dwellings Outside of Development Limits SPD, for instance, a functional need in connection with a rural based enterprise, the best viable use or to secure the future of a heritage asset or in instances of exceptional design. It is not considered that the proposal meets any of the criteria set out within this policy, or in either the SPD or the NPPF, and this is set out in detail below.

#### *New Housing Outside of Development Limits SPD*

4.50 Paragraph 55 of the NPPF stipulates that, to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities however Local Planning Authorities should avoid new isolated homes in the countryside unless there are special circumstances.

4.51 In accordance with paragraph 55 of the NPPF, the New Dwellings Outside of Development Limits SPD sets out justification tests to identify special circumstances in which new isolated homes in the countryside may be permitted including;

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

4.52 The applicant's supporting planning statement submitted with the application suggests that the proposal is not for isolated homes in the countryside and therefore there is no need to justify the exceptional circumstances via the function tests as set out within paragraph 55 of the NPPF or the SPD.

4.53 SPD paragraph 2.1 draws reference to the term isolated (which is a word used within NPPF paragraph 55). Paragraph 2.1 considers that isolated dwellings/homes are standalone settlements with one or two building or families. Whilst the description mentions that isolated can mean a settlement of one or two buildings the paragraph does go on to further state that isolated dwellings usually have negligible services, if any. The paragraph should be read as a whole, and in this instance given the severe lack of services in and around the site location the Council's Planning Policy section is of the opinion that the site is isolated and any dwellings located here would be isolated.

4.54 SPD paragraph 2.2 states that proposals for dwellings outside development limits will only be accepted under exceptional circumstances. Given that the proposed dwellings are deemed to be isolated Planning Policy consider that the special circumstances should be justified.

4.55 In this case the applicant has not submitted any information with regard to (1) justifying the development through the need for a rural worker to live permanently at or near their place of work in the countryside and the submitted information indicates that the the farm is no longer in use as the associated land was sold to the adjoining farms before the current owner bought the property. Therefore the development cannot be justified through rural enterprise need.

4.56 With regard to (2) heritage need, whilst Tees Archaeology has advised that the farm buildings are entered on the Historic Environment Record (HER 8602) and can be considered to be a heritage asset of local interest (NPPF Annex 2), the proposal comprises the demolition of these buildings and therefore the development cannot be justified through best viable use or securing the future of a heritage asset.

4.57 The applicant states that if they did have to apply the functions test to justify the proposal then the proposal would accord with (3) the re-use of redundant or disused buildings. It is considered however that the test relating to redundant or disused buildings is not met. The proposal is to demolish existing buildings and erect new ones and not for re-use or conversion. The scale and nature of the proposed development is not similar to the original buildings and the form, scale, massing and general design does not minimise visual intrusion or enhance immediate environmental and visual settings in the countryside.

4.58 In terms of (4) design, the submitted scheme does not demonstrate that the proposal constitutes truly outstanding design, architecture, sustainable construction methods etc. and it is considered the design of the proposed dwellings is not characteristic of a rural environment and does not protect the character of the open countryside. It is therefore considered the proposal does not meet this test.

4.59 With respect to (5) meeting the requirements of all other relevant policies in the Local Plan and the NPPF, it is considered that the proposal is not in compliance with a number of policies of the Local Plan and paragraphs of the NPPF in terms of design and sustainable transport.

4.60 It is therefore considered the proposal does not meet any of the justification tests set out in the SPD, and is therefore contrary to paragraph 55 of the NPPF and emerging policy RUR2.

#### *Emerging Hartlepool Rural Neighbourhood Plan*

4.61 As above, there are a number of policies within the emerging Hartlepool Rural Neighbourhood Plan relevant to the proposal which similarly seek to restrict inappropriate development in the countryside, protect the character and visual amenity of the rural area and allow housing in the countryside only in exceptional circumstances. It is therefore considered that the proposal is contrary to emerging Rural Neighbourhood Plan policies GEN1, GEN2 and H4.

#### *National Planning Policy Framework (NPPF)*

4.62 The NPPF sets out the Government's aims and objectives for the planning system in England. The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed throughout the NPPF and is reflected in the presumption in favour of sustainable development (paragraph 14 of the NPPF).

4.63 Paragraph 7 of the NPPF states that there are three dimensions to sustainable development: economic, social and environmental. 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.

4.64 In addition, paragraph 17 sets out 12 core planning principles that should underpin decision-taking, these include supporting sustainable economic development, seeking to secure high quality design, recognising the intrinsic character and beauty of the countryside, supporting the transition to a low carbon future, conserving and enhancing the natural environment and actively managing patterns of growth to make the fullest possible use of public transport, walking and cycling, among others.

4.65 NPPF Paragraph 29 states that “transport policies have an important role to play in facilitating sustainable development but also in contributing to wider sustainability and health objectives....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.” It is clear that the Government want people to have a choice as to how they move around and that one choice should be a sustainable transport option such as walking and cycling. Paragraph 29 then states “Government recognises that different policies and measures will be required in different communities and opportunities to maximise sustainable transport solutions will vary from urban to rural areas.”

4.66 NPPF Paragraph 35 states developments should be located and designed where practical to give priority to pedestrian and cycle movements, and have access to high quality public transport facilities

4.67 This application is located within the rural area and therefore consideration must be given to the recognition of Government that sustainable transport solutions will vary from urban to rural areas. The Council's Planning Policy team has given due regard to paragraph 29 and the NPPF as a whole.

4.68 However, given the sites rural location, the Council's Planning Policy team considers that there is no real choice about how people can travel. There is no public bus service and there are no safe and direct walking and cycling routes to key employment and service locations. The road between the site and the built up area of Hartlepool does not provide a safe option and it is not something that HBC would explicitly encourage as a means to access employment and services each day.

4.69 As the proposal is considered contrary to saved policies within the adopted Development Plan, the presumption in favour of sustainable development should be applied. Paragraph 14 of the NPPF stipulates 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.

4.70 The main benefits and adverse impacts arising from the scheme (in the above context) are outlined below;

#### 4.71 *Benefits*

- The proposed development provides 3 houses (economic + social)
- The proposed development would create short term jobs in the construction and building supply industry (economic + social)
- The proposed development would provide additional tree planting (as required) (environmental)
- The proposed development would generate Council Tax and New Homes Bonus receipts (economic)
- The proposed development could assist in sustaining the rural services in and around Dalton. (Although such services are severely limited and the level of impact is deemed to be negligible) (economic)

#### 4.72 *Adverse Effects*

- The proposed development encourages unsustainable forms of travel, reliance upon the private car and increased emissions (environmental)
- The development does not provide occupants with a choice of transport options (social + economic)
- The proposed development is not well served by local amenities, employment, retail, services etc. (social + economic)
- The location of the site may encourage out-commuting which undermines the vitality and viability of the Borough (social + economic)
- The site is isolated and does not offer opportunities for social interaction or encourage social/community cohesion (social)
- The proposed development would have a detrimental impact on visual amenity and the character of the countryside (environmental)
- The proposed development intensifies use of Dalton Piercy Lane junction with the A19 (social + economic)

4.73 In conclusion, 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.

4.74 It is considered that in this instance, the identified adverse impacts are substantial and would significantly and demonstrably outweigh the respective benefits when assessed against the policies in the NPPF including each of the three strands of sustainability. It is therefore considered that, on balance, the application does not represent a sustainable form of development.

#### *Principle of Development Conclusion*

4.75 In view of the above and taking into account all relevant national and local planning policy and guidance, both adopted and emerging, the principle of development is not considered to be acceptable in this instance. Notwithstanding this, with respect to other material considerations, these are set out below in full.

#### RENEWABLES AND ENERGY EFFICIENCY

4.76 The Council's Planning Policy team have had due regard to NPPF paragraph 96 and are satisfied that the design and layout of the dwellings goes some way to minimise energy consumption by maximising solar gain. However, it is noted that the proposed bungalow could be re-orientated to better take advantage of solar gain and improve energy efficiency. Notwithstanding this, energy efficiency details could have been secured by a planning condition had the application been considered acceptable in all other respects.

4.77 Due to the proposed dwellings rural location and the likelihood that residents will have no other option than to travel by car and thus they will in no doubt add to the level of carbon emissions emitted across the borough, then an attempt should be made at mitigating against this. The Council's Planning Policy team has therefore advised that the proposal would need to incorporate measures to secure 10% of the development's energy use from a decentralised or renewable source, such as solar or wind etc. and an appropriate planning condition to secure this would have been recommended had the application been considered acceptable in all other respects.

## CHARACTER OF THE SURROUNDING AREA

4.78 In terms of the design of the proposed dwellings, an objection has been received with respect to the sensitivity of the proposals to the defining characteristics of the local area and the impact on the immediate setting.

4.79 The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The NPPF states that in order to allow a new dwelling(s) in the countryside such as those proposed, the design should be outstanding i.e. of exceptional quality and of the highest architectural standards. Paragraphs 63 and 64 of the NPPF state that, in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area. Further, permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

4.80 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should be of a scale and character which is in keeping with its surroundings. Saved policy GEP1 of the 2006 Local Plan states that development should take into account issues such as the relationship of the development to other buildings in terms of siting, size and colour; the visual impact on the landscape; the compatibility of the design of the development within its setting and the landscape generally; and the use of traditional or sympathetic materials. Emerging policy RUR2 of the emerging Local Plan stipulates that, in exceptional circumstances, new dwellings outside of development limits may be permitted where the design is truly outstanding, groundbreaking and innovative; reflects the highest standards in architecture; significantly enhances the immediate setting; and is sensitive to the defining characteristics of the local area.

4.81 The new dwellings are to be constructed in traditional materials (red brick, timber and tile), however the properties are modern in design and would not be

considered out of place in many locations within the urban area of the Borough. It is acknowledged that an attempt has been made to emulate the design of the existing barn building(s) through the use of timber to upper floors and the use of a south-facing (front) gable roof design. It is also noted that the few neighbouring dwellings to the south are predominantly of mid-to-late 20th century design and of no particular architectural style or merit. (These properties also sit outside the development limits).

4.82 However, it is considered the design of the proposals on the whole is not characteristic of the rural area and they do not incorporate defining features of the existing dwelling on site or appropriately reflect the positive elements of the surrounding rural architecture. There are no features on the windows or doors and no reference to the rural location, with the proposed dwellings appearing suburban in nature. The two proposed 2.5 storey dwellings in particular are of a greater size, at approx. 8.7 metres to ridge, than the barn(s) they are to replace (approx. 6.4 metres max.) and will feature prominently in the landscape. It is considered the proposals therefore do not help raise the standard of design more generally in the area and do not take the opportunities available for improving the character and quality of an area.

4.83 It is therefore considered that by virtue of their siting, design, scale and materials, the proposed dwellings do not preserve and enhance the character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character of the surrounding area.

## LANDSCAPING

4.84 The Council's Arboricultural Officer has advised that they have no objections to the proposal in terms of any effect on existing trees. However, as part of the development and in line with saved policy Rur7 of the adopted Hartlepool Local Plan (2006) (Development in the Countryside), there is an expectation that some tree planting would be included within the development. The Council's Arboricultural Officer has therefore requested that a planning condition requiring the submission of a detailed scheme of landscaping and tree and shrub planting be appended to any grant of planning permission, and this would have been recommended accordingly had the development been considered acceptable in all other respects.

## AMENITY OF EXISTING AND FUTURE OCCUPIERS AND NEIGHBOURING LAND USERS

4.85 With respect to the impact on the amenity of neighbouring land users; the proposed bungalow is located north of the existing neighbouring dwelling at Meadow View. Whilst the southern elevation of the proposed bungalow features 2 bedroom windows facing this neighbouring property, a satisfactory separation distance of approximately 22.1 metres would exist between the southern elevation of the proposed bungalow and the northern (rear) elevation of Meadow View, in line with guideline separation distances as set out in Guideline 7 of Supplementary Note 4 of the adopted Hartlepool Local Plan 2006.

4.86 Similarly, a satisfactory separation distance is maintained between the western (side) elevation of the westernmost proposed 2.5 storey dwelling and the side elevation of the neighbouring dwelling at Meadow View of approximately 23.5 metres. The side elevation of this dwelling is also separated from this neighbour's boundary by the proposed internal access road and as such is set back from the shared boundary by approximately 7.5 metres.

4.87 The proposed dwellings are surrounded on all other side by open fields and as such satisfactory separation distances are also maintained to all other neighbouring properties.

4.88 With respect to the internal layout of the site and the relationship of the proposed dwellings to one another, and to the existing dwellinghouse; the proposed bungalow is located approximately 18 metres north-west of the existing dwellinghouse at Three Gates Farm at its closest point. Whilst the existing dwellinghouse features a number of habitable room windows at ground and first floor in the rear (north) and side (west) elevations and the proposed bungalow features bedroom/study and bathroom windows, as well as glazed entrance doors, in the eastern elevation, these do not directly overlook one another with satisfactory oblique separation distances of approximately 20 metres or more, in line with Guideline 7 of Supplementary Note 4 of the Hartlepool Local Plan 2006. It is noted that the existing dwelling features only limited screening of the rear amenity space in the form of a low wall and railings and as such details of appropriate boundary treatments and definition of curtilage would have been recommended to be required by way of planning condition had the proposal been considered acceptable in all other respects.

4.89 In terms of the two proposed 2.5 storey dwellings, these are located approximately 10 metres south of the front elevation of the existing dwellinghouse. Whilst this is an unusual relationship and would usually be contrary to the recommended guidance of SN4, the existing dwellinghouse does not feature any principal habitable room windows in the southern (front) elevation directly facing the proposed dwellings, with only three small non-habitable room windows in this section of the elevation. The proposed 2.5 storey dwellings feature a bathroom, kitchen and two stairwell windows in the northern (rear) elevation facing the existing dwellinghouse. Given the nature of these existing and proposed windows and the rooms they serve (all of which are considered to be 'non-habitable'), it is not considered there would be any significant detrimental impact on the amenity of existing and future occupiers in terms of loss of privacy, subject to appropriate boundary treatments and definition of curtilage(s) as above. Whilst the existing dwellinghouse does feature living/family room windows further to the east of the front elevation, these do not directly face the rear elevation of the proposed dwellings and as such it is considered there would be no significant implications in terms of loss of privacy or amenity.

4.90 Furthermore, given the existing relationship between the barn(s) to be demolished and the existing dwellinghouse, it is considered the proposed dwellings would not have a significant adverse impact in terms of additional overshadowing, poor outlook or any overbearing effect and the increase in separation distances

would likely be an improvement on the existing relationship for occupiers of the existing dwellinghouse.

4.91 In view of the limited separation distances and owing to the limited amount of private amenity space, had the proposal been considered acceptable in all other respects, conditions would have been recommended to remove permitted development rights in relation to alterations, extensions and outbuildings. Conditions would also likely have been required to ensure obscure glazing of the rear (north) elevation windows of the proposed 2.5 storey dwellings. Conditions would also have been recommended requiring a Construction Management Plan and to restrict hours of construction, to protect the amenity of neighbouring land users and in line with comments from the Council's Public Protection section.

4.92 In terms of the impact on the amenity of existing and future occupiers and neighbouring land users, it is therefore considered the proposal is acceptable, subject to appropriate planning conditions, and in accordance with relevant saved and emerging local planning policy and national policy and guidance.

#### HIGHWAY AND PEDESTRIAN SAFETY

4.93 The proposed dwellings are accessed via the existing access road to the property from Dalton Piercy Lane, that runs adjacent to Public Footpath No. 4, and a new internal access road leading to the proposed bungalow with a junction at the southern end of the existing access road. The Council's Traffic and Transport section were consulted and have raised no highway or traffic concerns.

4.94 Highways England have also been consulted on the application and, whilst advising that they would wish to keep turn manoeuvres at the central reserve gap at the A19 junction with Dalton Piercy Lane to a minimum in order to lessen accident risk, the scale of the development is such that the impact of additional traffic is not severe and does not amount to an objection to planning consent. Highways England has however requested that these concerns are noted.

#### FLOOD RISK AND DRAINAGE

4.95 The Council's Engineering Consultancy was consulted regarding the proposal and has raised no objections subject to a surface water condition which would have been recommended had the application been considered acceptable in all other respects.

4.96 Hartlepool Water and Northumbrian Water have been consulted on the application and have confirmed that they have no objections or comments to make with respect to the proposal. Hartlepool Water has advised that the proposed development will be required to have separate metered water connections from their local network main and as such, had the proposal been considered acceptable in all other respects, a suitable informative to this effect would have been recommended.

#### ECOLOGY

4.97 The Council's Ecologist has been consulted on the application and has not raised any concerns with respect to ecology, confirming that there are no ecology surveys or ecology requirements for this application. In terms of biodiversity enhancement, the Council's Ecologist has however recommended a planning condition requiring at least one integral bat roost box is built into each new structure and, had the application been considered acceptable in all other respects, this would have been recommended accordingly.

4.98 The Council's Ecologist has also requested that a bat and nesting bird informative to remind developers of their legal duty to halt work if bats or nesting birds are found be appended to any grant of planning permission. Had the application been considered acceptable in all other respects this would have been recommended accordingly.

4.99 Natural England has confirmed that they have no comments to make on the application.

#### HERITAGE ASSETS AND ARCHAEOLOGY

4.100 The Council's Heritage and Countryside Manager has been consulted on the application and has confirmed that the proposal will not impact on any listed buildings, locally listed buildings or conservation areas and therefore they would have no objections to the application.

4.101 Tees Archaeology has been consulted on the application and has advised that, whilst they have no objections in principle to the proposal or the demolition of the existing buildings, the farm buildings are entered on the Historic Environment Record (HER 8602) and can be considered to be a heritage asset of local interest (NPPF Annexe 2). The site is therefore of archaeological interest and it is considered reasonable to request that the developer provides a historic building survey as a record of the buildings prior to any demolition works. An appropriate planning condition to this effect would therefore have been recommended had the application been considered acceptable in all other respects

#### PUBLIC RIGHTS OF WAY

4.102 The Council's Countryside Access Officer has advised that Public Footpath No.4 (north section), Dalton Piercy Parish, runs through this property boundary, on the eastern side, in a north-north westerly direction up the existing drive, staying on the same alignment as it continues past the existing main house, exiting and continuing into an arable field, where it continues roughly in the same direction until it terminates at the A19. At present there are no obstructions to the free passage of anyone wishing to walk upon its route.

4.103 Within the development application; there is a set of gates that is proposed to be installed at a point where the drive enters the area in front of the main house.

4.104 At present, when the Council requires access along the footpath, to cut overgrown vegetation, there is free passage, through existing field gates. This requirement is a statutory duty placed upon it as part of Highways Act 1980.

4.105 The applicant has confirmed that all existing access rights will be maintained. However, the Council's Countryside Access Officer has requested more detailed plans be provided showing the access requirements for the public to walk the path and the vegetation clearance teams to bring machinery onto the footpath to clear the upgrowth, every year.

4.106 In view of the above and to ensure existing access rights are maintained, had the application been considered acceptable in all other respects, suitable planning conditions requiring further detail to be provided with respect to the proposed gates and access and requiring that the public right of way and access for the Council vegetation clearance team to access the path beyond is maintained at all times would have been recommended.

## **OTHER PLANNING MATTERS**

4.107 With respect to matters of waste management, no comments or objections have been received from the Council's Waste Management section.

4.108 In terms of safety and security, Cleveland Police have not submitted any objections to the proposal however have recommended that the applicant actively seeks to achieve Secured By Design accreditation for the proposed new dwellings. It has also been advised that the applicant should ensure that the security of the development is not compromised by excessive permeability and that adequate lighting is installed for all areas of the development, including all non-adopted highways, eg. shared surfaces, shared drives. Had the application been considered acceptable in all other respects, a suitable informative to this effect would have been recommended.

## **CONCLUSION**

4.109 In view of the above planning considerations and with respect to the relevant national and local planning policy and guidance, it is considered on balance that the proposal in this instance is not considered acceptable and is recommended for refusal for the reasons set out below.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

4.110 There is no evidence of equality or diversity implications.

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

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

4.112 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

1. In the opinion of the Local Planning Authority, it is considered that the proposal constitutes unsustainable development in the form of isolated new dwellings in the countryside. In addition, the applicant has provided no justification with regards to the special circumstances in which these isolated dwellings should be approved. The application site is outside the limits of development/village envelope as defined by the adopted Hartlepool Local Plan (2006) and the emerging Local Plan (2016). The site is located in an area that has very limited sustainable transport links and local services. The proposal does not meet any of the relevant tests for new dwellings beyond development limits. The proposal is therefore contrary to paragraphs 29, 32, 34, 35 and 55 of the NPPF, saved Policies GEP1, GEP2, Rur1, Rur3, Rur7 and Rur12 of the Hartlepool Local Plan (2006), the adopted New Dwellings Outside of Development Limits SPD, policies GEN1 and H4 of the emerging Hartlepool Rural Neighbourhood Plan (2016) and policies SUS1, RUR1, RUR2 and QP3 of the emerging Hartlepool Local Plan (2016).
2. In the opinion of the Local Planning Authority, it is considered that by virtue of their siting, design, scale and materials, the proposed dwellings do not preserve and enhance the character and distinctiveness of the countryside and as such would be detrimental to the visual amenity of the application site as a whole and the character of the surrounding rural area, contrary to paragraph 55 and 56 of the NPPF, saved policies GEP1, Rur7 and Rur12 of the Hartlepool Local Plan (2006), policies GEN2 and H4 of the emerging Hartlepool Rural Neighbourhood Plan (2016) and emerging policies QP4, RUR1 and RUR2 of the emerging Hartlepool Local Plan (2016).

**BACKGROUND PAPERS**

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

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## THREE GATES FARM



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0457</b>	REV



**No:** 5  
**Number:** H/2017/0526  
**Applicant:** MR MRS ADAIR SOUTH CRESCENT HARTLEPOOL  
TS24 0QH  
**Agent:** MR MRS ADAIR 4 SOUTH CRESCENT  
HARTLEPOOL TS24 0QH  
**Date valid:** 16/10/2017  
**Development:** Replacement of roof, installation of UPVC windows at the  
rear and removal of the dining/lounge room ground floor  
internal wall (Retrospective Listed Building Consent  
Application)  
**Location:** 4 SOUTH CRESCENT HARTLEPOOL

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## 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 Another retrospective listed building consent application at 4 South Crescent (H/2017/0586) for the replacement of front elevation timber windows/door was recently approved by the Local Planning Authority.

## PROPOSAL

5.3 Retrospective listed building consent is sought for the installation of replacement windows (7 in total) to the rear elevation of the host dwelling. The replacement windows are uPVC and are of modern design. 4 of the 7 installed uPVC windows are located in the original rear elevation of the 19<sup>th</sup> century dwelling consisting of 1 window at ground floor (dining room), 1 window at first floor (bedroom) and two windows at second floor level (bedroom and landing). The other 3 uPVC windows and the replacement door have been installed within the dwelling's 1980's two storey off shoot rear extension (1 kitchen window and door at ground floor level and 2 bathroom/toilet windows at first floor level).

5.4 Retrospective listed building consent is also sought for the installation of a replacement roof on the main dwellinghouse at 4 South Crescent, Hartlepool. The non-original concrete tile roof has been replaced with natural black slate roof. Seven chimney pots have also been installed on the dwelling's existing chimney.

5.5 The application also seeks listed building consent for the removal of an internal ground floor wall between the existing dining-room and lounge area of the dwellinghouse.

5.6 The application has been brought to the planning committee in line with the Council's scheme of delegation having regard to the recommendation and the retrospective nature of the application.

## **SITE CONTEXT**

5.7 The application site is a large terraced property located on the front promenade of the Headland area of Hartlepool. The property is within the Headland Conservation Area which is a designated heritage asset. The property is a Grade II Listed Building that dates from the early 19<sup>th</sup> century. The surrounding area is predominately residential with a mix of traditional Victorian terraced properties which front the sea with more modern properties located behind the host dwelling.

## **PUBLICITY**

5.8 The application has been advertised by way of two neighbour letters, a site notice posted on the 3<sup>rd</sup> of November 2017 and a press notice published on the 1<sup>st</sup> of November 2017. To date, one letter of objection has been received citing reasons including the retrospective nature of the application, that the works are out of character with the building, and that approval of the application would set an undesirable precedent.

5.9 One letter of support has been received, in particular, with respect to the replacement roof works.

5.10 Copy Letters **E**

5.11 The period for publicity has expired.

## **CONSULTATIONS**

5.12 The following consultation replies have been received:

**HBC Heritage and Countryside Manager:** The application site is a grade II listed building in the Headland Conservation Area.

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

In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

The adopted Local Plan Policy HE8 states, 'Alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features of special architectural or historic interest are lost.'

Policy HE4 of the recently submitted local plan 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.'

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. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

In 2009 Planning Committee agreed a series of guidelines for replacement windows in conservation areas and listed buildings. The relevant element of the guidance states,

A (ii) Any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.

A (iii) Within modern extensions, any replacement or alteration of joinery details which is not of a sympathetic character (in terms of scale, proportions, form and emphasis) should be denied consent.

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 often three storey. The majority of dwellings have single or two storey rear offshoots. Rear yards are enclosed with high brick walls. The larger houses have front gardens enclosed by railings.

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

The conservation area is considered to be 'at risk' under the criteria used by Historic England to assess heritage at risk due to the accumulation of minor alteration to windows and doors.

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. Development of heritage assets which will positively conserve and enhance these assets removing them from being classified as at risk and addressing issues of neglect, decay or other threat will be supported.

The proposal comprises the installation of replacement windows to the rear of the building and rear extension, the re-roofing of the whole of the property and the removal of a ground floor internal wall, along with the blocking up of a doorway.

The proposed windows to the main property are all constructed in uPVC. To the ground floor is shown a large window with a fixed side and top window and a side opening casement; to the first floor and second floor are casement windows with a the lower section of the window appearing to open and a small fixed top window over. The window between the first and second floor is a large fixed window.

The Guidelines on replacement windows agreed by Planning Committee in 2009 states, windows in listed buildings that have already been altered should be replaced with windows of a, 'type appropriate to the age and character of the building (in terms of design, detailing and materials). In this instance it is considered that would be a timber sash window which would have originally been installed in this property, therefore in this instance the windows are considered to be contrary to the guidelines.

The rear extension was constructed in the early 1980s and does not contribute to the significance of the listed building. That aside the Guidelines cited above suggests that replacement windows should be of a 'sympathetic character'. It is considered that the proposed windows, which are of a similar design and proportions to the windows installed previously are acceptable. In relation to the proposed door to this extension whilst it is disappointing the opportunity has not been taken to install a door of a more sympathetic character of the listed building, it is considered that, similar to the windows in this extension, this does not contribute to the significance of the listed building.

With regard to the works to the roof, there are no objections to the replacement of the roof with one of natural slate.

Internally works are proposed to remove an internal wall and block up a doorway. This will result in the loss of an internal wall. No details have been provided to indicate what the door to be removed looks like and if it is contemporary with the original building therefore based on the information provided I cannot comment on this element of the works.

The property is located in a conservation area therefore the works also contribute to the significance of this area. It is considered that as the works would lead to harm to the significance of the listed building, this would in turn harm the significance of the conservation area.

In considering the application the works to the rear of the listed building are contrary to paragraphs 132 of the NPPF and Local Plan policy HE8 as they would cause less than substantial harm to the significance of the designated heritage asset; no information has been provided to demonstrate that this harm would be outweighed by the public benefits of the proposal therefore it is considered that the application should be refused.

Further comments received:

With regard to the additional information provided regarding the proposed door to be removed. It is considered that the proposed works would not impact on the significance of the listed building therefore; there would be no objections to this element of the proposal.

## **PLANNING POLICY**

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

### Local Policy

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

GEP1: General Environmental Principles  
HE1: Protection and Enhancement of Conservation Areas  
HE8: Works to Listed Building (Including Partial Demolition)  
HSG10: Residential Extensions

### Emerging Local Plan

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

HE1: Heritage Assets  
HE3: Conservation Areas

HE4: Listed Buildings and Structures

HE7: Heritage at Risk

SUS1: Presumption in favour of sustainable development.

### National Policy

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

Paragraph 001: Apply Policy

Paragraph 002: Primacy of Development Plan

Paragraph 009: 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: Role of Planning System

Paragraph 056; Design of Built Environment

Paragraph 126: Positive Strategy for the historic environment

Paragraph 128: Heritage assets

Paragraph 129: Significant heritage assets

Paragraph 131: Viable use consistent with conservation

Paragraph 132: Weight given to asset’s conservation

Paragraph 134: Less than substantial harm to the significance of a designated asset

Paragraph 137: Positive enhancement of conservation areas

Paragraph 196: Primacy of the Development Plan

Paragraph 197: Presumption in favour of sustainable development

Paragraph 216: Weight to be given to emerging plans

### **PLANNING CONSIDERATIONS**

5.17 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan

and in particular the impact on the character and appearance of the Listed Building and Headland Conservation Area.

5.18 In considering applications for listed buildings the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, great weight to the asset's conservation (paragraph 132, NPPF).

5.19 Saved Local Plan Policy HE8 states, alterations to part of a listed building will only be approved where it can be demonstrated that the main part of the building will be preserved and enhanced and where no significant features or special architectural or historic interest are lost.

5.20 Policy HE4 of the emerging Local Plan states the Borough Council will seek to conserve or enhance the town's listed buildings by resisting unsympathetic alterations [and] encouraging appropriate physical improvement work.

5.21 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 (paragraph, 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 (paragraphs. 126 & 131, NPPF).

5.22 Further to this at a local level, saved 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.*

5.23 In the emerging Local Plan policy HE3 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.

5.24 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.

5.25 In 2009 Planning Committee agreed a series of guidelines for replacement windows in conservation areas. In this instance the relevant section relating to listed buildings states: *any replacement or alterations of previously altered joinery items which is not of a type appropriate to the age and character of the building (in terms of design, detailing and materials) should be denied consent.*

5.26 The Council's Heritage and Countryside Manager has considered the proposals and provided a detailed response as set out above.

5.27 Four, modern style uPVC casement windows (in a white colour) have been installed in the rear elevation of the original dwelling house at 4 South Crescent. The Guidelines on replacement windows agreed by Planning Committee in 2009 states, windows in listed buildings that have already been altered should be replaced with windows of a, 'type appropriate to the age and character of the building (in terms of design, detailing and materials)'. In this instance it is considered that a timber sash window design would have originally been installed in this property and therefore in this instance the installed windows are considered to be contrary to the guidelines.

5.28 As a result, it is considered that the 4 uPVC windows installed into the original rear elevation of the dwellinghouse would cause less than substantial harm to the significance of the designated heritage assets (Grade II Listed Building and Headland conservation area) by virtue of the design, detailing and use of materials and would therefore detract from the character and appearance of the identified designated heritage assets. The works to the rear of the listed building are therefore considered to be contrary to paragraphs 131, 132, 134 and 137 of the NPPF, saved Local Plan policies GEP1, HE1 and HE8 and emerging Local Plan Policies HE3 and HE4.

5.29 Furthermore, no information has been provided to demonstrate that this harm would be outweighed by the public benefits (as required by para. 134 of the NPPF which is a high test/threshold to satisfy) and it is considered that such an identified harm would warrant the refusal of the application in this instance.

5.30 With respect to the three windows installed within the host dwelling's west facing rear extension element (constructed in the early 1980s and which is not considered to contribute to the significance of the original 19<sup>th</sup> century dwellinghouse/listed building), these are also considered to be unsympathetic in nature to the listed building. However given that the three windows are of a similar design and proportions to the windows installed previously, it is considered that these would not, on balance, result in the refusal of the application in their own right.

5.31 In relation to the proposed door to this extension the Council's Heritage and Countryside Manager has commented that, whilst it is disappointing the opportunity has not been taken to install a door of a more sympathetic character of the listed building, it is considered that, similar to the windows in the 1980's built extension, this does not contribute to the significance of the listed building.

5.32 With regard to the works to the roof, there are no objections to the replacement of the roof with one of natural slate. Finally, it is considered the removal of the ground floor internal wall (as well as the blocking up of the existing dining-room door) will not impact on the significance of a listed building and is therefore considered to be acceptable. This view is supported by the Council's Heritage and Countryside Manager.

## CONCLUSION

5.33 Whilst certain elements of the application are, on balance, considered to be acceptable (for the reasons detailed above), it is considered the four, retrospective uPVC windows located on the rear elevation (ground, first and second floors) of the original 19<sup>th</sup> century dwellinghouse would cause less than substantial harm to the significance of the designated heritage assets (Grade II listed building and Headland conservation area) by virtue of the design, detailing and use of materials.

5.34 Furthermore, no information has been provided to demonstrate that this harm would be outweighed by the public benefits. Therefore it is considered the development detracts from the character and appearance of the listed building and the Headland conservation area, contrary to saved policies GE1, HE1 and HE8 of the Hartlepool Local Plan 2006, policies HE1, HE3 and HE4 of the emerging Local Plan and paragraphs 131, 132, 134 and 137 of the National Planning Policy Framework 2012.

## **EQUALITY AND DIVERSITY CONSIDERATIONS**

5.35 There is no evidence of equality or diversity implications.

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

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

5.37 There are no Section 17 implications.

## **REASON FOR DECISION**

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

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

- 1) In the opinion of the Local Planning Authority, it is considered that the 4 installed uPVC windows in the rear elevation (ground, first and second floors) of the original dwellinghouse would cause less than substantial harm to the designated heritage assets (Grade II listed building and Headland conservation area) by virtue of the design, detailing and use of materials. It is considered that the installed windows detract from the character and appearance of the designated heritage assets, contrary to saved policies GE1, HE1 and HE8 of the Hartlepool Local Plan 2006, policies HE1, HE3 and HE4 of the Emerging Local Plan and paragraphs 131, 132, 134 and 137 of the National Planning Policy Framework 2012.

## **BACKGROUND PAPERS**

5.39 Background papers used in the compilation of reports relating to planning items are available for inspection in Civic Centre, Victoria Road, Hartlepool during working

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

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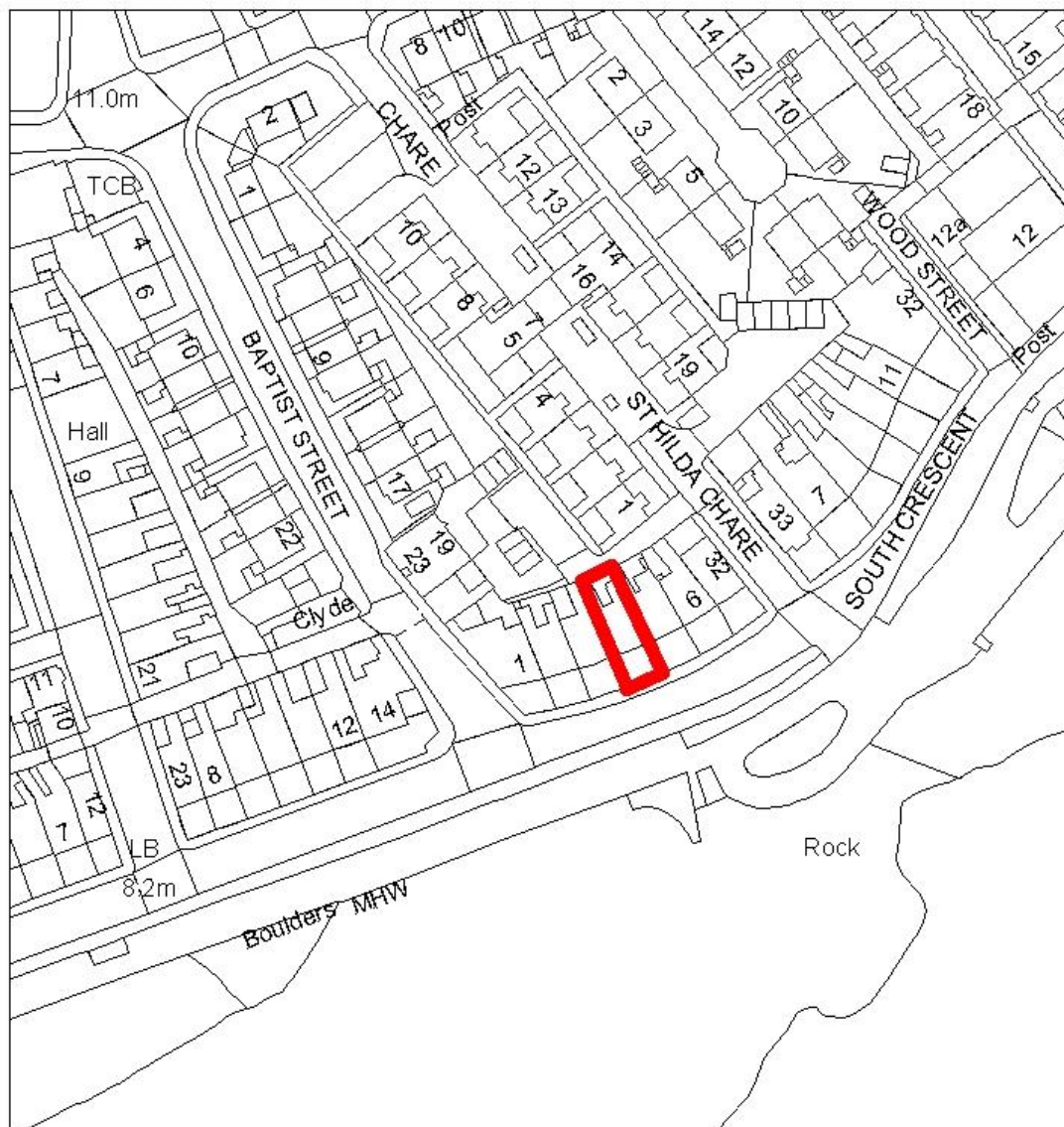
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## 4 SOUTH CRESCENT



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<b>HARTLEPOOL</b> <b>BOROUGH COUNCIL</b>	DRAWN <b>GS</b>	DATE <b>13/12/17</b>
	SCALE <b>1:1000</b>	
<b>Regeneration and Neighbourhoods</b> Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO <b>H/2017/0526</b>	REV

## **POLICY NOTE**

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

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

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

**Com2** (Primary Shopping Area) - States that in this area retail development of an appropriate design and scale in relation to the overall appearance and character of the area will be approved. Other uses will only be allowed where they do not impact on the primary retail function of this area or adversely affect the character and amenity of the surrounding area. Display window frontages may be required through planning conditions. Residential uses will be allowed on upper floors where they do not prejudice the further development of commercial activities.

**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.

**GN1** (Enhancement of the Green Network) - Seeks the development, protection and enhancement of a network of green spaces in the urban area and linking to the open countryside.

**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.

**HE8** (Works to Listed Buildings (Including Partial Demolition))  
States that traditional materials and sympathetic designs should be used in works to listed buildings and to adjoining or nearby properties affecting the setting of the building. These should be in keeping with the character and special interest of the building. Those internal features and fittings comprising an integral part of the character of the building should be retained where practical. Alterations to part of a listed building will only be approved where the main part of the building is preserved or enhanced and no significant features of interest are lost.

**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.

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

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

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

**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.

## **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.

### **Policy MWC4: Safeguarding of Minerals Resources from Sterilisation**

Within the minerals safeguarding areas, non-minerals development will only be permitted in the following circumstances:

- a) the development would not sterilise or prejudice the future extraction of the mineral resource because there is evidence that the resource occurs at depth and can be extracted in an alternative way or there is evidence that the resource has been sufficiently depleted by previous extraction; or
- b) the mineral will be extracted prior to development and this will not significantly adversely affect the timing and viability of the non-minerals development; or
- c) the need for the non-mineral development can be demonstrated to outweigh the need for the mineral resource.

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

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

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

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

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

- an environmental role – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy.

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

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

**10.** Plans and decisions need to take local circumstances into account, so that they respond to the different opportunities for achieving sustainable development in different areas.

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

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

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

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

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

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

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

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

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

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

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

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

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

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

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

- use their evidence base to ensure that their Local Plan meets the full, objectively assessed needs for market and affordable housing in the

housing market area, as far as is consistent with the policies set out in this Framework, including identifying key sites which are critical to the delivery of the housing strategy over the plan period;

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

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

**50:** To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

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

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

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

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

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

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

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

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

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

**69.** The planning system can play an important role in facilitating social interaction and creating healthy, inclusive communities. Local planning authorities should create a shared vision with communities of the residential

environment and facilities they wish to see. To support this, local planning authorities should aim to involve all sections of the community in the development of Local Plans and in planning decisions, and should facilitate neighbourhood planning. Planning policies and decisions, in turn, should aim to achieve places which promote:

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

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

**73.** Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

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

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

**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.

**103.** When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

**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.

**111.** Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;
- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special

interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- opportunities to incorporate biodiversity in and around developments should be encouraged;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:

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

**119.** The presumption in favour of sustainable development (paragraph 14) does not apply where development requiring appropriate assessment under the Birds or Habitats Directives is being considered, planned or determined.

**123.** Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;

- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and

- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

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

**128.** In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been

consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

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

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

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

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

**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.

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

**173.** Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should

not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

**176.** Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

**186.** Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

**187.** Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

Paragraph 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.

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

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

**203.** Local planning authorities should consider whether otherwise unacceptable development could be made acceptable through the use of conditions or planning obligations. Planning obligations should only be used

where it is not possible to address unacceptable impacts through a planning condition.

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

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

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

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

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

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

## **EMERGING HARTLEPOOL LOCAL PLAN POLICIES**

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

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

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

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

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

CC1: The Council will work with partner organisations, developers and the community to help minimise and adapt to Climate Change. A range of possible measures are set out in the policy; including development of brownfield sites, enhanced sustainable transport provision, large scale

developments to incorporate charging points for electric / hybrid vehicles, reduction, reuse and recycling of waste and use of locally sourced materials, reuse of existing vacant buildings, encouraging a resilient and adaptive environment which are energy efficient, using relevant technology and requires a minimum of 10% of the energy supply from decentralised and renewable or low carbon sources.

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

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

### **Policy INF1: Sustainable Transport Network**

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

### **Policy INF2: Improving Connectivity in Hartlepool**

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

### **Policy INF4: Community Facilities**

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

### **Policy QP1: Planning Obligations**

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

The sub-division of sites to avoid planning obligations is not acceptable. Where it is considered sub-division has taken place to avoid reaching

thresholds within the Planning Obligations SPD the development will be viewed as a whole.

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

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

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

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

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

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

**Policy QP5: Safety and Security**

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

**Policy QP6: Technical Matters**

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

**Policy QP7: Energy Efficiency**

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

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

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

**Policy HSG1: New Housing Provision**

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

**Policy HSG2: Overall Housing Mix**

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

**Policy HSG9: Affordable Housing**

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

**Policy RUR1: Development in the Rural Area**

RUR1: Seeks to ensure the rural area is protected and that its natural habitat, cultural and built heritage and rural landscape character are not lost. The policy supports the rural economy, emphasising that proposals must be considered necessary for the efficient or continued viable operation of rural based businesses and appropriate for the rural area. The policy sets out a number of key considerations including compliance with the Rural Neighbourhood Plan, proximity to existing settlements, opportunities for re-use of existing buildings/materials, neighbour amenity, design, highway safety and connectivity, landscape and heritage impacts and the implications in terms of the supply of Grades 1, 2 and 3a agricultural land. Development may be required to provide infrastructure improvements in accordance with policy QP1, the Planning Obligations SPD and the Local Infrastructure Plan.

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

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

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

### **Policy RC2: The Town Centre**

RC2: Sets out the Town Centre as the primary retail and commercial area. In accordance with Policy RC1 the Borough Council will seek to diversify, support and protect the Town Centre as the sequentially preferable location for main town centre uses, these uses are set out in the policy. The policy sets permitted operational times and refers to considerations in relation vacant units. The policy also sets out how development should improve the appearance of, connectivity and sustainability of the Town Centre.

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

RC3: The policy encourages and promotes the development of a distinct Innovation and Skills Quarter (ISQ). The policy sets out appropriate uses within the ISQ. The policy supports the positive development of shop fronts in accordance with the Shop Fronts SPD, enhancement of public realm across the area and protection and enhancement of the quality of the Church Street Conservation area.

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

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

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

#### **Policy 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.

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

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

**Policy NE4: Ecological Networks**

NE4: Seeks to maintain and enhance ecological networks throughout the Borough. Priority sections of the network are:

- 1) Coastal fringe
- 2) Tees Road/Brenda Road brownfield land
- 3) Dalton Beck/Greatham Beck riparian corridor
- 4) Rural west from Wynyard to Thorpe Bulmer and Crimdon Denes

There may be a requirement for developments within the vicinity of ecological networks to contribute to the maintenance and enhancement of networks where such a development will have an impact.

## PLANNING COMMITTEE

10<sup>th</sup> January 2018



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

**Subject:** APPEAL AT 1 SERPENTINE GARDENS,  
HARTLEPOOL  
APPEAL REF: APP/H0724/D/17/3188177  
Installation of dormer window and patio at the front,  
balcony to side, boundary wall/fence and gate along  
frontage and alterations to window and door  
arrangements. (H/2017/0239)

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### 1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the installation of dormer window and patio at the front, balcony to side, boundary wall/fence and gate along frontage and alterations to window and door arrangements
- 1.2 The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds that it was considered in the opinion of the Local Planning Authority the proposed boundary treatment, because of its height, design and prominent position, would unduly detract from the predominantly open plan character and appearance of the immediate surrounding area. The proposals are therefore considered to be contrary to the provisions of saved policies GEP1 and Hsg10 of the Hartlepool Local Plan, policy HSG11 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. (Report **Attached**)

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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#### **4. AUTHOR**

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# DELEGATED REPORT

**Application No** H/2017/0239

**Proposal** Installation of dormer window and patio at the front, balcony to side, boundary wall/fence and gate along frontage and alterations to window and door arrangements

**Location** 1 SERPENTINE GARDENS HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b> <b>1) Publicity Expiry</b>	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	23/05/2017 N/a N/a 28/05/2017 14/06/2017 30/06/2017
<b>2) Publicity/Consultations</b>  <u>Publicity</u>  Neighbour letters have been sent to four of the neighbouring properties. Four letters of objection have since been received. The objections are:- <ul style="list-style-type: none"> <li>a) that a boundary fence of this height will detract from the open plan nature of the surrounding development,</li> <li>b) that a fence of this height will adversely affect the visibility of vehicles seeking to enter Serpentine Road from Serpentine Gardens,</li> <li>c) that a fence of this height will adversely affect the view from adjoining properties, and</li> <li>d) that there may be clauses in the deeds of these properties that limit what may be built within the front gardens.</li> </ul> <u>Consults</u>  <b>HBC Traffic and Transport:-</b> No objections		
<b>3) Neighbour letters needed</b>	Y	
<b>4) Parish letter needed</b>	N	
<b>5) Policy</b>  <u>Planning Policy</u>		

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:

#### National Planning Policy Framework

#### Section 7 (Requiring Good Design)

#### Relevant Saved Planning Policies of the Hartlepool Local Plan

#### GEP1 – General Environmental Principles

#### Hsg10 – Residential Extensions

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

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

#### Emerging Hartlepool Local Plan

#### QP4 – Layout and Design of Development

#### HSG11 – Extensions to Existing Dwellings

### **6) Planning Consideration**

#### Site

1 Serpentine Gardens is a detached dormer bungalow constructed of a mixture of

brown brick, artificial stone and white render, for the external walls, under a brown concrete tile roof. It is located due south west of the junction of Serpentine Road and Serpentine Gardens in an area of residential development.

### Proposal

Planning permission is sought to add a dormer window to the front (eastern facing elevation) of the property; to create a balcony in the gable (northern facing elevation); to construct a patio on the eastern side of the property; to alter the existing window and door arrangements; and to erect a wall/fence with sliding gate along the property frontage from the boundary with 2 Serpentine Gardens to the junction with Serpentine Road.

NB:- It is also proposed to convert the existing garage into additional residential accommodation. However these works do not require planning permission and as such do not form part of this application.

NB1:- It is also noted that works have started on site, namely the construction of retaining walls and some engineering operations.

### Visual Amenity Issues

The proposed boundary wall/fence will occupy a prominent position fully visible from Serpentine Gardens and Serpentine Road. It will also be high standing some 2.4 metres above the level of the adjoining pavement for most of its length dropping latterly to 1.65 metres in height and finally to 1.2 metres at its extreme north western end. It is not considered to be especially well designed either; the submitted details indicating that it will comprise close boarded vertical timber fence panels set between brick pillars on top of a brick plinth. In view of the above, and given that the erection of this means of enclosure would lead to the enclosure of the front garden of the property at the 'entrance' to an area of largely 'open plan' residential development, it is considered that this part of the proposal would have an unduly detrimental effect upon the openness, character and appearance of the locality. In coming to this view consideration has been given to the fact that there is currently a high boundary wall/fence along Serpentine Road adjoining this site. However it seems clear that this was constructed some considerable time ago and as such it is not considered to represent a predominant character feature in this area for allowing a similar form of development now.

The dormer to be added to the front of the property will occupy a very prominent position in the street scene fully visible from both Serpentine Road and Serpentine Gardens. Nevertheless it is considered, on balance, that it will be acceptable in both design and scale terms. Whilst it is to be built directly off the eaves, which is not considered ideal, it will not be unduly large; it will be reasonably well positioned and related to the property being located fairly centrally on the roof some 0.8 metres below the ridge line; it will incorporate a pitched roof; and it can be conditioned to be tile hung using matching concrete tiles.

The new balcony will also be visible from Serpentine Gardens and Serpentine Road. However, it is to be recessed into the gable wall which will help both to

reduce its prominence and to ensure that it relates in a satisfactory manner to the host building. Additionally it is to be constructed of contemporary materials. This element of the proposal is therefore also considered to be acceptable in design and scale terms.

The new windows (including those forming the new balcony) and the new doors will collectively have a more vertical emphasis than the existing fenestration. However they are considered to be reasonably well positioned on, and related to, the property and as such it is considered that they will not unduly detract from the character of the dwelling either.

Finally, whilst full details of the proposed patio (boundary treatments, levels) have not been submitted it is contended that these could reasonably be conditioned in the event of the application being approved. This should reasonably ensure the satisfactory appearance of this part of the development.

The applicant has been given the opportunity to submit revised schemes showing painted railings or a low level wall located around the property boundary, or to delete this element of the proposal completely. However, whilst they have amended the design from a fence to a wall/fence, and whilst they have reduced the height by 0.3 metres, this is not considered to be sufficient to overcome the visual amenity concerns outlined above. In view of this, and since this element of the proposal is considered to be unacceptable for those reasons, it is recommended that the application is refused on visual amenity grounds.

### Amenity Issues

#### a) Light

It is not envisaged that any part of the proposed development will significantly affect the level of light currently received by the neighbouring properties. The new wall/fence will adjoin 2 Serpentine Gardens next door but will be just 1.2 metres high at this point and will stand approximately six metres from the nearest 'habitable room' window within that property. The new dormer window and patio are to be located on the eastern side of the dwelling a minimum of ten metres from the nearest adjoining property (Cameron Lodge) with a substantial fence in between. The alterations to provide the new balcony and revised window and door arrangements will not involve any enlargement of the building.

#### b) Overlooking

The proposals will not, it is contended, give rise to any significant degree of overlooking of neighbouring properties. The new windows and door to be formed within the rear (western facing) elevation of the property will directly face the blank gable of 2 Serpentine Gardens. The new balcony will be screened from no.2 because it is to be recessed into the gable of the host property and whilst it will face 18 Serpentine Gardens this will be at an oblique angle and at a distance of almost 30 metres. All other new openings will directly face Serpentine Gardens itself (and thereafter a small park) and/or Serpentine Road.

### c) Outlook

The extensions/alterations/means of enclosure will not, it is contended, appear unduly overbearing when viewed from the windows of any of the neighbouring properties.

### Highway safety Issues

The applicant proposes to convert the existing garage into additional residential accommodation but is proposing to provide two spaces in front to compensate. This should ensure that it will remain possible to satisfactorily park two cars within the property curtilage following the completion of the development. On this basis, and as the existing access is to remain unaltered, it is not envisaged that the proposals will give rise to any undue highway safety concerns, a view supported by the Council's Traffic and Transport Service.

Concern has been expressed that a means of enclosure of the height proposed, located in the position shown, would adversely affect the visibility of vehicles entering Serpentine Road from Serpentine Gardens. However, given the proposed alignment of this wall/fence, and given that it would be set at least two metres back from the carriageway edge of Serpentine Road and over 15 metres from the centre line of the Serpentine Gardens/Serpentine Road junction, it is contended that it would not do so. No objections have been received to the proposals on these grounds from the Traffic and Transport Service.

### Other Issues

The concerns raised by the objectors to the scheme have been assessed. However, concerns about loss of view and about the contents of deeds cannot currently be taken onto consideration when assessing a planning application as they are not recognised 'planning matters'.

### Conclusion

The proposed means of enclosure is considered to be unacceptable for the visual amenity reasons given above. The proposals are considered to be acceptable in all other respects, or could be rendered so through the imposition of suitable conditions. However the concerns outlined above are considered to outweigh all other considerations in this instance. Consequently refusal of this application is recommended.

## **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.

<b>9) Chair's Consent Necessary</b>	<b>Y</b>
<b>10) Recommendation REFUSE for the following reason</b>	
<p><b>REASON FOR REFUSAL</b></p> <p>In the opinion of the Local Planning Authority the proposed boundary treatment, because of its height, design and prominent position, would unduly detract from the predominantly open plan character and appearance of the immediate surrounding area. The proposals are therefore considered to be contrary to the provisions of saved policies GEP1 and Hsg10 of the Hartlepool Local Plan, policy HSG11 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.</p> <p><b>INFORMATIVE</b></p> <p>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, it has not proved possible to negotiate a fully satisfactory scheme in this instance, in respect of the proposed boundary treatments.</p>	

**Author of Report: Ian Lunn**

**Signed:**

**Dated:**

**Signed:**

**Dated:**

Director (Regeneration and Neighbourhoods)  
Assistant Director (Regeneration and Neighbourhoods)  
Planning & Development 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

10<sup>th</sup> January 2018



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

**Subject:** APPEAL AT 5 CHICHESTER CLOSE,  
HARTLEPOOL  
APPEAL REF: APP/H0724/D/17/3186762  
Erection of first floor extensions to both front and rear elevations, and installation of 1no. window in existing first floor side/south elevation. (H/2017/0233)

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### 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 first floor extensions to both front and rear elevations, and installation of 1no. window in existing first floor side/south elevation.

The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds that it was considered in the opinion of the Local Planning Authority, the proposed first floor extension to the rear, by virtue of its siting, scale and design, would have a detrimental impact on the residential amenity of the occupiers of the neighbouring property at 4 Chichester Close, in terms of its dominance on the outlook and its overbearing and overshadowing effect on this neighbouring property. This is contrary to saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006), emerging Local Plan Policy HSG11 and paragraph 17 of the NPPF. (Report **Attached**)

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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# DELEGATED REPORT

**Application No** H/2017/0233

**Proposal** Erection of first floor extensions to both front and rear elevations, and installation of 1no. window in existing first floor side/south elevation.

**Location** 5 CHICHESTER CLOSE HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	09/05/2017
<b>1) Publicity Expiry</b>	Site notice:	N/A
	Advert:	N/A
	Weekly list:	04/06/2017
	Expiry date:	29/06/2017
	Extended date:	
<b>2) Publicity/Consultations</b>		
<b>PUBLICITY</b>		
<p>The application has been publicised by way of neighbour notification letters (10 in total to the neighbouring properties), along with the local ward members.</p> <p>The following properties registered support to the scheme;</p> <ul style="list-style-type: none"><li>• 19 Truro Drive</li><li>• 6 Chichester Close</li></ul> <p>The following objection was received from 4 Chichester Close –</p> <p>we wish to object to losing any sun light/ daylight to our home. Having a north facing garden we appreciate the little sun that we receive to our property and feel it's a big ask to forego this.</p> <p>We too have plans for our home and garden and as a result we object to the sun/daylight being removed from us on a morning.</p> <p>The new roof and extension will remove sunlight/daylight and this will be even more so in winter when the sun is lower.</p> <p>We have a young family and the living areas would be kept in almost constant shadows - our family also use the garden extensively and the constant shade will bring a damp dark atmosphere and make it very much less useful to our family.</p>		
<b>CONSULTATIONS</b>		

**HBC Traffic and Transportation – No objection****3) Neighbour letters needed** Y**4) Parish letter needed** N**5) Policy**Planning Policy

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

PARA 002 : Primacy of Development Plan  
 PARA 011 : Planning law and development plan  
 PARA 012 : Statutory status of development plan  
 PARA 013 : NPPF is material consideration  
 PARA 014 : Presumption in favour of sustainable development  
 PARA 017 : Role of planning system  
 PARA 056 : Design of built environment  
 PARA 060 : Not to impose architectural styles  
 PARA 196: Primacy of the Development Plan  
 PARA 197: Presumption in favour of sustainable development.

Relevant Planning Policies

GEP1: General Environmental Principles  
 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

## **6) Planning Consideration**

### **PLANNING HISTORY**

HFUL/1998/0209 – Extension to rear. Approved

### **SITE**

The application site is situated within an established residential housing development within 'The Fens' area of Hartlepool.

### **PROPOSAL**

Planning permission is sought for a first floor extension to the front over the garage and porch projection and to the rear over an existing single storey extension, including a new first floor window to side. The extension to front will project 1.80m (approx) from the front elevation of the original dwelling at its maximum, with a total height of 6.80m with a gabled roof design, whilst the extension to the rear will project 3.65m (approx.) from the rear elevation, with a maximum height of 6.80m to the ridge. The extension proposes a cat slide roof design, with an eaves height of 5.0m towards 6 Chichester Close, reducing to 4.0m adjacent to the boundary with 4 Chichester Close. There is a proposed window within the first floor east side elevation, facing 6 Chichester Close, to serve the existing rear bedroom.

The proposal as detailed above is an amended scheme to that originally submitted to the Local Authority. The original scheme involved a full width two storey extension with matching eaves height of approximately 5.0m. The amendment to the scheme was incorporated to attempt to reduce the impact on the adjoining neighbour at 4 Chichester Close.

### **MATERIAL CONSIDERATIONS**

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 crux of this application will be whether the impacts of the proposal on the visual amenity of the area and neighbour amenity are sufficiently detrimental to warrant refusal in line with the 'presumption in favour of sustainable developments' as advocated within paragraph 14 of the NPPF.

## VISUAL AMENITY

It is considered that the extension to front is subservient to the host dwelling, and designed to sympathetically reflect the host dwelling.

The design of the extension and the proposed use of matching materials are considered to not have a detrimental impact on the character or appearance of the area, and will not appear as an incongruous feature within the streetscene.

Therefore, subject to the use of matching materials this element of the proposal will be acceptable in terms of its impact on the character of the host property and the surrounding area.

The proposed extension to the rear is considered to be of a notable scale and massing. The design appears to be contrived and at odds with the character and appearance of the host dwelling. However, given its location to the rear with limited views from the streetscene, it is considered that this wouldn't warrant a (second) reason for refusal of the application.

## NEIGHBOUR AMENITY

Saved policies GEP1 and Hsg10 of the adopted Local Plan (2006) requires that extensions/alterations to residential properties do not cause an unacceptable impact on the amenities of the occupiers of adjacent properties through overlooking, overshadowing, creating poor outlook or loss of privacy.

Concerns have been raised by 4 Chichester Close which share a boundary with the host dwelling. The concerns have focused on the loss of light to the dwelling and garden. Whilst these are valid concerns, it is acknowledged that the orientation of the properties having North facing rear gardens are such that the dwellings themselves limit the sun light, and that whilst this extension is considered to reduce some early morning light, it is not considered sufficient to warrant refusal in its own right.

There are guidelines set out in Supplementary Note 4 (guideline 1) of the Hartlepool Local Plan (2006) regarding two storey extensions on residential properties. It states:

*In the case of semi-detached and detached houses, where an extension is offset a significant distance from a neighbouring property (typically half the property width) an extension projecting up to 2.5m from the main wall of the property will normally be permitted. A larger extension may be allowed where a greater degree of separation exists between the properties.*

One of the main concerns with this proposal is the proximity of the rear extension with 4 Chichester Close (the adjoining neighbouring property to the west). This neighbouring property is still in its original built form with no additions. There is board fencing along the boundary (approximately 1.8m high) however this would provide no screening to the proposed extension.

The first floor extension will be situated along the shared boundary and will only be set back off the boundary approximately 0.5m. The host dwelling is set staggered from the neighbour at 4 Chichester Close, and the addition of a first floor extension will result in a 10.0m (approx.) two storey element (including the original property and first floor extension) projecting beyond the rear wall of the neighbouring property at 4 Chichester Close. The proposal therefore contravenes the aforementioned guidelines in Supplementary Note 4 due to its proximity to the boundary and it is considered that the proposal will have an oppressive, overbearing and detrimental impact on the amenities of the occupiers of 4 Chichester Close.

The Council's Policy HSG11 within the emerging Local Plan that now carries great weight, is clear that developments will only be permitted where they can demonstrate that the development does not significantly affect amenities of the occupiers of adjacent properties through overlooking, overshadowing or by creating a poor outlook. In this regard, the proposed extension to the rear would be detrimental to the provisions of this emerging policy due to the detrimental impact on the outlook, and the overbearing and overshadowing impacts of the neighbouring dwelling (4 Chichester Close).

It is not considered that there are any concerns regarding loss of privacy in relation to the Juliet balconies; this is owing to the balconies not affording any additional aspects over the neighbouring land than would be experienced from a standard window opening.

Due to the staggered layout of the properties within this section of the estate, there are no concerns with the proposals physical relationship with the neighbouring property to the east (6 Chichester Close). This is owing to the extension not projecting beyond the original rear wall of 6 Chichester Close, and therefore not visible from the primary habitable rooms of this neighbouring dwelling. It is considered therefore that the proposal would not create any significant overshadowing or overbearing to 6 Chichester Close. It would also not create any significant loss of privacy, light or other amenity.

It is not considered that the extension will have a detrimental impact on the properties to the rear on Truro Drive given the separation distance of approximately 32.0m, which more than adequately exceeds the minimum separation distances set out in Supplementary Note 4 of the Local Plan 2006.

It is not considered that the extension to the front or window to the side will create any detrimental impact on the privacy or amenity of the neighbouring properties owing to the extension to front being situated approx 26.0m from the garden of the dwelling opposite, and the windows to the side facing onto a blank elevation of 6 Chichester Close.

#### HIGHWAY SAFETY AND CAR PARKING

No objections were received from Traffic and Transportation, therefore the application is acceptable in this regard.

#### OTHER MATTERS

Negotiations were undertaken with the applicant and agent in regards to this proposal, to ensure a satisfactory development. However, the applicant wished the proposal to be determined in accordance with the amended scheme

#### Conclusion

It is considered that the proposed first floor extension to the rear, by virtue of its siting, scale and design, would have a detrimental impact on the residential amenity of the existing and future occupiers of the neighbouring property at 4 Chichester Close, in terms of its dominance on the outlook and its overbearing and overshadowing effect on this neighbouring property. This is contrary to saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006), emerging Local Plan Policy HSG11 and paragraph 17 of the NPPF, and therefore it is recommended for refusal

#### 7) EQUALITY AND DIVERSITY CONSIDERATIONS

There are no equality or diversity implications.

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

There are no Section 17 implications.

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

#### 10) Recommendation REFUSE for the following reason;

#### CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed first floor extension to the rear, by virtue of its siting, massing and design, would have a detrimental impact on the residential amenity of the occupiers of the neighbouring property at 4 Chichester Close, in terms of its dominance on the outlook and its overbearing and overshadowing effect on this neighbouring property. This is contrary to saved Policies GEP1 and Hsg10 of the Hartlepool Local Plan (2006), emerging Local Plan Policy HSG11 and paragraph 17 of the NPPF.

#### INFORMATIVE

##### 01. NPPF

*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 inappropriate design, massing and siting of the proposed development and the resultant impact on the amenity of the neighbouring property, it is not possible to address this key constraint in this instance.*

**Author of Report: Leigh Dalby**

**Signed:**

**Dated:**

**Signed:**

**Dated:**

Planning Team Leader DC

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

**Signed:**

**Dated:**

Chair of the Planning Committee

## PLANNING COMMITTEE

10<sup>th</sup> January 2018



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

**Subject:** APPEAL AT 33 SILVERWOOD CLOSE,  
HARTLEPOOL  
APPEAL REF: APP/H0724/D/17/3188148  
Alterations to boundary fence. (H/2017/0394)

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### 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 alterations to boundary fence.

The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds that it was considered in the opinion of the Local Planning Authority that the proposed fence by virtue of its scale design and prominent location would have a detrimental impact on the visual amenity and character of the area being of a predominantly open plan character and appearance of the immediate surrounding area. This is contrary to saved Policies GEP1 of the Hartlepool Local Plan (2006), emerging Local Plan Policy HSG11 and paragraph 17 of the NPPF. (Report **Attached**)

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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### 4. AUTHOR

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# DELEGATED REPORT

**Application No** H/2017/0394

**Proposal** Alterations to boundary fence

**Location** 33 SILVERWOOD CLOSE HARTLEPOOL

**PS Code:** 21

<b>DELEGATION ISSUES</b>	Neighbour letters:	30/08/2017
<b>1) Publicity Expiry</b>	Site notice:	N/A
	Advert:	N/A
	Weekly list:	03/09/2017
	Expiry date:	25/09/2017
	Extended date:	
<b>2) Publicity/Consultations</b>  <b>PUBLICITY</b>  <p>The application has been publicised by way of neighbour notification letters (12 in total to the neighbouring properties), along with the local ward members. Four representations were received detailing no objection to the proposal.</p> <b>CONSULTATIONS</b>  <b>HBC Traffic and Transportation</b> – There are no highway or traffic concerns		
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	
<b>5) Policy</b>  <u>National Planning Policy Framework</u>  <p>In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies for England and how these are expected to be applied. It sets out the Government requirements for the planning system. The overriding message from the Framework is that planning authorities should plan positively for new development, and approve all individual proposals wherever possible. It defines the role of planning in achieving sustainable development under three topic heading – economic, social and environmental, each mutually dependent. There is a presumption in favour of sustainable development. It requires local planning authorities to approach development management decisions positively, utilising twelve ‘core principles’ that should underpin both plan-making and decision taking, these being; empowering local</p>		

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  
 Paragraph 196 - Primacy of the Development Plan  
 Paragraph 197 - Presumption in favour of sustainable development.

#### Relevant Planning Policies

GEP1: General Environmental Principles  
 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;

QP4: Layout and Design of Development  
 HSG11: Extensions and alterations to Existing Dwellings

#### Supplementary Planning Note 4: Guidelines For House Extensions

Para 4 –Principles  
 Para 5 – Base Guidelines  
 Para 6-9 - Single storey rear extensions  
 Para 19 - Separation distances 10m and 20m

### **6) Planning Consideration**

#### **PLANNING HISTORY**

None relevant

#### **SITE**

The application site is a detached property situated on a corner property, within an established residential area of Hartlepool. The property has gardens to the front, side and rear. The area is predominately residential and typified by single and two

storey dwellings of varying designs.

The site is bounded by 31 Silverwood Close to the rear (North-east) and 35 Silverwood Close to the (South-east). There are no notable ground level changes between the sites.

It is noted that the site is predominately open plan in its character typified by open frontages creating a verdant vista to the streetscene.

## PROPOSAL

The proposal seeks consent for relocation of the existing boundary fence approximately 5.0m to the North parallel to Silverwood Close. The proposed fence will consist of a 2.4m high timber boundary fence to enclose the side garden of the property.

## MATERIAL CONSIDERATIONS

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.

## IMPACT ON VISUAL CHARACTER AND AMENITY OF THE AREA

The character of the area is typified by the open nature of the streetscene, largely unfettered by front boundary treatments, these accords with the original design principles of open plan developments that aim to reduce the apparent density of the development through the provision of open frontages.

The proposed fence at 2.4m in height is considered to be a substantial development at a scale more commensurate to commercial premises as opposed to residential a setting. In addition, the proposed location will occupy a very prominent position within the street scene, fully visible from Silverwood Close (which is predominantly open plan in nature), and sitting forward of the front elevation of 31 Silverwood Close to the North.

In view of the above it is considered that the fence by virtue of the scale and location (that would largely enclose the side garden of the property) in an area of largely 'open plan' residential development, will collectively unduly detract from the openness, character and appearance of the locality in providing an incongruous feature within the streetscene contrary to the provisions of Local and National planning policies outline above.

## AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

The fence will project beyond the front elevation of 31 Silverwood Close, and is considered to have an adverse affect on the outlook, and due to the height have an overbearing impact on property to the detriment of the amenities of the property.

However, given the distance between the development and the neighbouring property at 31 Silverwood Close, and that they will still benefit from a relatively open aspect, without a significantly detriment impact on levels of light, it is not considered that the proposal would significantly affect the amenity to the neighbouring properties to warrant a second reason for refusal.

## HIGHWAY SAFETY ISSUES

It is contended that the fence will not give rise to any undue highway safety concerns. It will not affect the visibility of vehicles using the adjoining highway (Silverwood Close) nor 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

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

## 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.

<b>9) Chair's Consent Necessary</b>	<b>Y</b>
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**10) Recommendation**  
**REFUSE FOR THE FOLLOWING REASON:**

### CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority that the proposed fence by virtue of its scale design and prominent location would have a detrimental impact on the visual amenity and character of the area being of a predominantly open plan character and appearance of the immediate surrounding area. This is contrary to saved Policies GEP1 of the Hartlepool Local Plan (2006), emerging Local Plan Policy HSG11 and paragraph 17 of the NPPE.

## INFORMATIVE

01. 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 inappropriate design, massing and siting of the proposed development and the resultant impact on the visual amenity of the area, it is not possible to address this key constraint in this instance.

**Author of Report: Leigh Dalby**

**Signed:**

**Dated:**

**Signed:**

**Dated:**

Planning Team Leader DC

## PLANNING COMMITTEE

10<sup>th</sup> January 2018



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

**Subject:** APPEAL AT LOW THROSTON HOUSE NETHERBY GATE, HARTLEPOOL  
APPEAL REF: APP/H0724/X/17/3180717  
Application for Lawful Development Certificate for existing use of land to site chalet under Mobile Homes Act definition within curtilage of Low Throston House for ancillary use. (H/2017/0069)

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### 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 a Lawful Development Certificate for existing use of land to site chalet under Mobile Homes Act definition within curtilage of Low Throston House for ancillary use.
- 1.2 The decision was delegated through the Chair of Planning Committee. The application was refused on the grounds the Local Planning Authority, in considering the information provided to support the application for a Lawful Development Certificate for the siting of a chalet, considers that the applicant has failed to demonstrate that the chalet does not constitute development. On the contrary, the Local Planning Authority considers that the sited chalet is development as defined by Section 55 of the Town and Country Planning Act 1990 and requires planning permission. It is therefore concluded that the sited chalet would constitute a breach of planning control and a Lawful Development Certificate cannot be issued in connection with the sited chalet. (Report **Attached**)

### 2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

### 3. CONTACT OFFICER

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## DELEGATED REPORT

**Application No** H/2017/0069

**Proposal** Application for Lawful Development Certificate for existing use of land to site chalet under Mobile Homes Act definition within curtilage of Low Throston House for ancillary use.

**Location** LOW THROSTON HOUSE NETHERBY GATE  
HARTLEPOOL

**PS Code:** 26

<b>DELEGATION ISSUES</b>	Neighbour letters:	05/04/2017
	Site notice:	12/04/2017
<b>1) Publicity Expiry</b>	Advert:	n/a
	Weekly list:	09/04/2017
	Expiry date:	05/05/2017
	Extended date:	n/a
<p><b>2) Publicity/Consultations</b></p> <p>National planning practise guidance states</p> <p><i>There is no statutory requirement to consult third parties including parish councils or neighbours. It may, however, be reasonable for a local planning authority to seek evidence from these sources, if there is good reason to believe they may possess relevant information about the content of a specific application. Views expressed by third parties on the planning merits of the case, or on whether the applicant has any private rights to carry out the operation, use or activity in question, are irrelevant when determining the application.</i></p> <p>The application was advertised by way of neighbour letters and a site notice. 4 letters of 'no objection' have been received.</p> <p><b>CONSULTS</b></p> <p>The following consultation responses were received;</p> <p><b>HBC Public Protection;</b> I have no comments with regards to this application.</p> <p><b>HBC Traffic and Transport;</b> I have no objections to the siting of the mobile home in this location. As long as this is considered ancillary to the existing property and not considered a separate dwelling.</p>		
<b>3) Neighbour letters needed</b>	N	
<b>4) Parish letter needed</b>	N	

## 5) Policy

### Planning Policy

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

PARA 001 : Apply Policy

PARA 002: Primacy of Development Plan

PARA 011 : Planning law and development plan

PARA 012 : Statutory status of development plan

PARA 013 : NPPF is material consideration

PARA 014 : Presumption in favour of sustainable development

PARA 196: Primacy of the Development Plan

PARA 197: Presumption in favour of sustainable development.

### Relevant Saved Local Plan Policies

GEP1 - General Environmental Principles

Rur1: Urban Fence

HE13:

### 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;

SUS1: Presumption in Favour of Sustainable Development

LS1: Locational Strategy

HE1: Heritage Assets.

## 6) Planning Consideration

### BACKGROUND

The application site and area has a detailed and complicated site history. The following (and more recent) applications are considered to be relevant to the current application;

**H/2008/0057** - Erection of a quadruple car garage with granny annexe over, approved 28.04.2008.

**H/2012/0439**- Erection of a detached bungalow, application withdrawn 11.10.2012.

**H/2012/0547** - Erection of a detached bungalow (resubmitted application), approved 17.01.2013.

**ENF/13/00004**- Following the granting of planning permission, the applicant erected a 'caravan/residential unit' on the foundations of the site where the approved detached bungalow (H/2012/0547) was to be positioned. Works commenced and foundation and services works were carried out. The Local Planning Authority served an Enforcement Notice (reference ENF/13/00004) against the unauthorised works on 10.09.2013 requiring;

- (i) Permanently remove the residential unit and associated paraphernalia with the use from the land.*
- (ii) Permanently remove from the land all materials arising from compliance with requirement (i).*

The Enforcement Notice was appealed against (appeal ref; APP/H0724/C/13/2209310) on ground 'C' that there had not been a breach of planning control (no other planning merits were therefore considered as part of the appeal). The appellant contended that permission was not required on the basis that;

- 1) the site benefitted from planning permission for the erection of a bungalow (as per above reference H/2012/0547).*
- 2) the caravan/residential unit did not constitute development (under section 55 of the Town and Country Planning Act 1990). It was contended that the unit comprised of a caravan and that had been sited within the curtilage of a dwelling house (Low Throston House) for a purpose incidental to the enjoyment of the dwelling house.*

In response, the Council contended that planning permission was required for the 'caravan/residential unit' as it did comprise development by virtue of s55 (1A) of the TCPA 1990. It was further contended that the appeal building did not lie within the curtilage of the house and therefore planning permission was required.

Importantly, the Inspector considered that the building operation works carried out did constitute development under s55(1A) referencing a “*brick lower section has been added; permanent looking connections have been made regarding services and drainage and other extensive works, comprising paving to a patio area and walls to form a terrace, have been carried out. The overall result is that the unit, set within its permanent looking enclosure, is perceived as a ‘chalet-type’ building akin to a small bungalow. This is how I perceived it when viewing it from a distance and, indeed, as indicated above, the Council has referred to the refused application as having been for ‘the temporary placement of a chalet’.*”

In terms of the legal tests set out by the courts, the Inspector considered that

*As a matter of fact and degree (and irrespective of whether the initial caravan was moved on to the site in one or two pieces), there is a definite degree of permanence and I do not consider that the structure could simply be picked up and moved off the site without un-doing or demolishing significant parts of the fabric of the building. Furthermore the structure is physically attached to the ground by virtue of the brick walling around the base; the adjoining paved areas and the connected services which are not of a temporary nature.*

The Inspector further noted that the conventional characteristics of mobility usually associated with a ‘chattel’ such as a ‘caravan’ was not apparent in this case and that as a matter of fact and degree, building operations had been carried out on the land and that planning permission would be required to render it lawful. Even if the unit had been found to be a ‘caravan’ or moveable ‘chattel’, the Inspector stated that the fact that the site has become a separate ‘planning unit’ (the new bungalow site) to that of Low Throston House meant that it could not be described as being sited within the curtilage of the main house.

Furthermore, even if it could be considered to be within the curtilage of the main house the Inspector considered that it would not be permitted development since it would be restricted by Class E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended) which restricts development forward of a wall which forms the principal elevation of the dwelling house (ie. the front of Low Throston House and/or annex).

Overall, the Inspector concluded that that the ‘caravan/residential unit’ comprised development which required planning permission and as there was no planning permission in place and there were no permitted rights existing, and therefore there had been a breach of planning control. The appeal was subsequently dismissed and the enforcement notice was upheld by the Planning Inspectorate on 28.03.2014.

**H/2013/0627** – Following the issue of the above referenced Enforcement Notice, a retrospective application for the ‘temporary siting of chalet’ was submitted to the LPA on 25 November 2013. The application was refused by the Local Planning Authority on 02.04.2017 for the following reasons;

1. *It is considered that the siting of a chalet/mobile home in a predominantly residential area would set a precedent for similar development to come*

*forward, contrary to Policy GEP1 of the adopted Hartlepool Local Plan 2006.*

2. *It is considered that the external appearance of the prominently positioned chalet/mobile home would be incongruous to the surrounding area contrary to GEP1 of the adopted Hartlepool Local Plan 2006.*

The applicant subsequently appealed the LPA's decision (appeal ref APP/H0724/A/14/2219037) which was allowed by the Planning Inspectorate on 10.10.2014 subject to a planning condition restricting the permission to a temporary 2 year period.

## SITE CONTEXT

The application site relates to land to the south of Low Throston House, Netherby Gate, Hartlepool. The 'chalet' that the current application relates to, is situated on a site to the south of the applicant's main house, Low Throston House. There is an annexe to the west of the main house and these buildings are reached via a private road, Netherby Gate, which serves three other properties and leads into an access and parking area between the main house/annexe and stable buildings, a paddock and the 'chalet'. A second access road runs to the front of the site (south). To the west of the 'chalet' is the bungalow erected under approval H/2012/0547. A Scheduled Ancient Monument (Low Throston Deserted Medieval Village) surrounds the above referenced buildings.

## PROPOSAL

This Lawful Development Certificate (LDC) application seeks to demonstrate that the siting of a chalet within the curtilage of Low Throston House for ancillary purposes does not constitute development under the Mobile Homes Act definition. As such, the applicant contends that the chalet would therefore be lawful under [section 191 of the Town and Country Planning Act 1990](#) and therefore exempt from any planning enforcement action. For the avoidance of doubt, the chalet is in place.

The applicant (Mr Haygarth) has provided supporting information, which includes a signed supporting letter which advises;

- the applicant has sought 'extensive advice' that the chalet comes under 'Use of Land' as opposed to being operational development;
- the chalet is a fully mobile unit which was moved from its original position to its current siting in approximately 30 minutes;
- the chalet is 'fully mobile', sat on its three sets of wheels and is not structurally built into the ground in any way
- the chalet takes all of its services and utilities from the main dwelling which are simple fittings and can be easily disconnected, including foul drainage and gas supply connections
- the chalet is sited within the curtilage of Low Throston House
- the chalet is used for 'occasional use' by the applicant's son "who mostly works away" and takes the majority of his meals in the main dwelling along with the use of other facilities such as washing machine. The applicant's son sometimes sleeps in

the main houses and the chalet is also used for the occasional over night stay of a relative.

The above letter is corroborated by a signed letter from the applicant's acting agent (Mr Andrew Stephenson of Alpha Consulting).

Finally, the applicant has provided an extract from advice provided by Tozer's (indicated as being a specialist in caravan siting and associated legal aspects) which sets out the view that the chalet (referred to in the advice as a caravan) relates to 'use of land' within the curtilage of Low Throston House as opposed to operational development and therefore planning permission is not required and that the LDC submission is the correct way to proceed based on the following arguments;

*the use of land;* the siting of a caravan (providing it meets the criteria set out in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968) involves the use of land rather than operational development

*curtilage and incidental to the dwellinghouse* – the submitted argument is based on the applicant's view that the chalet is situated within the curtilage of Low Throston House and is used for a purpose incidental to the enjoyment of the main dwellinghouse

*definition of caravan;* the chalet falls within the original definition of a "caravan" in the 1960 Act includes "any structure designed or adapted for human habitation which is capable of being moved from one place to another (whether by being towed, or by being transported on a motor vehicle or trailer) and any motor vehicle so designed or adapted, but does not include - (a) any railway rolling-stock which is for the time being on rails forming part of a railway system, or (b) any tent". This definition was amended by the Caravan Sites Act 1968 to embrace double-unit mobile homes but maximum sizes were set.

*Hard standings and service connections;* the submitted legal view contends that the siting of the chalet on a hardstanding area does not require planning permission and that any service connections should be easily disconnected.

*Use of land within the curtilage for incidental purposes;* the supporting information cites a number of High Court and legal decisions in respect of the meaning of 'incidental'. The information contends that there is a link between the use of the caravan/chalet and the main dwelling that will remain

*Forward of the principal elevation of the main dwelling;* the submitted legal view contends that permitted development rights (as set out in the Town and Country (General Permitted Development) (England) Order 2015, do not apply as the caravan/chalet does not constitute development.

## MATERIAL PLANNING CONSIDERATIONS

This Lawful Development Certificate (LDC) application seeks to demonstrate that the siting of a chalet within the curtilage of Low Throston House for ancillary

purposes does not constitute development under the Mobile Homes Act definition. As such, the applicant contends that the chalet would therefore be lawful under [section 191 of the Town and Country Planning Act 1990](#) and therefore exempt from planning enforcement action.

National Planning Practise Guidance (online) states

*The statutory framework covering “lawfulness” for lawful development certificates is set out in [section 191\(2\) of the Act](#). In summary, lawful development is development against which no enforcement action may be taken and where [no enforcement notice is in force](#), or, for which [planning permission is not required](#).*

In view of the applicant’s submitted supporting information, it is considered necessary to consider the arguments put forward, which are considered as set out below;

1) ‘Use of Land’ vs. ‘Operational Development’ argument

As set out above, the applicant contends that the erected chalet falls within the definition of a caravan as defined by Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968. The applicant has indicated that the structure was easily moveable and that any service connections can easily be disconnected. The applicant further contends that the chalet is located within the curtilage of Low Throston House and its siting would be incidental to the enjoyment of the dwellinghouse.

In response, it is the Local Planning Authority’s view that the sited chalet does constitute operation development by virtue of a number of factors and observations made by the case officer on two separate visits to the site.

The sited chalet is not considered to accord with the definition of caravan in the aforementioned Acts in terms of its portability and degree of permanency for the reasons set out below.

Planning case law highlights the view of the courts in *Tyler v SoS & Woodspring B.C* 13/9/90 and *Carter v SoS & Carrick D.C.* 14/3/94 whereby the transportability test is only satisfied if the whole of a structure and not its separated component parts is capable of being moved away on a vehicle.

The chalet is surrounded by a structure of decking, which the chalet leads out onto and is very much served by. The decking would not be readily or easily removed, thereby restricting any removal and portability of the chalet. Furthermore, it was observed that the erected decking would constitute development and exceed the permitted height for decking under Class E of the Town and Country (General Permitted Development) (England) Order 2015.

Furthermore, and in respect of service connections to the chalet, it was observed that the chalet is fully connected to services including foul drainage, gas and electricity. The chalet is also served by a satellite (tv) dish.

In view of the above considerations, the Local Planning Authority (LPA) conclude that the chalet as sited, lacks any genuine portability (as required by the aforementioned Caravan Acts) and is not considered to be a conventional caravan or chattel for the purposes of the definition of caravan in the 1960 and 1968 Acts. Instead, it is considered that the above matters clearly indicate that the chalet has the appearance, function and permanency of a dwelling and is intended to be a permanent fixture. As a result, the chalet is considered to result in a form of operational development as defined by sec.55(1) and therefore planning permission is required for the chalet (as the applicant had been advised, prior to the submission of the current LDC application).

2) 'Curtilage' and 'Incidental' to the enjoyment of the dwellinghouse

The applicant's submitted legal advice contends that the chalet is sited within the curtilage of Low Throston House and has cited a number of legal cases to support their view. The submitted statement also suggests that the Council "agrees that the current location is within curtilage of Low Throston House".

The applicant's submitted legal advice has also interpreted the appeal decision (APP/H0724/C/13/2209310) for the temporary permission for the chalet/caravan commenting that "*the Inspector described the curtilage of Low Throston House as including the annex and the stables. This indicates that the land within the paddock is curtilage and the curtilage is not restricted to a small area around the main house*" (point 2).

Otherwise no evidence has been provided to support this claim that the site forms part of the curtilage of Low Throston House.

The LPA at this stage cannot support these comments. It is worth highlighting that the curtilage of Low Throston House has never been legally defined by the LPA or agreed by a Lawful Development Certificate application to the Local Planning Authority and the LPA would therefore strongly contend the applicant's legal advice in this respect. Indeed, the Local Planning Authority contends that the sited chalet is not within the curtilage of Low Throston House and in effect falls within the paddock/land to the south of the property and could therefore not be construed as being incidental to the purposes of the main dwellinghouse (and the 'use of land' argument would also not be applicable).

It is also worth highlighting that, should, hypothetically, the LPA agree for the purposes of the applicant's argument that the chalet is situated within the curtilage of Low Throston House, then planning permission would be required by virtue of Class E of the Town and Country (General Permitted Development) (England) Order 2015 which restricts any detached buildings being forward of the principal elevation of the dwellinghouse (ie. the front of Low Throston House and/or annex).

This view is supported by and emphasised within the Inspector's findings for the above referenced dismissed enforcement appeal for the siting of the chalet on the approved bungalow site (appeal ref APP/H0724/C/13/2209310).

It is also worth highlighting that Class E also limits detached structures for purposes incidental to the enjoyment of the dwellinghouse. The applicant's submission contends that there is no legal definition of incidental, and whilst this may be the case, it is noted within central government's recent 'technical guidance' (April 2017) for permitted development rights for householders provides some examples (although not an exhaustive list) of purposes that could be considered as being incidental to the enjoyment of the dwelling. It does however quite clearly state that **"a purpose incidental to a house would not, however, cover normal residential uses, such as separate self-contained accommodation nor the use of an outbuilding for primary living accommodation such as a bedroom, bathroom, or kitchen"**.

In view of the operation of the chalet and the indicated specification for the chalet (the 'Wentwood Single' model) which is available on the manufacturers website and indicates that the chalet model can accommodate 2 bedrooms, en suite, bathroom, utility room, kitchen and dining room and living room, it is considered that the chalet has the appearance, function and permanency of a dwelling and is intended to be a permanent fixture. The chalet is considered to result in a form of operational development as defined by sec.55(1) and therefore planning permission is required for the chalet.

In view of the above, it is considered that the chalet could not be construed as ancillary or incidental to the main dwelling house by virtue of

- it constituting operation development (as detailed above)
- it not being within the curtilage of Low Throston House (as detailed above)
- if it was accepted as being within the curtilage of Low Throston House, it is forward of the principal elevation of the dwelling and would require planning permission
- and finally it is not considered to be incidental to the main dwelling by virtue of the appearance, function and permanency of the chalet.

In this case and as a matter of fact and degree, it is considered that the sited chalet constitutes operational development and that planning permission would be required to render it lawful.

#### **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 for the following reason;**

#### **REASONS**

1. The Local Planning Authority, in considering the information provided to support the application for a Lawful Development Certificate for the siting of a chalet, considers that the applicant has failed to demonstrate that the chalet does not

constitute development. On the contrary, the Local Planning Authority considers that the sited chalet is development as defined by Section 55 of the Town and Country Planning Act 1990 and requires planning permission. It is therefore concluded that the sited chalet would constitute a breach of planning control and a Lawful Development Certificate cannot be issued in connection with the sited chalet.

**INFORMATIVE***Informative 01: STATEMENT OF PROACTIVE ENGAGEMENT*

*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, acknowledges the need 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, it is considered that the application fails to satisfactorily demonstrate that the chalet does not constitute operational development and it is not possible to address this key consideration in this specific instance.*

**Author of Report: Daniel James**

**Signed:**

**Dated:**

**Signed:**

**Dated:**

Planning & Development Manager  
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

10<sup>th</sup> January 2018



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

**Subject:** REVIEW OF ONE STOP SHOP AND MONITORING FEES

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## 1. PURPOSE OF REPORT

- 1.1 To seek endorsement for a revised schedule of fees for the Council's pre-application advice and for the monitoring of legal agreements associated with planning consents. It is anticipated that, subject to the agreement of Committee, the revised charges would be introduced on 1<sup>st</sup> February 2018.

## 2. BACKGROUND

- 2.1 Local planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003. Where charges are made they must not exceed the cost of providing the service.

### One Stop Shop

- 2.2 The Council's advisory service (the "One Stop Shop") offers planning and wider advice to those considering undertaking developments. It enable's proposals to be considered informally prior to the submission of any application. The advisory service identifies any consent's required for the development proposed and how to apply for them. The Council strongly encourages use of the service as it may help to 'iron out' any potential problems and therefore allow it to deal with an application more efficiently. The service also provides a letter should planning permission not be needed this can be useful should a property/piece of land be sold in the future. The One Stop Shop is part of a positive and proactive planning process, although it is non-statutory.
- 2.3 Potential applicants are not obliged to seek pre-application advice, although the Government does encourage early discussions. Pre-application advice cannot bind the local planning authority to a particular outcome, in the event of a formal planning application and does not constitute a formal decision.
- 2.4 The benefits of obtaining informal advice include the following:

- Assisting in the preparation of proposals before formal submission, which, if the advice is followed, should reduce any unexpected delays and be more likely to result in a positive outcome;
  - Allowing a clear understanding of constraints on development;
  - Raising the quality of proposals;
  - Saving time and money thereby increasing efficiency;
  - Reducing the number of invalid applications;
  - Potential to reduce the need for planning conditions that could delay implementation;
  - Establishing a degree of certainty to developers over their proposal;
  - Indicating those proposals that are completely unacceptable, so saving the applicant the cost of pursuing a formal application;
  - Identifying if specialist input/reports will be required.
- 2.5 The workload associated with the provision of the One Stop Shop service is significant (on average representing approximately 33% of a planning officer's workload). It is estimate that based on planning officer time alone the cost of providing the "One Stop Shop" service is some £52,474.5 to £59,786.65 per year. It should be noted that this estimated cost does not include any administrative costs, or the costs of the various internal consultees (Building Regs, Traffic & Transportation, Public Protection, Ecology, Tees Archaeology etc.) who input into the process.
- 2.6 The Authority first introduced charging for pre-application advice in October 2011 following a decision by Planning Committee on 15<sup>th</sup> July 2011. Since that time the fees have provided a useful source of additional income. Providing on average some £10,957.00 per year (excluding VAT) between April 2012 and March 2017. Prior to October 2011 advice was provided without charge.
- 2.7 The current fee schedule is **attached** at appendix 1. The current fees range from £60 for advice on the display of an advertisement to £600 -£2,400 for advise on major developments. There are currently no charges for householder developments unless the enquirer wants to make use of a fast track service, to receive a response within 48 hours.

### **Monitoring legal agreements**

- 2.8 Once planning obligations have been agreed, it is important that they are implemented or enforced in an efficient and transparent way, in order to ensure that contributions are spent on their intended purpose, that required infrastructure is provided, and that the associated development contributes to the sustainability of the area. This will require monitoring by local planning authorities, which in turn may involve joint-working by different parts of the authority.
- 2.9 The Development Control Team currently includes the post of a Monitoring Officer. One of the duties of the post holder is to monitor the fulfilment of planning obligations. The post holder also monitors compliance with planning

conditions, which are already subject to a separate statutory discharge of planning condition fee.

- 2.10 There are two aspects to monitoring and managing legal agreements these being:
- Financial monitoring and management of the monies associated with receiving the income; and
  - Physical monitoring (ensuring physical infrastructure is provided) .
- 2.11 The current charges for this service are £250 per agreement relating to financial monitoring and £300 per agreement relating to physical monitoring. It is estimated that the costs of providing this service, purely based on the Monitoring Officer's time, amounts to some £5442.40 per year. These estimated costs do not include any administrations costs, or the costs of the various internal consultees (Planning Officers, Traffic & Transportation, Public Protection, Ecology, Tees Archaeology etc.) who input into this part of the service.
- 2.12 The Authority first introduced charging for monitoring in October 2011 following a decision by Planning Committee on 15<sup>th</sup> July 2011. Since that time the fees have provided a useful source of additional income. Providing on average some £1635 per year (excluding VAT) between April 2012 and March 2017.

### 3. PROPOSALS

#### One Stop Shop

- 3.1 It is proposed to revise the One Stop Shop charging schedule. The proposed new charging schedule is **attached** at Appendix 2.
- 3.2 The main changes include:
- A 20% increase in the currently charged fees.(this is in line with the governments forthcoming 20% increase in planning fees)
  - The introduction of a £50 fee for householder advice.
  - An increase in the fee for a fast track householder service from £60 to £72.00.
  - An increase in the fee for advertisement advice from £60 to £144.
  - The removal of exemptions for advice relating to listed buildings and conservation areas.
- 3.3 It is difficult to predict fee income arising from the changes, however based on last years submitted informals, if a similar number and range of informals were received the maximum fee received would have been some £32,320.80 (excluding VAT) for a basic service to some £46,838.40 (excluding VAT) for an enhanced service. (It should be noted that some of the enquiries received would have been exempt from fees so it is very unlikely that these maximum incomes would ever be achieved). It is

considered however that this analysis robustly demonstrates that notwithstanding the proposed fee increases the charges raised will not exceed the cost of providing the service.

### Monitoring of legal agreements

- 3.4 It is proposed to increase these fees to £300 per agreement relating to financial monitoring and £360 per agreement relating to physical monitoring.
- 3.5 Again it is difficult to predict fee income arising from the changes however based on the average annual income over the last 5 years of £1635 a 20% increase in fees would suggest an average income of some £1962 based on the new charges. It is considered that this analysis robustly demonstrates that notwithstanding the proposed fee increases the charges raised will not exceed the cost of providing the service.

## **4. RISK IMPLICATIONS**

- 4.1 There is a risk that the proposals to increase fees will result in a reduction in the use of the One Stop Shop service leading to reduced income or lead to an increase in unauthorised developments as people avoid seeking planning advice.
- 4.2 It is considered that the costs proposed are still relatively modest in respect of the substantial costs involved in bringing forward developments, including domestic projects, and it is considered unlikely therefore that the fee would be critical in this respect.

## **5. FINANCIAL CONSIDERATIONS**

- 5.1 There is a risk that the proposed increase in fees will discourage use of the service and reduce income. However the fee increases are relatively modest and it is anticipated that income will increase rather than reduce.

## **6. LEGAL CONSIDERATIONS**

- 6.1 Local planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003. Where charges are made they must not exceed the cost of providing the service. In light of the analysis above it is not considered that the charges would exceed the costs of providing the service.

## **7. EQUALITY AND DIVERSITY CONSIDERATIONS (IMPACT ASSESSMENT FORM TO BE COMPLETED AS APPROPRIATE.)**

- 7.1 There are no Equality or diversity considerations arising from this decision.

## **8. STAFF CONSIDERATIONS**

- 8.1 The services will continue to be provided with the existing staff resources.

**9. ASSET MANAGEMENT CONSIDERATIONS**

- 9.1 There are no asset management considerations.

**10. RECOMMENDATIONS**

- 10.1 That Members endorse the proposed revised scale of fees for providing pre-application advice (Appendix 2) and monitoring of legal agreements (3.4).

**11. REASONS FOR RECOMMENDATIONS**

- 11.1 Local planning authorities may charge for providing discretionary services under section 93 of the Local Government Act 2003. It is considered that the revised charging scale of fees are appropriate and will provide a useful source of additional income to support the service.

**12. BACKGROUND PAPERS**

- 12.1 None

**13. CONTACT OFFICER**

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**Appendix 1**

## Appendix 1

## Schedule of fees for Pre-Application Advice

Development Type		Cost of Service
Code	<b>Largescale Major Developments</b>	
1	Dwellings (200 or more)(4 ha or more)	£600* for written response, including up to 2 meetings.
2	Offices / R & D / light industry (>10,000sq metres or >2ha)	
3	General Industry/storage/warehousing (>10,000sq metres or >2ha)	Additional advice requested chargeable at hourly rate^ with a maximum of £2400*
4	Retail distribution and servicing (>10,000sq metres or >2ha)	
5	Gypsy and Traveller pitches (>10,000sq metres or >2ha)	
6	All other largescale major developments (>10,000sq metres or >2ha)	
	<b>Smallscale Major Developments</b>	
7	Dwellings (10 - 199) (0.5 ha and less than 4 ha)	£300* for a written response <b>Or</b> £420* as above plus meeting or accompanied site visit.
8	Offices/ R & D / light industry (1,000sq metres - 9,999 sq metres)	
9	General Industry/storage/Warehousing (1,000sq metres - 9,999 sq metres)	Additional advice requested chargeable at hourly rate^ with a maximum of £2400*
10	Retail distribution and servicing (1,000sq metres - 9,999 sq metres)	
11	Gypsy and Traveller pitches (1,000sq metres - 9,999 sq metres)	
12	All other smallscale major developments (1,000sq metres - 9,999 sq metres)	
	<b>Minor Developments</b>	
13	Dwellings (1-9) (Less than 0.5 ha)	£120* written response <b>Or</b> £240* as above plus meeting or accompanied site visit
14	Offices / R & D / light industry (< 1000 sq metres or 1ha)	
15	General Industry/storage/warehousing (< 1000 sq metres or 1ha)	
16	Retail distribution and servicing (< 1000 sq metres or 1ha)	
17	Gypsy and Traveller pitches (< 1000 sq metres or 1ha)	
18	All other minor developments (< 1000 sq metres or 1ha)	
	<b>Other Developments</b>	
19	Minerals Processing	Based on area as above
20	Change of Use	Based on site area as above
21	Householder developments	Free <sup>#</sup>
22	Advertisements	£60*
23	Listed building consents (to alter/extend)	Free
24	Listed building consents (to demolish)	Free
25	Conservation area consents	Free
26	Certificates of lawful development	Quote on Request
27	Notifications	Quote on Request

## NOTES:

- 1) ^ Hourly charges based on an average of officers hourly charges referred above which is £54.83/hour\*
- 2) \* Denotes that fees would be reviewed by an agreed inflationary amount from 1<sup>st</sup> April yearly.
- 3) # A 'fasttrack' service with a fee of £60\* is offered this would be subject to inflation as above. This would comprise a response given to a developer within 48 hours of receiving the valid request.
- 4) Time frames:
  - Aim of 15 working days to respond to a Minor & Other developments.
  - Aim of 25 working days to respond to a Major developments.
  - Large scale major development timetable to be arranged between case officer and applicant/agent.
  - 'Fasttrack' householder development service aim of 48 hours to respond.
- 5) All fees are shown inclusive of VAT.
- 6) 45 minutes is allocated per meeting, if one is included in the fees above.

## Appendix 2

## Schedule of fees for Pre-Application Advice

Development Type		Cost of Service
Code	<b>Largescale Major Developments</b>	
1	Dwellings (200 or more)(4 ha or more)	£720* for written response, including up to 2 meetings.  Additional advice requested chargeable at hourly rate^ with a maximum of £2880*
2	Offices / R & D / light industry (>10,000sq metres or >2ha)	
3	General Industry/storage/warehousing (>10,000sq metres or >2ha)	
4	Retail distribution and servicing (>10,000sq metres or >2ha)	
5	Gypsy and Traveller pitches (>10,000sq metres or >2ha)	
6	All other largescale major developments (>10,000sq metres or >2ha)	
	<b>Smallscale Major Developments</b>	
7	Dwellings (10 - 199) (0.5 ha and less than 4 ha)	£360* for a written response <b>Or</b> £504* as above plus meeting or accompanied site visit.  Additional advice requested chargeable at hourly rate^ with a maximum of £2880*
8	Offices / R & D / light industry (1,000sq metres - 9,999 sq metres)	
9	General Industry/storage/Warehousing (1,000sq metres - 9,999 sq metres)	
10	Retail distribution and servicing (1,000sq metres - 9,999 sq metres)	
11	Gypsy and Traveller pitches (1,000sq metres - 9,999 sq metres)	
12	All other smallscale major developments (1,000sq metres - 9,999 sq metres)	
	<b>Minor Developments</b>	
13	Dwellings (1-9) (Less than 0.5 ha)	£144* written response <b>Or</b> £288* as above plus meeting or accompanied site visit
14	Offices / R & D / light industry (< 1000 sq metres or 1ha)	
15	General Industry/storage/warehousing (< 1000 sq metres or 1ha)	
16	Retail distribution and servicing (< 1000 sq metres or 1ha)	
17	Gypsy and Traveller pitches (< 1000 sq metres or 1ha)	
18	All other minor developments (< 1000 sq metres or 1ha)	
	<b>Other Developments</b>	
19	Minerals Processing	Based on scale as above
20	Change of Use	Based on scale as above
21	Householder developments	£50 <sup>#</sup>
22	Advertisements	£144*
23	Listed building consents (to alter/extend)	Based on scale as above
24	Listed building consents (to demolish)	Based on scale as above
25	Conservation area consents	Based on scale as above
26	Certificates of lawful development	Quote on Request
27	Notifications	Quote on Request

## NOTES:

- 1) ^ Hourly charges based on an average of officers hourly charges referred above which is £65.80/hour\*
- 2) \* Denotes that fees may be reviewed from 1<sup>st</sup> April yearly.
- 3) #A 'fasttrack' service with a fee of £72\* is offered. This would comprise a response given to a developer within 48 hours of receiving the valid request.
- 4) Time frames:
  - Aim of 15 working days to respond to a Minor & Other developments.
  - Aim of 25 working days to respond to a Major developments.
  - Large scale major development timetable to be arranged between case officer and applicant/agent.
  - 'Fasttrack' householder development service aim of 48 hours to respond.
- 5) All fees are shown inclusive of VAT.
- 1) 45 minutes is allocated per meeting, if one is included in the fees above.

# PLANNING COMMITTEE

10 January 2018



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

**Subject:** UPDATE ON CURRENT COMPLAINTS

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## 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. A loft conversion at a residential property in Stokesley Road.
2. Non-compliance with a condition relating to the provision of off-site highway mitigation measures at a housing development site at land off Valley Drive.
3. Erection of timber structure/fence on top of a side boundary wall at a residential property in Brierton Lane.
4. Erection of timber fencing on top of boundary walls to the front and side of a residential property in Grange Road.
5. Non-compliance with conditions relating to drainage and an oil interceptor at a residential development site at land off Valley Drive.
6. Siting of a portacabin at a commercial premises in Darlington Street.

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

1. Non-compliance with conditions relating to working hours at a housing development site in Elwick Road. The site is now operating in accordance with the working hours condition.
2. Siting of a mobile hot food takeaway unit at a car wash premises in Catcote Road. The mobile hot food takeaway unit has now been removed from the premises.
3. Extension of garden curtilage into a field at the rear of a residential property in Hillcrest Grove. The fencing that has been erected benefits from

permitted development rights, and there is not deemed to have been a material change of use of the land that has been enclosed. No further action necessary.

4. Erection of a single storey extension at the side, and a detached outbuilding at the rear of a residential property in Catcote Road. A valid planning application seeking to regularise the development has since been received
5. The display of a 'for sale' sign at a residential development site in Elwick Road. The unauthorised sign has now been removed.
6. An area of untidy land at the corner of Teesdale Avenue and Linden Grove. The matter has been redirected to the Council's Housing Services section for appropriate action.
7. Alterations to boundary railings at a listed residential property in South Crescent. The alterations that have been undertaken do not require listed building consent or planning permission. No further action required.
8. An area of untidy land at Green Street. Redevelopment works has since commenced at the site.
9. An area of untidy land at Young Street. The overgrown weeds have been cut back and the refuse has been collected. No further action required.

## **2. RECOMMENDATION**

- 2.1 Members note this report.

## **3. CONTACT OFFICER**

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