

PLANNING COMMITTEE

AGENDA



Wednesday 7 February 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 31st January 2017 (*to follow*)

4. ITEMS REQUIRING DECISION

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

1. H/2017/0565 Land at the Cliff, Seaton Carew (page 1)
2. H/2017/0574 13 Relton Way (page 25)
3. H/2017/0487 Home Farm, The Green, Elwick (page 35)

4.2 Appeal at the Former Saxon Public House, Easington Road, Hartlepool, TS24 9XU - *Assistant Director (Economic Growth and Regeneration)*

5. ITEMS FOR INFORMATION

5.1 Appeal at 1 Serpentine Gardens – *Assistant Director (Economic Growth and Regeneration)*

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



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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

0

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

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

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 March 2018



No: 1
Number: H/2017/0565
Applicant: LOFTMAN LEISURE LTD BIRCHILL GARDENS
 HARTLEPOOL TS26 0JT
Agent: LOFTMAN LEISURE LTD MR CHRIS DODDS 38
 BIRCHILL GARDENS HARTLEPOOL TS26 0JT
Date valid: 04/12/2017
Development: Change of use of land to, and installation of, ten hole
 crazy golf course including associated course structures,
 hard and soft landscaping, outside seating/picnic area and
 street furniture, an enclosed visitor/reception cabin,
 boundary treatments including 1.8m high fence enclosure,
 and other associated works.
Location: LAND AT THE CLIFF SEATON CAREW HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

1.2 The following planning applications are considered to be relevant to the current application and immediate area;

1.3 H/2013/0432 – Planning permission was granted on 4th December 2013 for a change of use for the siting of amusements, rides, catering vans and use of the bus station kiosk for sale of hot beverages, snacks and newspapers at three separate parcels of land located along Seaton Carew front and the reopening of the newsagents kiosk within the bus station. The permission was granted subject to a planning condition restricting the operation of the use between 1st April and 30th September inclusive for a period of three years and the use ceasing by 1st October 2016.

1.4 H/2015/0396 – Planning permission was granted on the adjacent site on 30th November 2015 for proposed seafront regeneration development including creation of multi-functional market/events space, play areas and facilities, hard standing and footpaths, lighting, cycle stands, alterations to existing vehicular access (to car park) and other associated works. The development included demolition of the Longscar Centre.

1.5 H/2017/0471 – Planning permission was granted on the adjacent site on 2nd November 2017 for Phases 1 and 2 of seafront regeneration scheme including removal of existing paddling pool and provision of play and waterplay facilities, beach huts, boundary railings, earthworks, hard and soft landscaping, street furniture

installation, repairs to listed clock tower and bus shelter, extension to existing car park (south of the Longscar Centre) and other associated works.

PROPOSAL

1.6 This application seeks planning permission for change of use of land to, and installation of, a ten hole crazy golf course including associated course structures, hard and soft landscaping, outside seating/picnic area and street furniture, an enclosed visitor/reception cabin, boundary treatments including a 1.8 metre high fence enclosure, and other associated works.

1.7 The proposed cabin is to measure approximately 6.3 metres by 5 metres in area and is to feature a dual-pitched roof with an eaves height of approximately 2.65 metres and a ridge height of approximately 3.607 metres. The cabin is to feature PVC blue and white timber effect cladding and coated and galvanised steel tile panels to the roof, with the appearance of traditional roof tiles.

1.8 The proposed course structures consist predominantly of small brick enclosures/walls and vertical timbers, with the exception of a mock-up 'Trincomalee' tall ship and miniature 'museum' building. The proposed ship will measure approximately 8.8 metres by 2.45 metres in area with a maximum height to the top of the hull of approximately 1.825 metre and total height to the top of the mast of approximately 4.5 metres. The proposed miniature building measures approximately 3.95 metres by 2 metres in area with a total height of approximately 1.37 metres.

1.9 The proposed boundary fencing will enclose the area of the golf course and comprise an approximately 1.8 metre high 'Masterview' Profile Panel, powder coated, moss green, mesh fence, with a gated access adjacent to the proposed cabin.

1.10 The applicant proposed that the crazy golf course will operate between the hours of 08:00 and 20:00, 7 days a week.

1.11 The application has been referred to planning committee in view of the nature of the proposal, at the request of local ward Councillors and due to the number of objections received.

SITE CONTEXT

1.12 The application site relates to land at The Cliff, Seaton Carew, Hartlepool. The application site comprises an area of public amenity space north of an existing slipway and east of the Cliff.

1.13 The site is bounded to the west by adopted highway along The Cliff with residential properties beyond. The esplanade and beach lie to the east. To the north and south of the site lie further areas of public amenity space. The site falls within Seaton Carew Conservation Area.

1.14 For the avoidance of doubt, whilst the submitted site location plan demarcates the entire south-eastern section of the existing public amenity space east of The Cliff, the proposed crazy golf course is to be located in the southern part of this area only, opposite 33 and 34 The Cliff and 2 Station Lane.

PUBLICITY

1.15 The application has been advertised by way of neighbour letters (24), site notice and a press notice. To date 20 objections have been received with the following concerns (summarised):

- The proposal is unduly large/out of keeping/constitutes poor design
- The proposed fencing is inappropriate/out of keeping
- Detrimental impact on the character of the area and visual amenity
- Detrimental impact on the Conservation Area (at risk) and Heritage Assets
- The emerging Local Plan does not effectively protect visual amenity
- The proposal is contrary to NPPF and local policy and guidance
- The proposal is contrary to wishes of community
- The area is not historically a commercial area/previous applications for commercial development/expansion have been refused here
- Loss of greenfield/recreation/amenity open space and event space
- Loss of views
- Detrimental impact on neighbour amenity (including noise) and privacy
- Other alternative/more appropriate sites are available
- Detrimental impact on parking and highway and pedestrian safety
- Detrimental impact on house/rental values
- The proposal would set a precedent for more development
- Lack of public consultation and poor timing of consultation
- No need/lack of demand for proposal/proposed use already catered for
- Applicant company in infancy/not viable enterprise
- Increase in anti-social behaviour
- Detrimental to public safety/health and safety
- Increase in litter
- Site may not be maintained
- Red line boundary does not match designated crazy golf area
- The site is eligible for village green status
- Detrimental impact on the environment
- Detrimental impact on ecology/birds
- Loss of light from lighting columns
- The Council has not been clear that planning permission has not yet been granted
- The Front and The Cliff have been confused by Council/applicant
- Flood risk

1.16 1 letter of support has also been received with the following comments (summarised):

- The proposal will improve image of the locality

- The proposal will attract more visitors from Hartlepool/from outside the area
- The site is well located
- The proposal will benefit existing business

1.17 Copy Letters **A**

1.18 The period for publicity has now expired.

CONSULTATIONS

1.19 The following consultation responses have been received;

HBC Public Protection – Do not object. These opening hours are acceptable.

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

HBC Economic Regeneration - The Economic Regeneration Team of Hartlepool Borough Council fully support this application.

The course will add to the visitor offer at Seaton Carew. The Council is investing £1.3m in regeneration works at Seaton Carew in order to create an enhanced visitor offer including water jets, beach huts, new landscaping, a picnic table area, and play equipment. The location of the crazy golf course adjacent to the Council's outdoor leisure park will create a hub of attractions that will draw visitors to the area which will in turn support the many businesses and jobs located around The Front.

The crazy golf course is located on dedicated leisure space at The Front and previous public consultations of the Seaton Masterplan confirmed strong backing of new leisure uses to be located in this area.

The course will employ a small number of local jobs which is welcome.

The course is open all year round and will extend the visitor season.

The course aligns with the adopted Hartlepool Vision and the Seaton Carew Masterplan which will boost Hartlepool's visitor economy.

In summary, the course is in a suitable location in central Seaton Carew where it offers a leisure activity for the many visitors to the area. The course will add to the visitor economy of Hartlepool and directly support the businesses within Seaton Carew.

HBC Community Safety and Engagement – During the period 1st January to 31st December 2017, 54 incidents of anti-social behaviour (ASB) and 9 incidents of criminal damage have been recorded within the area comprising the sea front between Newburn Bridge and Seaton Golf Club.

Comparison of area with the rest of the ward and whole town is as follows:

	Hartlepool	Seaton Ward	Seaton Front Area
ASB	7067	402	54
Criminal Damage	1513	84	9

13.4% of ASB in the Seaton ward occurred in the area between the Seaton Golf Club and the Newburn Bridge. A breakdown of where these incidents took place is as follows:

Row Labels	Street
CHURCH ST	5
TEES RD	<5
THE CLIFF	6
THE FRONT	38
THE GREEN	<5
Grand Total	54

10.7% of criminal damage for the Seaton ward occurred in the same area. Of these, 3 incidents involved criminal damage which occurred inside a residential property, 3 involved stones being thrown at vehicles/property and 1 was damage caused to a car.

Cleveland Police – I felt that the boundary would need to be defined and marked clearly with a fence, to prevent casual access onto the site. A green, unfinished Expamet style mesh would stand out, however a black mesh provides the best outlook to the eye, it tends to blend in with the background. The unfinished element means that it would prevent climbing.

Cleveland Police forwarded the following e-mail sent to Richard Harrison (HBC Senior Regeneration Officer) on 22/8/17:

Hi Richard,

With regard to a perimeter fence, I would recommend it is 2.4 metres in height, something like the Expamet 2089 profile with open unfinished topping (to prevent climbing) or equivalent weldmesh with extending wires from the verticals. Fencing systems can be finished in either a green powder or polyester coating.

With regard to the CCTV. This might be better mounted on a pole. Good quality megapixel fixed cameras, with Infrared lighting could be positioned to provide good coverage across the site. An internet connection will allow these cameras to signal any movement if required.

I'm happy with your thoughts in relation to the cabin. Are you alarming this too?

UPDATE 17/01/18: My view would be that the area would need demarcation with some form of fence, which should be high enough to prevent easy access.

UPDATE 18/01/18: I've spoken to Steve Davies, who has a lot of knowledge of the local area. He feels that the fence should stay, as he believes that the facility will otherwise be subject to misuse.

HBC Heritage and Countryside - The application site is located in Seaton Carew Conservation Area, a designated heritage asset.

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

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

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

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

The special character of Seaton Carew Conservation Area can be separated into distinct areas. To the north of Station Lane the buildings are predominantly residential with a mixture of the first phase of development stemming from fishing and agriculture in the 18th century and large villas dating from the 19th century.

To the south of Station Lane is the commercial centre of the area. The shop fronts in the conservation area are relatively simple without the decorative features found on shops elsewhere in the Borough, such as Church Street. Stallrisers are usually rendered or tiled, shop front construction is in narrow timber frames of rounded section and no mullions giving large areas of glazing. Pilasters, corbels and mouldings to cornices are kept simple. This character has been eroded somewhat in recent years with alterations to buildings and ever more minor additions to properties. Examples of this include the loss of original shop fronts and the installation of inappropriate signage.

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, doors, replacement shop fronts and signs, and the impact of the Longscar Building a substantial vacant building on the boundary of the conservation area. 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 is the change of use of land to develop a crazy golf course including structures within this area to create the ten holes, a small cabin for equipment and running of the course, and a boundary fence.

The adjacent area of land is currently being developed. The works will include the replacement of the paddling pool with a water play area, a new play site and the introduction of beach huts. That proposal was welcomed as the existing features within the area will be upgraded and new features will restore structures that were previously removed, i.e. the beach huts. The introduction of planting and a low grass mound will add interest without blocking the views from the buildings at The Front to the sea as it is this strong connect of the property facing the coast line which contributes to the one aspect of the significance of the conservation area.

It is considered that the proposed works to create a crazy golf course will complement the leisure offer that is being development on the neighbouring land. The structures provided on the course itself will still allow for views to the sea. In addition the installation of a cabin in a design similar to the beach huts on the adjacent site should connect the developments and provide some continuity in the style of the structures provided in this area.

For the most part this area is open without any boundary enclosures therefore the use of a high fence is somewhat out of keeping with the character of the area. It is understood that the chosen design has been influenced by the need to secure the site and provide some protection to prevent golf balls leaving the course. The style of the fencing, although high, is open and light weight. In addition the colour choice should ensure that the impact on the surrounding area is minimized and the strong connection between the land and sea which existing in this area is retained.

In conclusion it is considered that the proposed works would not harm the significance of Seaton Carew Conservation Area, no objections.

Historic England - Thank you for your letter of 7 December 2017 regarding the above application for planning permission. On the basis of the information available to date, we do not wish to offer any comments. We suggest that you seek the views of your specialist conservation and archaeological advisers, as relevant.

It is not necessary for us to be consulted on this application again, unless there are material changes to the proposals. However, if you would like detailed advice from us, please contact us to explain your request.

Tees Archaeology - Thank you for the consultation on this application. I have checked the HER and the development area is on land reclaimed in the twentieth century. I can confirm that the development should not have a significant impact on any known heritage assets.

HBC Arboricultural Officer - I notice that some low growing soft landscaping is to be incorporated within the golf project which will add interest to the course. As the area around this will be remodelled separately, the integration of the two should complement each other. As there are climatic issues here that will restrict plant growth I do not see any high growing plants being successful in this location but the boundary treatment will provide some protection for the plants proposed. No objection.

HBC Countryside Access Officer – The England Coast Path National Trail runs in a north-south direction to the east of this proposed development, along the promenade.

At no time can the National Trail be obstructed before, during or after the construction of the site.

The Ramblers Association – No representation received.

HBC Ecology – I have no ecology concerns or requirements.

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>

RSPB – No representation received.

Tees Valley Wildlife Trust – No representation received.

Teesmouth Bird Club - The bird club has no position on this application.

Building Consultancy – No representation received

HBC Engineering Consultancy - Can I please request a surface water condition on this one.

Environment Agency – No representation received.

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 as only foul water is proposed to discharge to the public system. However, if surface water requires a connection to the public sewer system we would require re-consultation.

HBC Health Improvement - The Health Improvement Team in HBC support this application.

HBC Waste Management – No representation received.

Cllr Leisa Smith - I object to where you plan to place the crazy golf, I think Seaton does need this attraction but it should be placed towards the clock tower where the original crazy golf was situated and closer to the commercial side of Seaton and not residential.

The negative effect the crazy golf will have on the resident close to this amenity is lengthy,

1. The noise from the music that will be constantly played, I believe when they have the windows open will be heard inside their homes.

2. Parking close to the golf will become a safety issue, parking on double yellow lines on the emergency access road to the beach will undoubtedly happen. There is only one side that is usable for the visitors, if it was moved towards the clock tower where there is car parks will not drain the small parking facilities near the cliff.

3. The development in the current planned position is not in keeping with the area, this is a green land and has been for years it will have a massive visual impact on the landscape in front of the cliff, to now develop it into commercial land is not in keeping with its current surroundings. It needs to again be moved towards the clock tower.

4. There are no buildings within Seaton Carew that have a 6" mesh fence, this again is not in keeping with the surroundings, especially in a conservation area. It will be over bearing and completely out of character with the Victorian type houses.

PLANNING POLICY

1.20 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)

1.21 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 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.

1.22 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
11	Determination is accordance with the development plan
14	Presumption in favour of sustainable development
17	Core planning principles
56	Design of the built environment and its contribution to sustainable development.
57	High quality inclusive design
64	Improving the character and quality of an area

69	Healthy, inclusive communities
70	Social, recreational and cultural facilities
75	Public rights of way
128	Significance of a heritage asset
129	Impact upon a heritage asset
131	Positive contribution towards local character and distinctiveness
132	Significance of a heritage asset and it's setting
134	Less than substantial harm to a heritage asset
196	Determination in accordance with the development plan
197	Presumption in favour of sustainable development
203	Conditions or planning obligations
206	Planning conditions
216	Emerging Plans

Adopted Hartlepool Local Plan 2006

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

Policy	Subject
GEP1	General Environmental Principles
GEP2	Access for All
GEP3	Crime Prevention by Planning and Design
GEP7	Developers' Contributions
Rec1	Coastal Recreation
Rec9	Recreational Routes
GN3	Protection of key green spaces
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 – Publication Stage (December 2016)

1.24 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.

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

Policy	Subject
SUS1	Presumption in Favour of Sustainable Development
LS1	The Locational Strategy
LT1	Leisure and Tourism
LT3	Development in Seaton Carew
HE1	Heritage Assets

HE3	Conservation Areas
HE7	Heritage at Risk
NE2	Green Infrastructure

Other relevant documents:

1.26 Seaton Carew Masterplan Supplementary Planning Document (2015). The SPD was subject to extensive public and professional support resulting from consultation. The masterplan was endorsed by the Council's Regeneration Services Committee report on 28 August 2015 and subsequent Full Council decision on 17.09.2015.

1.27 HBC Planning Policy comments - There are no planning policy objections to the principle of development. The development of this new tourist attraction is a welcome addition to the facilities available in Seaton Carew. The proposal is located within the Seaton Carew Conservation Area. The Seaton Carew Conservation area is categorised as 'at risk' in Historic England's Heritage at Risk Register 2017. It is described as in 'very bad' condition, with 'high' vulnerability and a 'deteriorating' trend. As such ensuring that future development proposals for the area meet the policy requirements and guidance will help to reverse this negative trend. In light of this planning policy does have concerns in relation to the design of the boundary fence which does not reflect the character of the area and suggest alternative designs are considered.

PLANNING CONSIDERATIONS

1.28 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, the impact on the character of the conservation area, the impact on the amenity of neighbouring land users, the impact on highway and pedestrian safety, and matters of flood risk and drainage, ecology and safety and security. These and all other planning and residual matters are considered as follows;

PRINCIPLE OF DEVELOPMENT

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

1.30 It is considered that the proposed development will enhance the leisure and tourism offer of Seaton Carew, which will in turn have social benefits for users of the facilities and economic benefits to businesses operating within Seaton Carew.

1.31 With respect to local planning policy, the site is designated as key green space (the coastal margins) in saved policy GN3 of the adopted Hartlepool Local Plan 2006. Saved policy GN3 stipulates that planning permission will only be given for developments which relate to the use of land within these key green spaces as parkland or other amenity, recreational or landscaped open space, subject to there being no significant adverse material impacts. The proposal is considered to be a recreational/leisure use and it is not considered that this conflicts with or prejudices

the use of the wider coastal margins for recreational purposes. Whilst emerging policy NE2 (Green Infrastructure) of the emerging Hartlepool Local Plan indicates compensatory provision should be provided where an area of open space is lost, in this instance the site will retain a recreational/leisure use, will only affect a small part of the allocation, and it is considered it is in an area where the local need is adequately met.

1.32 Furthermore, emerging policy LT3 (Development of Seaton Carew) stipulates that proposals for tourism and leisure development within Seaton Carew, as identified on the proposals map, will be permitted where they complement the character of the area and are in keeping with the development of Seaton Carew as a seaside resort and promote opportunities for nature tourism.

1.33 The Council's Planning Policy section has advised that there are no planning policy objections to the principle of development. The proposals are also supported by the Council's Economic Regeneration section which has commented that the location of the crazy golf course adjacent to the Council's outdoor leisure park will create a hub of attractions that will draw visitors to the area which will in turn support the many businesses and jobs located around The Front. It is noted that the course will employ a small number of local jobs and is open all year round, extending the visitor season.

1.34 The Council's Economic Regeneration team have also commented that the course aligns with the adopted Hartlepool Vision and the Seaton Carew Masterplan which will boost Hartlepool's visitor economy.

1.35 Notwithstanding this, concerns have been raised from the Council's Planning Policy team with respect to the design of the boundary fence, commenting that this does not reflect the character of the area and suggesting alternative designs are considered. The impact of the proposal on the visual amenity of the area is set out in greater detail below.

1.36 It is considered on balance 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

1.37 The proposed crazy golf course consists primarily of new hard and soft landscaped areas, associated course structures, an outside seating/picnic area and street furniture (picnic tables and waste bins), an enclosed visitor/reception cabin and boundary treatments including a 1.8 metre high fence enclosure.

1.38 A number of objections to the proposal have raised concerns with respect to the visual impact of the proposal, the design of the course and the impact on the character of the area. In particular, reference has been made to the proposed cabin building and boundary fencing.

1.39 However, whilst in a prominent position on the sea front, the proposed works are considered to be largely of a design and scale that would not have a significant

detrimental impact on the visual amenity of the area and the nature of the proposal and its location on the seafront is considered to be typical of a seaside resort.

1.40 It is considered that the proposed cabin is of a similar design and scale as the beach huts recently approved to the south of this site (ref H/2017/0471) and, whilst in a prominent location, will not dominate views to the detriment of the visual amenity of the area.

1.41 The proposed course structures are relatively modest in scale, consisting predominantly of small brick enclosures/walls and vertical timbers, with the exception of a mock-up 'Trincomalee' tall ship and miniature 'museum' building, which are intended to reflect some of Hartlepool's heritage.

1.42 Whilst the proposed ship is relatively large and will sit prominently in the site, the hull will only extend above the boundary fencing at its highest point by a negligible amount, with the remainder/majority of the hull being approximately 1.27 metres in height. It is considered the proposed masts, given their nature, would not significantly obscure views or appear unduly obtrusive, particularly in the context of other highway structures/columns in the vicinity.

1.43 Given the relatively modest scale of the proposed miniature building, it is considered this would not be prominent and there would be no significant visual impact on the character of the area.

1.44 With respect to the proposed boundary fencing, the supporting information states this will provide a strong, transparent and secure demarcation line between the course and the surrounding paths. It is noted that this style and size of fence is not characteristic to the area. Both the Council's Heritage and Countryside Manager and Planning Policy team have raised similar concerns and the Council's Planning Policy team has suggested alternative boundary enclosure should be considered.

1.45 Given the height of the proposed fencing and in view of objections and concerns received, the case officer has requested that the applicant consider an alternative suitable boundary enclosure. However, the applicant maintains that the fencing is necessary to create a secure demarcation line between the course and the surrounding area, and this view is supported by comments from Cleveland Police who have advised that the course could be subject to misuse without.

1.46 In view of the above, whilst it is disappointing that the applicant is not willing to amend the proposed fencing to better reflect the character of the area, given that the style of the fencing is open and light weight and the colour choice (green) should ensure that the impact on the surrounding area is minimised, it is considered on balance that the visual impact of the proposed fencing would not be significant enough to warrant refusal of the application in this instance.

1.47 It is considered other proposed associated works including hard and soft landscaping, street furniture and other course structures are of a scale and design that would not have a significant detrimental impact on the visual amenity of the area.

1.48 In addition, the Council's Arboricultural Officer has raised no objections to the proposals and has commented that the proposed low growing soft landscaping will add interest to the course and the boundary treatment will provide some protection for the plants proposed.

1.49 In view of the above, it is considered on balance that the design of the course, proposed materials, landscaping and structures taken collectively will not have a significant detrimental impact on the visual amenity of the application site or surrounding area and the proposal is therefore considered to be in accordance with the relevant saved policies of the Hartlepool Local Plan 2006 and emerging policies of the emerging Hartlepool Local Plan (2016).

IMPACT ON THE CHARACTER OF THE CONSERVATION AREA

1.50 The application site is located in Seaton Carew Conservation Area, a designated heritage asset. The application is accompanied by a Heritage Statement.

1.51 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).

1.52 Further to this at a local level, saved policy HE1 of the adopted Hartlepool Local Plan (2006) is relevant, and 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."

1.53 Emerging policy HE1 of the emerging Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

1.54 Emerging 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.

1.55 The adjacent area of land is currently being developed. The works will include the replacement of the paddling pool with a water play area, a new play site and the introduction of beach huts.

1.56 The Council's Heritage and Countryside Manager has commented that the proposed works to create a crazy golf course will complement the leisure offer that is being developed on the neighbouring land. The structures provided on the course itself will still allow for views to the sea. In addition the installation of a cabin in a design similar to the beach huts on the adjacent site should connect the

developments and provide some continuity in the style of the structures provided in this area.

1.57 The Council's Heritage and Countryside Manager has however commented that the proposed 1.8 metre high fence is somewhat out of keeping with the character of the area, as this area is predominantly open without any boundary enclosures.

1.58 Notwithstanding this, given that the style of the fencing is open and light weight and the colour choice should ensure that the impact on the surrounding area is minimized and the strong connection between the land and sea which existing in this area is retained, the Council's Heritage and Countryside Manager concludes, on balance, that the proposed works would not harm the significance of Seaton Carew Conservation Area.

1.59 There are therefore no objections to the proposal from the Council's Heritage and Countryside Manager. Historic England has also been consulted on the application and has confirmed that they do not wish to offer any comments.

1.60 In view of the above and weighing up any 'harm' of the development, it is considered that the proposals are compliant with saved local plan policies HE1, HE2 and HE3, emerging local plan policies HE1, HE3, HE4 and HE7 and the provisions of the NPPF and is therefore acceptable in this respect.

AMENITY OF NEIGHBOURING LAND USERS

1.61 The proposed works are considered to be of a modest scale and in view of existing separation distances to neighbouring residential properties to the west, it is considered there would be no significant impact on the amenity of neighbouring land users in terms of overshadowing or any overbearing effect.

1.62 Concerns have been raised with regard to potential for disturbance due to noise. However, the applicant has not set out any proposals for music or noise to be generated from the course itself and the Council's Public Protection team has been consulted and has raised no objections to the scheme. In addition, any undue noise disturbance can be controlled by the Council's Public Protection team through separate legislation, should this be considered a statutory nuisance, and this is beyond the remit of the Local Planning Authority.

1.63 Notwithstanding this, a planning condition is recommended to control opening hours to between 08:00 and 20:00, Mondays to Fridays, Saturdays, Sundays and Bank Holidays, in the interests of the amenity of neighbouring land users, which is considered acceptable by the Council's Public Protection team. A planning condition is also recommended with respect to construction hours, in the interest of the amenities of neighbouring residential properties.

1.64 Whilst it is acknowledged that the proposal may lead to an intensification of the use of the site, taking into account the public nature of the area where such activity can be reasonably expected, and the existing separation distances to neighbouring properties, it is considered that the proposed scheme will not result in a significant

adverse impact on the amenity of neighbouring land users in terms of undue noise disturbance, subject to the abovementioned planning conditions

1.65 Concerns have also been received with respect to the potential for loss of privacy of neighbouring residential properties opposite, particularly in relation to the proposed external CCTV provision. Final details of CCTV provision have not yet been provided, however it is considered that this can be secured by way of a planning condition, in consultation with the Council's Public Protection team and Cleveland Police. Notwithstanding this, it is considered given the nature of the existing use of the site and existing separation distances to neighbouring properties, the proposal would not have a significant impact on neighbouring land users in terms of loss of privacy.

1.66 In view of the above, it is considered that the proposal will not result in any significant adverse loss of amenity for neighbouring land users and the proposal is therefore considered to be acceptable in this respect, subject to the abovementioned planning conditions.

SAFETY AND SECURITY

1.67 The applicant has incorporated a number of security measures into the scheme acting on the advice of Cleveland Police. This includes anti-vandal shutters on doors and windows, internal CCTV provision and the installation of an external CCTV camera mounted on an approximately 4.5 metre high metal pole. Final details of the proposed external CCTV camera provision have not been provided and as such a suitable planning condition requiring that these be submitted to and approved in writing by the Local Planning Authority prior to commencement of development is recommended.

1.68 The proposal also includes the provision of an approximately 1.8 metre high 'Masterview' Profile Panel, powder coated, moss green, mesh fence. Whilst concerns have been raised with respect to the visual impact of the proposed fencing given its height, the submitted supporting information states that the fencing will provide a strong, transparent and secure demarcation line between the course and surrounding paths. This view is supported by Cleveland Police's Architectural Liaison Office who maintains that the fence is necessary to prevent casual access and misuse of the site.

1.69 Objections detail concerns that suggest the scheme will lead to an increase in crime/anti-social behaviour in the area through increased activity. The Council's Community Safety and Engagement team has provided anti-social behavior and crime statistics for the area (as set out above). No concerns or objections have been received from The Council's Community Safety and Engagement team or Cleveland Police with respect to the proposal.

1.70 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. 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.

1.71 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.

HIGHWAY AND PEDESTRIAN SAFETY

1.72 A number of objections have been received citing concerns with respect to parking, congestion and highway and pedestrian safety. The Council's Traffic and Transport section has advised that there are no highway or traffic concerns. The application is therefore considered to be acceptable with respect to highway and pedestrian safety.

ECOLOGY

1.73 The application site is situated close to the European site of Teesmouth & Cleveland Coast Special Protection Area (SPA)/Ramsar site and also notified at a national level as Seaton Dunes and Common Site of Special Scientific Interest (SSSI). The Ramsar site and the European site share a boundary and interest features though the numbers of qualifying birds are lower for the Ramsar site.

1.74 The Council's Ecologist has reviewed the current application and has advised that there are no ecological concerns or requirements. Natural England has also been consulted on the current planning application and has advised that they have no comments to make on this application.

1.75 In view of this, it is considered that the proposal is acceptable in respect of ecology and any potential impact on protected designated sites.

FLOODING AND DRAINAGE MATTERS

1.76 Part of the application site falls within flood zone 2. A Flood Risk Assessment (FRA) has therefore been submitted to support the application. The Council's Engineering section has raised no concerns however has requested that details of surface water drainage be secured by way of a planning condition, and this is recommended accordingly.

1.77 Northumbrian Water has raised no objections to the scheme in terms of drainage as only foul water is proposed to discharge to the public system. However, Northumbrian Water has advised that if surface water requires a connection to the public sewer system they would require re-consultation. Details of surface water drainage can be secured by virtue of the abovementioned planning condition and Northumbrian Water will be consulted on this where necessary.

1.78 In view of the above and subject to the identified planning condition, the scheme is considered to be acceptable in terms of flood risk and drainage related matters.

ARCHAEOLOGY

1.79 Tees Archaeology has considered the submitted information and has confirmed that the development should not have a significant impact on any known heritage assets. The scheme is therefore considered to be acceptable in this respect.

CONTAMINATED LAND

1.80 Environment Agency have been consulted and have not submitted any comments or concerns with respect to the land contamination. The application is therefore considered to be acceptable in this respect.

RESIDUAL MATTERS

1.81 The Council's Countryside Access Officer has commented that a National Trail runs adjacent to the proposed development site and therefore the developer will need to ensure that this is not obstructed or altered. This matter is covered by separate legislation. Nevertheless, a suitable informative note to this effect shall be appended to the decision notice.

1.82 The applicant has submitted details of proposed signage for the course however this may require the submission and consideration of a separate application for Advertisement Consent and as such has not been taken into consideration in reaching a recommendation on this application. A suitable informative note is recommended to make the applicant aware of this potential requirement.

1.83 Objections have been received citing concerns with respect to a lack of public consultation and poor timing of consultation, However all publicity (neighbour notifications, site notice and press notice) have taken place in accordance with legal requirements and is considered to be satisfactory.

1.84 Objectors have also raised concerns with respect to impact on public safety/health and safety, however it is not considered the proposed use or design of the site presents significant safety concerns. Furthermore, the Council's Public Protection, Highways, Traffic & Transport and Public Health teams have raised no concerns.

1.85 Concerns have been raised with respect to the potential for increases in litter however it is not considered the proposed use would generate significant amounts of additional waste. Notwithstanding this, it is noted that the proposal includes the provision of a waste bin on site and a condition is therefore recommended to ensure this is put in place prior to the course being brought into use. The Council's Waste Management team has been consulted and has not provided any comments.

1.86 Objections have been received highlighting that the red line boundary of the application site covers a larger area than the crazy golf course itself and raising

concerns that this may result in further development of the wider site. It is understood the red line boundary as submitted relates to the land leased to the applicant from the Council. The red line boundary should include all land necessary to carry out the proposed development and as such is not necessarily synonymous with the proposed development itself. Notwithstanding this any planning permission granted will be subject to appropriate planning conditions requiring the work to be carried out in accordance with the submitted details including the location and extent of the course as submitted. Any further development not in accordance with the submitted plans would require the submission of an additional application for planning permission.

1.87 Comments have been received with respect to loss of light from existing lighting columns that are currently on site however it is understood these are to be simply relocated adjacent to the footpath and planning permission would not be required to do this.

1.88 A number of additional objections have been received from neighbouring residents citing concerns that are not material planning considerations and as such have not been taken into account in reaching a recommendation on the application, these are as follows;

- Loss of views
- Other alternative/more appropriate sites are available
- Detrimental impact on house/rental values
- The proposal would set a precedent for more development
- No need/lack of demand for proposal/proposed use already catered for
- Applicant company in infancy/not viable enterprise
- The site may not be maintained

CONCLUSION

1.89 The application is considered to be acceptable with respect to the abovementioned 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

1.90 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.91 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.

1.92 There are no Section 17 implications.

REASON FOR DECISION

1.93 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 approved shall be carried out in accordance with the following plan(s) and details;
LCGSC1023 (LCGSC Trincomalee Dimensions),
LCGSC1024 (LCG Museum),
LCGSC1025 (LCG Planning Top View Final),
LCGSC1026 (LCG Hole Numbers),
LCGSC1027 (LCG Surfaces),
LCGSC1028 (LCG Indicative Views),
Boundary Fence elevations and details received 22nd November 2017 by the Local Planning Authority;
DRWG NO E/L/494b (site location plan),
LCGSC1020 (LCG Cabin Final),
LCGSC1021 (LCG Cabin Internal),
LCGSC1022 (LCG Trincomalee),
LCGSC1023Wire (LCGSC Trincomalee Dimensions) received 30th November 2017 by the Local Planning Authority; and
LCGSC1019 (LCG Seaton Carew Position of Crazy Golf Course) received 4th December 2017 by the Local Planning Authority.
For the avoidance of doubt.
3. Notwithstanding the submitted information, final details of all external finishing materials (including the proposed cabin/kiosk and Trincomalee structure) shall 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 interest of visual amenity.
4. Notwithstanding the submitted details and prior to the commencement of development, final details of proposed hard landscaping and surface finishes 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 agreed scheme shall be implemented prior to operation of the site and/or the site being open to the public. 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 interest of the visual amenity of the area.

5. Notwithstanding the submitted details, 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, mounding and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interest of visual amenity.
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interest of visual amenity.
7. Prior to the erection of any external CCTV cameras/columns associated with the development hereby approved, full details of the design, siting, angle of alignment and specification shall be submitted to and agreed in writing by the Local Planning Authority. The agreed CCTV provision shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and visual amenity.
8. Prior to the erection of any external lighting associated with the development hereby approved, full details of the method of external illumination, siting, angle of alignment, light colour and luminance of external areas of the site shall be submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme.
To enable the Local Planning Authority to control details and in the interests of the amenities of neighbouring residents and highway safety.
9. Development shall not commence until a detailed scheme for the disposal of surface 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. The proposed means of boundary enclosure hereby approved shall be carried out in accordance with the following approved plan(s) and details; LCGSC1027 (LCG Surfaces) and Boundary Fence elevations and details received 22nd November 2017 by the Local Planning Authority, unless a

variation to the agreed scheme is otherwise agreed in writing with the Local Planning Authority.

For the avoidance of doubt and in the interests of visual amenity.

11. No construction/building or demolition works or deliveries shall be carried out except between the hours of 07:30am and 06:00pm on Mondays to Fridays and between 08:00am and 12:30pm on Saturdays. There shall be no construction or demolition activity on Sundays or on Bank Holidays. To avoid excessive noise and disturbance to the occupants of nearby properties
12. The premises shall not be open to the public outside the following times 08:00 to 20:00 Mondays to Fridays, Saturdays, Sunday and Bank Holidays. In the interest of the amenities of the occupants of neighbouring properties.
13. Prior to the development being brought into use, provision shall be made for the siting of a waste bin within the crazy golf course in accordance with approved plan LCGSC1027 (LCG Surfaces) received 22nd November 2017 by the Local Planning Authority. The waste bin shall remain in place for the lifetime of the development. In the interests of waste management.

BACKGROUND PAPERS

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

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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/01/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0565	REV

No: 2
Number: H/2017/0574
Applicant: MR A HOGG RELTON WAY HARTLEPOOL TS26 0BB
Agent: CAD-LINK ARCHITECTURAL SERVICES LTD 26
MOUNTSTON CLOSE HARTLEPOOL TS26 OLR
Date valid: 21/11/2017
Development: Extension to detached garage
Location: 13 RELTON WAY HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

2.2 HFUL/2003/0052 Erection of a 1st floor rear bedroom extension, single storey front extensions to hall and dining room and two storey bay window extension to front (Approved, 2003).

2.3 H/2008/0140 Erection of a new conservatory (Approved, 2008).

PROPOSAL

2.4 Planning permission is sought for a rear extension to an existing detached garage located at number 13 Relton Way, Hartlepool. The extension will extend the existing detached garage's rear wall by approximately 5.4 meters, be at a width of approximately 5.85 meters (in line with the existing garage's width) and built to a maximum height of approx 4.25 meters to roof ridge (approx 2.4 meters to roof eaves). The proposed garage extension will feature no windows and/or doors. The proposed garage extension will feature a pitched roof (with a hipped end) to match the existing garage roof. The proposed garage extension will be built using matching materials to match the existing garage.

2.5 The application has been brought to the planning committee in line with the Council's scheme of delegation having received more than 3 neighbour objections.

SITE CONTEXT

2.6 13 Relton Way, Hartlepool consists of a large 1990s built two storey detached dwelling with a large detached garage to the northern side of the dwellinghouse and set into the rear of the curtilage. The host dwelling has substantial amenity space to the rear and front gardens. The property is situated within the Park Conservation Area which is a designated heritage asset. Surrounding the application site and

within the wider vicinity are residential dwellings built to similar scale, design and age as the host dwelling.

2.7 Adjacent to the host dwelling and to the north is the residential dwelling of number 12 Relton Way. Adjacent to the host dwelling and to the east/rear is the residential dwelling of Woodlands Lodge that fronts onto Wooler Road. Adjacent to the host dwelling and to the south is the residential dwelling of number 14 Relton Way. Across Relton Way itself and to the west/front of the application site are the residential properties of 19, 20 and 21 Relton Way, Hartlepool.

PUBLICITY

2.8 The application has been advertised by way of 7 neighbour letters, a site notice and a press notice. To date, five letters of objection have been received. The objections/concerns can be summarised as follows;

- The proposed extension will facilitate a car sales/refurbishment business.
- Increases in noise and traffic due to an alleged business being run from 13 Relton Way.
- A car sales/refurbishment business would have an adverse impact on the area's property prices and will increase security concerns.
- The garage would be too large and out of keeping with the area.

2.9 Copy Letters **B**

2.10 The period for publicity has expired.

CONSULTATIONS

2.11 The following consultation replies have been received:

HBC Heritage and Countryside Manager: The application site is a modern dwelling in the Park Conservation Area, a designated heritage asset.

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

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

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

Policy HE3 of the recently submitted local plan states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas.

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

The conservation area has been considered to be at risk since 2016. This is due to the loss of buildings, the inappropriate development to the southern boundary and development within the setting of listed buildings. A particular concern is the loss of gardens and open spaces as dwelling which once sat within generous grounds are being subsumed by development.

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 proposal is the extension of a modern garage building in an area of housing constructed in the 1990s. It is considered that the works will not significantly impact on the designated heritage asset; no objections.

HBC Traffic & Transport: There are no highway or traffic concerns with this application so long as the garage is used in connection with the domestic use of the property.

HBC Arboricultural Officer: Not object.

PLANNING POLICY

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

Local Policy

2.13 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 Conservations Areas
HSG10: Residential Extensions

Emerging Local Plan

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

HE3: Conservation Areas
QP4: Layout and Design of Development
HSG11: Extensions to Existing Dwellings

National Policy

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

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 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

2.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the impact on existing dwelling and character and

appearance of the surrounding area, the impact on a conservation area, impact on amenity and privacy of neighbouring land users and the impact on highway safety. These and any other matters are considered as follows;

IMPACT ON EXISTING DWELLING AND CHARACTER OF SURROUNDING AREA

2.17 The proposed garage extension is located in the rear garden of the application site in the north eastern corner. Surrounding the proposed garage to the north and eastern elevations is an approximately 1.8 meter high wooden boundary fence. The north elevation of the proposed garage extension sits approximately 0.8 meters to the south from the boundary to number 12 Relton Way. The east/rear elevation of the proposed garage extension sits approximately 0.9 meters to the west from the boundary to Woodlands Lodge, Wooler Road. To the south elevation, lies the host dwelling's rear garden.

2.18 The proposed garage will be a continuation of the existing detached garage and will therefore be primarily screened by the existing garage when viewed from the front. Therefore it is considered that views to the proposed extension will not be readily achievable from Relton Way/the front of the site and the wider street scene.

2.19 The proposed garage will feature a pitched roof to match the existing garage. The proposed garage will be built using matching materials as the existing detached garage.

2.20 Furthermore, the HBC Arboricultural Officer has raised no objections and confirmed the proposed scheme will not create any significant harm in respect to the dwelling's landscape features.

2.21 On balance, it is considered that the proposal would not have a significant detrimental impact on the character and appearance of the host property, or the visual amenity of the street scene and the surrounding area.

2.22 In terms of impact on visual amenity the proposal is considered to be acceptable and in accordance with saved policies GEP1 and Hsg10 of the Hartlepool Local Plan 2006, policies QP4 and HSG11 of the emerging Hartlepool Local Plan and paragraph 56 of the NPPF.

IMPACT ON THE CONSERVATION AREA

2.23 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).

2.24 This is further reiterated in the above referenced saved and emerging local plan policies. The HBC Heritage and Countryside Manager has provided detailed

comments as set out above. The proposal is the extension of a modern garage building in an area of housing constructed in the 1990s. The HBC Heritage and Countryside Manager considers that the proposal will not significantly impact on the designated heritage asset (Park Conservation Area). The proposal is therefore deemed to be acceptable in this respect.

IMPACT ON AMENITY AND PRIVACY OF NEIGHBOURING LAND USERS

2.25 The proposed garage extension will feature no windows and/or doors in any of its three external elevations. Therefore it is considered there will be no adverse impact to any neighbouring properties in terms of any increase in overlooking/loss of privacy as a result of the proposed extension.

2.26 The boundary to number 12 Relton Way sits approx 0.8 meters from the north facing side wall of the proposed garage extension. This proposal will result in an approx. 11 meter long (cumulative length) by approx. 2.4 meter high blank wall to the roof eaves height (with an overall height of approx. 4.25 meters to roof ridge) being constructed along the boundary to No 12. The proposed extension would be approximately 7 meters from the rear elevation of No 12 Relton Way. Due to this continuous projection close to the rear boundary of No 12 Relton Way, it is acknowledged that the proposal is likely to result in a degree of overbearing/overshadowing and impact upon the outlook of No 12 from windows in the rear elevation of No 12 and the immediate rear garden area serving No 12.

2.27 Notwithstanding the above identified potential impacts, consideration is given to the proposal featuring a modest height to the eaves of approx 2.4 meters, being set off the boundary by approx. 0.8 meters and built with a pitched roof that would slope away from the boundary to No 12. The proposed roof would also feature a hipped roof (at the end) which would further reduce the massing of the proposal. In addition, consideration should be giving to the fact that the closest point of the proposed extension and the rear of number 12 Relton Way is separated by approx. 7 meters. It is further considered the dwelling at No 12 is situated within a relatively generous plot that would allow the rear elevation and immediate rear garden rear of No 12 to retain a relatively open outlook/aspect. On balance, it is therefore considered that the identified potential impacts, are not, in this instance significant enough in terms of loss of outlook, overshadowing, overbearing onto the occupiers of No 12 Relton Way as to warrant a refusal of for this application.

2.28 The rear elevation (east) of the proposed garage extension is situated approx. 0.9 meters from an approx 1.8 meter high boundary fence between the host dwelling and Woodlands Lodge, Wooler Road. Despite the close proximity to the boundary, the dwellinghouse at Woodlands Lodge is set back within it's curtilage to the south east whilst directly beyond the boundary fence/proposed garage is a substantial driveway serving Woodlands Lodge. Furthermore, the nearest point of the proposal is at an oblique distance of approx 4. metres to Woodlands Lodge, which is a north facing double garage at ground floor level (with a room above). It is therefore considered, the proposed garage extension will not create a significant adverse impact onto Woodlands Lodge in terms of loss of outlook, overshadowing and an overbearing effect.

2.29 The principal elevation of the dwellinghouses at numbers 19, 20 and 21 Relton Way (to the front of the application site) are situated over 20 meters to the west of the front elevation of the existing garage. Given this substantial separation distance as well as the fact the garage extension will be screened by the existing garage, it is considered there will be no adverse impact in terms of overshadowing and/or overbearing onto the land users at 19, 20 and 21 Relton Way.

2.30 The existing and proposed south elevation wall of the garage is approximately 23 meters from the boundary of number 14 Relton Way and over approx. 25 meters from the main dwellinghouse at No 14. When taking into consideration this satisfactory separation distance and the fact that between the proposed garage and No 14 Relton Way is adequate screening consisting of high vegetation, an approx 1.8 meter high fence and several trees, it is considered the proposed extension will not create any adverse impact into No 14 Relton Way in terms of loss of outlook, overshadowing and/or overbearing.

2.31 On balance, it is considered that the proposal would not result in a significant detrimental impact on the amenity of neighbouring properties in terms of loss of outlook, overshadowing, overbearing and loss of privacy to warrant a refusal of the application for the reasons detailed above.

IMPACT ON HIGHWAY SAFETY

2.32 HBC Traffic and Transport Department have raised no objections to the proposed garage extension at number 13 Relton Way, other than the garage should only be used for domestic purposes. This recommendation can be secured by a planning condition imposed on the proposal preventing any business and/or any other non-domestic use being run from the existing/proposed garage. Subject to this, the proposal is considered to be acceptable in terms of highway safety.

RESIDUAL MATTERS

2.33 Objectors have indicated there has been an alleged change of use of the existing garage to a car sales/ refurbishment business and that the extension of the existing garage would facilitate a growth in the alleged business. The HBC Enforcement Officer is currently carrying out an investigation into this alleged change of use/unauthorised business and this is a separate matter to the determination of this current planning application.

2.34 Notwithstanding this and as set out above, it is considered necessary to impose a planning condition on this application preventing the extended garage to be altered, extended, and to prevent it being used to run a business/commercial operation.

2.35 Other neighbour concerns raised such as an impact on property prices are not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

2.36 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

2.38 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the following plans; Drawing number 001 (existing floor layout site location plan) , Drawing number 002 (existing elevations), Drawing number 003 (proposed floor layout site layout), Drawing number 004 (proposed front and rear elevations proposed section), Drawing number 005 (proposed side elevations) received by the Local Planning Authority on the 23rd of October 2017.
For the avoidance of doubt.
3. The external materials used for this development shall match those of the existing garage unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
4. The garage hereby approved shall only be used for purposes incidental to the use of the dwellinghouse and no trade or business shall be carried out therein.
In the interests of the amenities of the occupants of neighbouring properties.
5. The garage hereby approved shall not be converted, extended or altered in any way.
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

CONTACT OFFICER

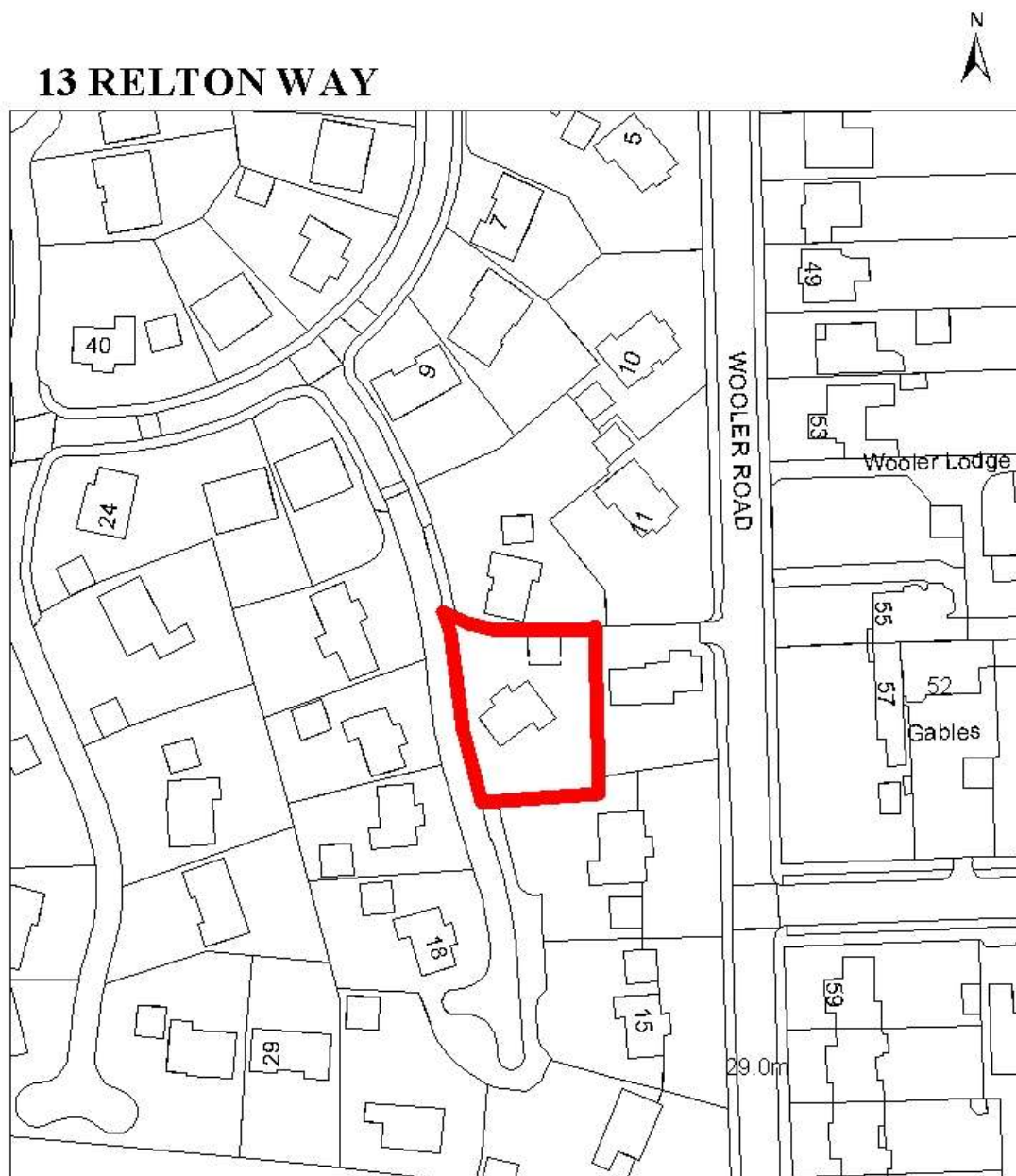
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/01/18
	SCALE 1:1000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0574	REV

No: 3
Number: H/2017/0487
Applicant: F S STURROCK & SONS THE GREEN ELWICK
HARTLEPOOL TS27 3EF
Agent: YOUNGS RPS MR JAMES THOMPSON 50 FRONT
STREET SEDGEFIELD TS21 2AQ
Date valid: 03/11/2017
Development: Erection of a general purpose agricultural building for
machinery/crop storage and cattle housing
Location: HOME FARM THE GREEN ELWICK HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

3.3 H/1984/0094 – Planning permission was granted on 9th April 1984 for the erection of steel framed building for general purpose use

3.4 HFUL/1990/0043 – Planning permission was granted on 12th April 1990 for the erection of an agricultural storage building.

3.5 HFUL/1993/0088 – Planning permission was granted on 14th April 1993 for the erection of a 'weeping wall' slurry store.

3.6 HFUL/1996/0034 – Planning permission was granted on 18th April 1996 for the construction of a silage clamp (amended siting).

3.7 HFUL/1996/0097 – Planning permission was granted on 18th April 1996 for the erection of a new portal framed stock shed

PROPOSAL

3.8 Planning permission is sought for the erection of a general purpose agricultural storage building. The proposed building comprises a main building and smaller offshoot with a total floor area of approximately 1263.48m².

3.9 The proposed building has a maximum length of approximately 54.864 metres and a maximum width of approximately 24.384 metres. The proposal features a dual pitched roof to the main building with an eaves height of approximately 6.096 metres and a ridge height of approximately 9.363 metres. The proposed offshoot features a

lean-to monopitch roof with an eaves height of approximately 4.267 metres and a ridge height of approximately 5.9 metres.

3.10 The proposed building is to feature concrete panels at lower level up to a height of approximately 2 metres with timber spaced Yorkshire boarding above.

3.11 Within the redline boundary is also a stone/gravel access track/storage area excavated and laid out prior to the application being submitted that the proposed building will be site on and that shall also be considered as part of this application.

3.12 The application has been referred to planning committee in view of the number of objections received.

SITE CONTEXT

3.13 The application site comprises part of an established agricultural holding at Home Farm, The Green, Elwick, Hartlepool. The application site is surrounded on all sides by agricultural land. To the west/north-west of the site are a number of existing farm buildings at the farm. To the north-west/north of the site, and sharing a boundary with the land within the ownership of the farm, are a number of residential properties that front onto The Green, Elwick. To the east of the site is agricultural land. To the south of the site is agricultural land with Char Beck beyond.

PUBLICITY

3.14 The application has been advertised by way of neighbour letters (28). To date, there have been 3 objections and 1 letter of do not object.

The concerns raised are:

- Works have been carried out without planning permission
- Proposal is visually intrusive/would adversely impact character of area/landscape
- The proposed building is overly large and out of keeping with the area
- Expansion of the village toward the town is unacceptable
- Danger to public given proximity to Public Right of Way
- Impact on highway/pedestrian safety
- Impact on wildlife/ecology
- Impact on amenity of neighbouring residents (undue noise disturbance)
- Conflict of interest with applicant/Parish Council
- Proposal may lead to leisure development in future
- The proposed building is separate from existing buildings

3.15 Copy Letters **C**

3.16 The period for publicity has expired.

CONSULTATIONS

3.17 The following consultation replies have been received:

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

HBC Public Protection – Not object.

HBC Heritage and Countryside – The application site lies outside Elwick Conservation Area, however the access to the site is through it.

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

When considering any application for planning permission that affects a conservation area, the 1990 Act requires a local planning authority to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

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

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

The buildings found in Elwick Conservation Area reflect the settlement’s early agricultural origins. Many building appear to date from the 18th century, although this may disguise their earlier origin. In addition there are examples of early and late 19th century terraced dwellings and some individual houses. The scale and character is predominantly residential.

The earliest buildings are single and two storey most constructed in rubble, stone, often white washed or rendered subsequently. Roofs are steeply pitched finished with clay pantiles. Windows can be other horizontal sliding sashes (Yorkshire lights) or vertical sash windows. Later 19th Century terraced dwellings are constructed in brick (with contrasting brick detail) with roofs of welsh slate.

The proposal will not significantly impact on the designated heritage asset; no objections.

Tees Archaeology - The site of the proposed barn is just outside the medieval village of Elwick and there is potential for archaeological remains of medieval and earlier date.

It would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). This would take the form of archaeological monitoring during

groundworks such as topsoil stripping in preparation for the laying of the concrete floor slab, and foundation trenching. This could be secured by condition.

I recommend the following planning condition to secure the archaeological recording:-

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place/commence until a programme of archaeological work 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 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 site investigation and post investigation assessment 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.

This condition is derived from a model recommended to the Planning Inspectorate by the Association of Local Government Archaeology Officers.

I would be happy to provide a brief for the archaeological work along with a list of contractors who operate in the area.

UPDATE: If the topsoil has already been removed, prior to the application being submitted, there is no longer a requirement for an archaeological condition [verbal - 22/01/2018].

HBC Countryside Access Officer – Public Footpath No.6, Elwick Parish runs along the same farm access lane, from the public adopted highway - The Green - as the proposed new building access route.

If permission is granted then signage, above and beyond the normal public footpath waymarking, must be placed at the entrance to the farm and at the turning point where the new building access track turns off the main track. These notices must provide clear messages to inform the pedestrian public, who walk along the footpath, about any construction traffic and building materials transport movements.

At no time must the public footpath be obstructed by vehicles, plant, equipment, building materials or any other contrivance that may constitute an obstruction during

any development as to do so would be classed as a criminal offence with the possibility of a fine being imposed.

If the landowner, developer or agent requires further clarification, I am available to discuss the points raised, further.

UPDATE 05/12/17: With regards to signage at Home Farm; the signs would be installed for the duration of the construction of the barn/storage building and could then be removed after completion.

I would need to be contacted by the developer so that the correct wording can be provided as well as the location of where to sight them.

The Ramblers Association – No representation received.

HBC Arboricultural Officer – There are no implications regarding trees on this site and as it will be similar to existing agricultural buildings on this farm there will be no visible intrusion on the landscape therefore I have no objections or further requests to make in respect of this.

HBC Ecology – I have no ecology concerns or requirements.

HBC Engineering Consultancy – Surface water condition is required on this one please.

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 Building Consultancy – No representation received.

PLANNING POLICY

3.18 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)

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

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

GEP1: General Environmental Principles
 GEP3: Crime Prevention by Planning and Design
 Rur14: The Tees Forest
 Rur1: Urban Fence
 Rur3: Village Envelopes
 Rur7: Development in the Countryside

Emerging Hartlepool Local Plan

3.21 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.

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

LS1: Locational Strategy
 SUS1: The Presumption in Favour of Sustainable Development
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 RUR1: Development in the Rural Area

National Policy

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

PARA 001 : Apply Policy
 PARA 002 : Primacy of Development Plan
 PARA 006 : Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development

PARA 008 : Sustainable development
 PARA 009 : Sustainable development
 PARA 010 : Local sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 015 : Presumption in favour of sustainable development
 PARA 028 : Rural economic growth
 PARA 056 : Design of built environment
 PARA 057 : High quality and inclusive design
 PARA 196 : Primacy of the Development Plan
 PARA 197 : Presumption in favour of sustainable development
 PARA 216 : Emerging Policy

3.24 HBC Planning Policy - There are no planning policy objections to this proposal subject to good design, effects of the proposal on the rural character of the area, the visual impact of the proposed building on the rural landscape, and effects of the proposal on the amenities and land uses in the surrounding area.

PLANNING CONSIDERATIONS

3.25 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, the impact on the character and appearance of the conservation area, the impact on the amenity of neighbouring land users, the impact on highway and pedestrian safety, and matters of flood risk and drainage, archaeology, ecology and public rights of way. These and all other planning and residual matters are considered as follows;

PRINCIPLE OF DEVELOPMENT

3.26 The application site is located beyond the village envelope of Elwick village and is therefore located within the open countryside. The proposal should therefore be considered against saved policies Rur1 (Urban Fence) and Rur7 (Development in the Countryside) of the adopted Hartlepool Local Plan 2006.

3.27 The National Planning Policy Framework requires the planning system to support economic growth in rural areas, including the expansion of business and enterprise. Agriculture is clearly an appropriate rural activity and it is desirable to maintain the agricultural use of the farm and its surrounding land holdings. It is considered that this proposal should contribute to the continuing viability of the farm business.

3.28 Saved policy Rur1 stipulates that proposals for development in the countryside will only be permitted where they meet the criteria set out in policies Rur7, Rur11, Rur12 and Rur13. Policies Rur11 (Farm Diversification), Rur12 (New Housing in the Countryside) and Rur13 (Re-use of Rural Buildings) are not relevant in this instance.

3.29 Saved policy Rur7 states that a number of factors will be taken into account in determining application for development in the countryside. These include the relationship of the development to other buildings in terms of siting, size and colour, visual impact on the landscape, compatibility of design within the setting, operational requirements of the agriculture and forestry industries, viability of farm enterprise and adequacy of the road network amongst others.

3.30 Whilst saved policy Rur14 (The Tees Forest) is no longer relevant, the principles of the policy are relevant and appropriate tree planting and landscaping as part of development schemes is encouraged. The Council's Arboricultural Officer has however advised that, as there are no implications regarding trees on this site and as it will be similar to existing agricultural buildings on this farm, additional tree planting/landscaping is not required in this instance.

3.31 Emerging policy RUR1 (Development in the Rural Area) of the emerging Hartlepool Local Plan seeks to support the rural economy however also sets out criteria that development in the rural area must comply with to be considered acceptable, as above.

3.32 The Council's Planning Policy team has confirmed that there are no planning policy objections to this proposal subject to the consideration of the relevant criteria for considering development in the countryside, as set out above.

3.33 The proposal will contribute positively to the continued agricultural use of the site. The principle of development is therefore considered to be acceptable in this instance, subject to the consideration of all other relevant criteria as set out in relevant saved and emerging local planning policy, along with all other relevant material planning considerations, which will be set out in detail in this report.

IMPACT ON CHARACTER AND APPEARANCE OF THE SURROUNDING AREA

3.34 Objections have been received from neighbouring residential properties citing concerns including the visual intrusiveness of the proposal, the potential for the building to have an adverse impact on the character of the area and landscape, and the proposed building being overly large and out of keeping with the area.

3.35 It is acknowledged that the proposed building is a large structure and is set apart from the existing farm buildings. However, the proposed building is still within 50 metres of the existing row of agricultural buildings at Home Farm. These existing buildings are closer to Elwick village and line the access track that connects the application site to The Green.

3.36 Whilst the proposal is of a significant size, the design of the building is considered to be in keeping with the other buildings at the farm and has the appearance of a typical farm building that could be expected to be seen in the countryside.

3.37 Notwithstanding this, the proposed building is located a significant distance to the south of The Green at Elwick village and its associated Conservation Area and will not be readily visible from most vantage points within the village or from the

adopted highway running through The Green. The site is also located at a lower level than the existing buildings/residential properties to the north/north-west. It is therefore considered the proposal will not have a significant impact on the character of the village.

3.38 There may potentially be limited views of the proposed building on the approach into Elwick from Hartlepool (along Elwick Road) however, again, the proposal is located at a lower level and will therefore be partially screened by the existing topography in this area and is unlikely to be prominent on the skyline. Views toward the site approaching Elwick from the west (from the A19), and from Dalton Piercy Road to the south-east/east will be limited due to the distances to the site and the existing topography and planting/tree cover. It is therefore considered that the proposal will not have a significant detrimental impact on the visual amenity or character of the area or countryside, subject to the use of appropriate materials/colours that can be secured by way of a planning condition, and this is recommended accordingly.

3.39 In addition, the Council's Arboricultural Officer has no objections to the application and has advised that there are no implications regarding trees on this site and as it will be similar to existing agricultural buildings on this farm, it is considered there will be no visible intrusion on the landscape. There are no further requirements in respect of landscaping. Final levels details can also be secured by a planning condition.

3.40 It is considered that the existing stone/gravel access track/storage area that has been excavated and laid out, and on part of which the proposed building will stand, does not have a significant detrimental impact on visual amenity or the character and appearance of the surrounding area or countryside.

3.41 The proposal is for an agricultural building on an existing agricultural holding in the countryside, in view of the siting and design of the building and in the context of the farm setting and the existing buildings within the farm, whilst it is acknowledged the building is large, it is not considered that the addition of the building would be out of keeping or have a significant detrimental impact on visual amenity or the character and appearance of the surrounding area or countryside as to warrant a refusal of the application.

3.42 In view of the above, the proposal is considered to be acceptable in this respect and in accordance with the relevant saved policies of the Hartlepool Local Plan 2006, relevant emerging policies of the emerging Hartlepool Local Plan, and relevant paragraphs of the NPPF.

IMPACT ON THE CONSERVATION AREA

3.43 Whilst the proposed agricultural building is located beyond the limits of the Elwick Conservation Area, the existing access to the farm, and proposed access for the proposed agricultural building, crosses into the conservation area to access the adopted highway at The Green. As such, part of the red line boundary of the site is located within the Elwick Conservation Area and the Council's Heritage and Countryside Manager has therefore been consulted on the application.

3.44 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.

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

3.46 Saved policy HE3 of the adopted Hartlepool Local Plan 2006 states, “The design and materials used in new developments which would affect the setting of conservation areas should take account of the character of those neighbouring conservation areas.”

3.47 Emerging policy HE1 of the emerging Hartlepool Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets.

3.48 Whilst the village itself is predominantly residential in character and scale, the proposed building is significantly set back from the frontage of The Green, at approximately 100 metres south of the boundary of the Conservation Area, and is considered to be of a design characteristic of the rural area. The Council’s Heritage and Countryside Manager has commented that the proposal will not significantly impact on the designated heritage asset and as such has no objections to the application. The proposal is therefore considered to be acceptable with respect to the impact on the Conservation Area.

IMPACT ON THE AMENITY OF NEIGHBOURING LAND USERS

3.49 Concerns have been raised from neighbouring residents with respect to the potential for additional undue noise disturbance from farming operations associated with the proposed new building.

3.50 The farm is an existing established agricultural business. Whilst the proposal may allow for an expansion in operations, the proposed building is situated within the interior of the farm site, with a significant separation distance in excess of 125 metres (approx) to the boundaries of the nearest residential properties to the north/north-west. The proposal is also situated at a lower level than those neighbouring residential properties to the north/north-west. There are no residential properties to the east or south, and those to the west will be substantially screened by the existing farm buildings. Furthermore, the Council’s Public Protection team has been consulted and has confirmed they have no objections to the application.

3.51 In view of the abovementioned separation distance and the comments of the Council’s Public Protection team and as the proposal is to support an established agricultural business, it is considered that the proposal would not have a significant detrimental impact on the amenity of neighbouring land users in terms of

overshadowing, any overbearing effect, undue noise disturbance or loss of privacy or amenity.

3.52 In view of the above, the proposal is considered to be acceptable with respect to the impact on the amenity of neighbouring land users and in accordance with the relevant saved policies of the Hartlepool Local Plan 2006, relevant emerging policies of the emerging Hartlepool Local Plan, and relevant paragraphs of the NPPF.

FLOOD RISK AND DRAINAGE

3.53 The Council's Engineering section has been consulted on the application and has not raised any concerns however has requested a planning condition to secure details of appropriate surface water drainage measures, which is recommended accordingly. Furthermore, no objections have been received from Northumbrian Water. The application is therefore considered to be acceptable with respect to matters of flood risk and drainage, subject to the recommended planning condition.

ARCHAEOLOGY

3.54 Tees Archaeology has advised that the site of the proposed barn is just outside the medieval village of Elwick and there is potential for archaeological remains of medieval and earlier date.

3.55 Tees Archaeology had therefore initially advised that it would be reasonable for the planning authority to ensure that the developer records any archaeological remains that will be destroyed by the development (NPPF para 141). This would have taken the form of archaeological monitoring during groundworks such as topsoil stripping in preparation for the laying of the concrete floor slab, and foundation trenching and could have been secured by an appropriate planning condition.

3.56 It has however come to the attention of the case officer and Tees Archaeology through the case officer's site visit and comments from neighbouring residents that the topsoil had already been stripped from this area prior to the submission of the application and a layer of stone laid out for the storage of hay, without prior notification being given the Local Planning Authority.

3.57 As the remaining proposed works will therefore not comprise removal of topsoil (as this has already previously taken place), Tees Archaeology has advised there would no longer be any benefit in applying a planning condition in relation to archaeological recording/monitoring.

3.58 The application is therefore considered to be acceptable with respect to matters of archaeology.

ECOLOGY

3.59 Concerns have been raised by objectors with respect to the impact on ecology. A local wildlife site is located approximately 250 metres south of the proposed building at Char Beck. The Council's Ecologist has been consulted on the application

and has confirmed that there are no ecological concerns or requirements. The proposal is therefore considered to be acceptable with respect to matters of ecology.

HIGHWAY AND PEDESTRIAN SAFETY

3.60 Concerns have been raised from objectors with respect to the impact of the proposal on highway and pedestrian safety. The Council's Highways, Traffic and Transport section has been consulted and has confirmed there are no highway or traffic concerns. The proposal is therefore considered to be acceptable in this respect.

PUBLIC RIGHTS OF WAY

3.61 The Council's Countryside Access Officer has advised that Public Footpath No.6, Elwick Parish runs along the same farm access lane, from the public adopted highway - The Green - as the proposed new building access route. An objection has been received citing concerns in relation to the safety of users of the public right of way.

3.62 The Council's Countryside Access Officer has advised that signage, above and beyond the normal public footpath waymarking, must be placed at the entrance to the farm and at the turning point where the new building access track turns off the main track. These notices must provide clear messages to inform the pedestrian public, who walk along the footpath, about any construction traffic and building materials transport movements. The signs would be installed for the duration of the construction of the barn/storage building and removed after completion. An appropriate planning condition is therefore recommended to secure the necessary signage in the interest of highway and pedestrian safety.

3.63 A suitable informative note is also recommended to make the applicant aware that at no time must the public footpath be obstructed by vehicles, plant, equipment, building materials or any other contrivance that may constitute an obstruction during any development as to do so would be classed as a criminal offence with the possibility of a fine being imposed.

RESIDUAL MATTERS

3.64 Comments from objectors have highlighted that works have been carried out at the site without planning permission. Through the case officer's site visit and discussions with the agent, it is understood that levelling of the field and the laying of an area of stone/gravel was carried out in the location of the proposed building prior to the application being submitted and without the notification of the Local Planning Authority, for the purposes of storing straw and agricultural machinery. In view of the current application under consideration and considering the nature of the works undertaken, it is not considered expedient to take enforcement action in this instance and the access/stoned area laid out can be regularised by virtue of the current application.

3.65 An objection has also been received citing concerns in relation to the potential for the proposal to be converted or be used for commercial leisure activities in future.

The Local Planning Authority must consider the application on the basis of the information submitted, taken at face value. The proposal in this instance is for a general purpose agricultural storage building. Notwithstanding this, a planning condition is recommended to prevent any further extensions, alterations or changes of use of the building without the prior written consent of the Local Planning Authority, in view of current 'permitted development' rights for such agricultural buildings.

3.66 Comments have also been received referring to a conflict of interest due to a member of the applicant's family being a member of the Elwick Parish Council. Whilst Elwick Parish Council has been consulted on the application, Hartlepool Borough Council is the Local Planning Authority responsible for determining planning applications within the Local Authority area (which includes the parish of Elwick). No representation has been received from Elwick Parish Council.

CONCLUSION

3.67 The application is considered to be acceptable with respect to the abovementioned 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

3.68 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.69 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.

3.70 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with the following approved plan(s) and details; S964-001 (Elevation Drawings), S964-

002 (Base Layout) received 23rd October 2017 by the Local Planning Authority; and Location Plan, Site/Block Plan received 3rd November 2017 by the Local Planning Authority.
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 interest of visual amenity
4. Notwithstanding the submitted information and prior to the commencement of development, details of all hard landscaping and surface finishes 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 commencement of the use of the development 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.
5. Prior to commencement of development, details of the existing and proposed levels of the site including the finished floor levels of the buildings and structures to be erected or sited and any proposed mounding and/or earth retention measures shall be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority.
To take into account the position of the buildings and the impact on the visual amenity of the area.
6. Development shall not commence until a detailed scheme for the disposal of surface 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
7. No development shall commence until details of warning signs, to be placed at the entrance to the farm and at the turning point where the new building access track turns off the main track, to make users of the access lane and public right of way aware of any construction traffic and building materials transport movements are submitted to and approved in writing by the Local Planning Authority. The signs shall be provided as approved prior to the development hereby approved commencing and shall be retained for the duration of the construction of the barn/storage building.
In the interests of highway and pedestrian safety.

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order without modification), the agricultural building hereby approved shall not be extended, altered, converted or sub-divided in any way without the prior written consent of the Local Planning Authority, and shall be used specifically for agricultural purposes and for no other use.
To allow the Local Planning Authority to retain control in safeguarding the amenity of neighbouring land users and in the interests of ensuring a sustainable form of development.

BACKGROUND PAPERS

3.72 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

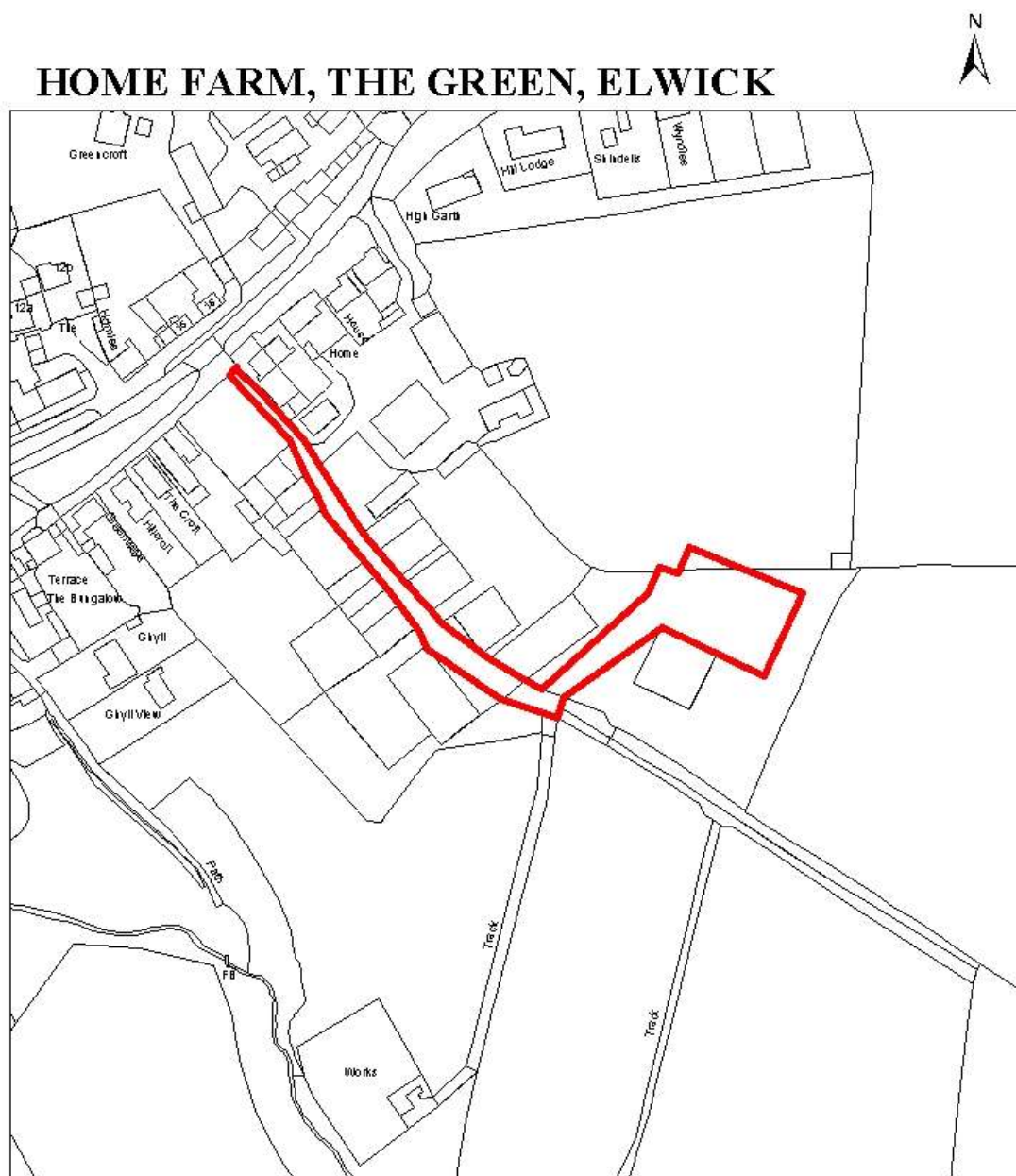
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

HARTLEPOOL BOROUGH COUNCIL	DRAWN GS	DATE 23/01/18
	SCALE 1:2000	
Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY	DRG.NO H/2017/0487	REV

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

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

GEP7 (Frontages of Main Approaches) - States that particularly high standards of design, landscaping and woodland planting to improve the visual environment will be required in respect of developments along this major corridor.

GN3 (Protection of Key Green Space Areas) - Strictly controls development of this area and states that planning permission will only be granted for developments relating to open space uses subject to the effect on visual and amenity value and character of the area, on existing uses, the continuity of the green network and on areas of wildlife interest.

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.

Hsg10 (Residential Extensions) - Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved.

Rec1 (Coastal Recreation) - States that proposals for outdoor recreational developments on this part of the coast will only be approved where the development does not significantly detract from the nature of the surrounding coastal landscape, its effect on nature conservation and on heritage interest and where the development enhances the quiet enjoyment of the coast subject to the provisions of WL1 and WL2. Active pursuits should be located within the Marina, Victoria Harbour and Seaton Carew.

Rec9 (Recreational Routes) - States that a network of recreational routes linking areas of interest within the urban area will be developed and that proposals which would impede the development of the routes will not be permitted.

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

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

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

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

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.

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

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings;
- promote the development and diversification of agricultural and other land-based rural businesses;

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.

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.

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.

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

- plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;
- guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community's ability to meet its day-to-day needs;
- ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retained for the benefit of the community; and
- ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.

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.

196: The planning system is plan-led. Planning law requires that applications for planning permission must be determined in accordance with the development plan, unless material considerations indicate otherwise. This Framework is a material consideration in planning decisions.

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

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

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

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

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that

may be given); and

- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

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

Policy LS1: Locational Strategy

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

Policy 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 HSG11: Extensions to Existing Dwellings

Hsg11: Sets out the criteria for the approval of alterations and extensions to residential properties and states that proposals not in accordance with guidelines will not be approved. Proposals should also be in line with the Residential Design SPD.

Policy 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 LT1: Leisure and Tourism

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

Policy LT3: Development of Seaton Carew

LT3: The policy states that proposals for tourism and leisure developments within Seaton Carew, as identified on the proposals map, will be permitted where they complement the character of the area and are in keeping with the development of Seaton Carew as a seaside resort and promote opportunities for nature tourism. The policy outlines acceptable development proposals for the Front and Former Fairground sites, Longscar Centre, Seaton Park and the Sports Domes. Development should be appropriate to the setting of a Conservation Area as applicable and consider impact upon the Teesmouth and Cleveland Coast SPA and Ramsar.

Policy HE1: Heritage Assets

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

Policy HE3: Conservation Areas

HE3: The policy states that the Borough Council will seek to ensure that the distinctive character of Conservation Areas within the Borough will be conserved or enhanced through a constructive conservation approach. Proposals for development within Conservation Areas will need to demonstrate that they will conserve or positively enhance the character of the Conservation Areas. The policy details crucial considerations for the assessment of development proposals in conservation areas. Demolition will only be permitted in exceptional circumstances. The policy also covers development in the vicinity of conservation areas, such developments will only

be acceptable where they area in line with this policy.

Policy HE7: Heritage at Risk

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

Policy NE2: Green Infrastructure

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

PLANNING COMMITTEE

7th February 2018



Report of: Assistant Director (Economic Growth & Regeneration)

Subject: APPEAL AT THE FORMER SAXON PH,
EASINGTON ROAD, HARTLEPOOL, TES24 9QU
APPEAL REF: APP/H0724/W/17/3190602
Change of Use from A1 to A5 Hot Food Takeaway.
(H/2017/0325).

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for a change of use from A1 to A5 Hot Food Takeaway at the former Saxon PH.
- 1.2 The decision was delegated through the Chair of Planning Committee. The application was refused for 2 reasons, namely 1) in the opinion of the Local Planning Authority, the proposed development, by virtue of introducing an additional A5 use will have a detrimental impact on the character and function of the Local Centre contrary to emerging Local Plan Policy RC16 and Saved Local Plan Policies COM5, GEP1 and COM12; and on the health and wellbeing of the population, by contributing to a proliferation of hot food takeaways within the local centre, contrary to Policy RC18 of the emerging Local Plan and paragraphs 17, 171 and 216 of the National Planning Policy Framework 2012; and 2) in the opinion of the Local Planning Authority, the proposal is considered to have an adverse impact on neighbour occupiers amenity by virtue of the intensification of cooking odours created through the additional proposed A5 (Hot Food) use contrary to Saved Policies Com5, Com12 and GEP1 of the Hartlepool Local Plan 2006 and LS1 and QP4 of the emerging Local Plan, and paragraphs 17 and 216 of the National Planning Policy Framework 2012. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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DELEGATED REPORT

Application No H/2017/0325

Proposal Change of Use from A1 to A5 Hot Food Takeaway

Location THE SAXON EASINGTON ROAD HARTLEPOOL

PS Code: 20

DELEGATION ISSUES	Neighbour letters: Site notice: Advert: Weekly list: Expiry date: Extended date:	07/08/2017 10/08/2017 N/A 13/08/2017 01/09/2017
1) Publicity Expiry		
2) Publicity/Consultations PUBLICITY <p>The application has been publicised by way of neighbour notification letters (8 in total to the adjoining properties), along with the local ward members.</p> <p>Following the expiry of the consultation phase no objections, comments or representations have been received against the proposal.</p> CONSULTATIONS <p>HBC Public Protection - This site is located close to residential properties and an additional A5 Hot Food Takeaway would result in intensification on this site with the potential of odour nuisance resulting from the combination of the kitchen extract systems from two hot food outlets in such close proximity. It should be noted that it is impossible to guarantee that there will be no odour emissions from the extract system and this can be dependent on the type of food being cooked.</p> <p>HBC Traffic and Transportation – Verbally confirmed no objection to the proposal as the site is served by a significant car park, and hot food uses tend to operate at differing hours to the retail uses.</p>		
3) Neighbour letters needed	N	
4) Parish letter needed	N	
5) Policy <u>National Planning Policy</u> <p>Paragraph 17 of the National Planning Policy Framework (NPPF) lists the core</p>		

planning principles: These include that planning should take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and social facilities to meet community needs.

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

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

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

Adopted Local Plan

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

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

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

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

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

Emerging planning policy

Policy RC18, Hot food takeaway policy, in the Publication Local Plan states that the Council seeks to protect the vitality and viability of the network of retail and commercial centres within the Borough along with seeking to protect the residential amenity of nearby residents. Furthermore, the Council are committed to ensuring

that Hartlepool residents have the best possible opportunities to live a healthy lifestyle and to ensure this, proposals relating to hot food takeaways will be strictly controlled in accordance with the criteria stated. The following criterion is stated for the Former Saxon Pub Local Centre – the amount of A5 floorspace should not exceed 15%.

The Council monitors the amount of A5 floorspace in Local Centres. There is currently 14.08% A5 floorspace within the Former Saxon Pub Local Centre. If the application were to be approved then the proportion of A5 floorspace would increase above the 15% threshold. The application is contrary to emerging policy RC18.

Weight that can be given to emerging policy RC18

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

Corporate policy

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

Conclusion

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

6) Planning Consideration

SITE HISTORY

H/2014/0159 – Change of use to A1 and A5 including erection of two A1 units. – Approved

SITE LOCATION

The application site is the former Saxon Public House which was given planning consent for the conversion of the existing pub to create a hot food takeaway unit and retail unit and erection of a further two units for retail (A1) use. The area is predominately residential. The newly created located centre has a large car park and is enclosed by a 2m acoustic boundary fence.

PROPOSAL

Consent is sought for a change of use to a vacant A1 retail unit to A5 hot food takeaway. The proposed unit would be open to the public between the hours of 7am and 11pm throughout the year. No external alterations are proposed to the unit.

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

PRINICPLE OF DEVELOPMENT

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

It should be recognised that the Local Planning Authority are in the process of preparing a new Local Plan. This plan is at an advanced stage with the Local Plan currently undergoing examination by the Planning Inspectorate on behalf of the Secretary of State.

Of relevance is paragraph 216 of the NPPF states that:

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

- *the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- *the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*

- *the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

It is on this basis that great weight can be given to relevant policies within the Hartlepool Local Plan – Publication Draft December 2016. Of particular relevance is Policy RC16 – Local Centres and RC18: Hot food takeaway policy.

In relation to the considerations within these policies, an assessment of the relevant material planning considerations has been carried out. Policy RC16 sets out the Council's aspirations to enhance the vitality and viability of Local Centres (which the Local Authority defines as providing day to day shopping and other local needs of the community, particularly for those who are less mobile), and states that A5 uses '...will only be permitted providing that they do not adversely affect the character, appearance, function and amenity...'. As this is a relatively small local centre consisting of 5 units, it is considered that the addition of an additional A5 unit would lead to a 40% rate of A5 uses in operation within this centre.

This type of use (A5) by their nature tend to cater for, and generate their main activity during the evening and night time hours, with historically the units being closed and 'shuttered' or long period during daytime hours when facilities within a local centre could be expected to be available to the general public. Whilst the applicant has requested opening hours of 07:00 – 23:00, it is on balance highly unlikely that a hot food takeaway would be operational for this whole period with activity concentrated to towards the later hours.

Therefore, it is considered on balance that the proposed use would detrimentally impact the vitality, viability, character and function of the local centre due to the proliferation of A5 uses within the Local Centre and the likelihood that the proposed use would lead to a non-active frontage during daytime hours. It is therefore considered that the proposal will be detrimental to the provisions of Policy RC16.

In regards to the considerations of RC18, this policy sets out the floor space threshold considered acceptable for A5 uses within this location (15%) to protect the vitality and viability of the Local Centre, whilst also allowing the residents of Hartlepool the best opportunity to live a healthy lifestyle. The proposal to introduce an additional hot food takeaway use within this local centre would take the total floor space to beyond the defined threshold limit.

Whilst it is recognised that the principle of an A5 hot food takeaway use would generally accord with Saved Policies Com5, Com12 and GEP1, and that there are economic benefits as a result of the unit being operational, it is considered that significant weight can be given to Policy RC16 and RC18 as they are fully consistent with the relevant paragraphs in the NPPF, the extent to which there are unresolved objections to the policy is very limited and the Emerging Local Plan is at a significantly advanced stage currently undergoing examination in public. Given that the proposal would exceed the thresholds set within RC18 for A5 floor space within this local centre, it is considered that the principle of development in this location is not acceptable.

A late submission was received by the applicant's agent to provide a counter-argument to the planning policy comments, suggesting that the authority is misinterpretation the NPPF and overstating our local policy position.

This submission has been considered by the Council's Planning Policy team, who have stated that the Council's stated previous position is sound, and that there are no material considerations within the submission that would outweigh stated policy and NPPF considerations.

Health and wellbeing

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

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

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

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

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

Whilst it is appreciated that there is an operations A5 hot food takeaway within the Local Centre of the application site, it is recognised that a proliferation of hot food takeaways within a particular area can have a detrimental impact in relation to restricting the availability of alternative (and healthier) eating options and increase the availability and choice of unhealthy options.

In addition, data from the National Obesity Observatory (NOO) highlights that Hartlepool has 144 hot food takeaway outlets per 100,00 population, which is significantly higher than the national average of 88 per 100,00 population.

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

VISUAL AMENITY

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

NEIGHBOUR AMENITY

It can be anticipated that living within close proximity to a local centre there is a certain level of activity that can be expected, in relation to noise, disturbance, litter, odour, loss of privacy or loss of outlook. However, the Council's Public Protection team have identified that the intensification of A5 uses within this location has the potential to create a level of odour nuisance in excess of what could be reasonably expected due to the combination of kitchen extraction systems from two hot food outlets in such close proximity to the residential properties. Therefore, it is considered that the proposal will be detrimental to the amenities of the nearby neighbour contrary to Saved Policies Com5, Com12 and GEP1 and LS1 and QP4 of the emerging Local Plan owing to this being an existing local centre.

CONCLUSION

In relation to the material planning considerations examined above, it is considered that the principle of development in this location is not acceptable in relation Policy RC16 and RC18 of the Emerging Local Plan, and that the proposal could result in a significant detrimental impact on the health and wellbeing of the population, contrary to Policy RC18 and paragraph 171 of the NPPF and the relevant core planning principle in paragraph 17 of the NPPF. In addition, the proposal is considered to have a significant or undue impact on neighbour amenity contrary to Saved Policies Com5, Com12 and GEP1 of the Hartlepool Local Plan 2006 and LS1 and QP4 of the emerging Local Plan. The proposal is therefore 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 reasons;

CONDITIONS/REASONS

1. In the opinion of the Local Planning Authority, the proposed development, by virtue of introducing an additional A5 use will have a detrimental impact on the character and function of the Local Centre contrary emerging Local Plan to Policy RC16 and saved Local Plan Policies COM5, GEP1 and COM12; and on

the health and wellbeing of the population, by contributing to a proliferation of hot food takeaways within the local centre contrary to Policy RC18 of the emerging Local Plan and paragraphs 17, 171 and 216 of the National Planning Policy Framework 2012.

2. In the opinion of the Local Planning Authority, the proposal is considered to have an adverse impact on neighbour occupiers amenity by virtue of the intensification of cooking odours created through the additional proposed A5 (Hot Food) use contrary to Saved Policies Com5, Com12 and GEP1 of the Hartlepool Local Plan 2006 and LS1 and QP4 of the emerging Local Plan, and paragraphs 17 and 216 of the National Planning Policy Framework 2012.

INFORMATIVE

The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, sought to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with the NPPF. However, in this instance, it has not been possible to address the impact of the proposal on the health and wellbeing of the population, policy constraints and amenity impacts.

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

7th February 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)

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 appeal decision was dismissed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal

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Appeal Decision

Site visit made on 8 January 2018

by Caroline Jones BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th January 2018

Appeal Ref: APP/H0724/D/17/3188177

1 Serpentine Gardens, Hartlepool TS26 0HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Harry Wood against the decision of Hartlepool Borough Council.
- The application Ref H/2017/0239, dated 19 April 2017, was refused by notice dated 18 August 2017.
- The development proposed is alterations to elevations and erection of new boundary wall.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal property is a dormer bungalow located on a prominent corner plot at the entrance to Serpentine Gardens, a cul-de-sac comprising mainly single storey bungalows of a similar design. The cul-de-sac is typified by both open front gardens and pockets of lawn abutting the footway which gives a pleasant and characteristic sense of spaciousness. The appeal property fronts Serpentine Road and its large and open front garden, together with a small public park on the opposite corner, gives an open and spacious feel to the junction.
4. The proposal comprises the construction of an additional dormer on the front roof slope, a balcony on the northern elevation, the construction of a patio within the front garden, alterations to windows and doors and the erection of a wall/fence and gate. The Council has raised no objections to the alterations to the property or the patio and from my observations on site, I have no reason to come to a different view.
5. The wall and fence would be staggered in height to follow the slope of the land, but at its highest point it would measure some 2.4m. It would consist of close boarded fence panels set between brick pillars on top of a brick plinth and would fully enclose the front garden of the host property. By reason of its siting, extent and height the wall and fence would be a prominent and incongruous feature in the street scene. It would close down the sense of spaciousness at

Appeal Decision APP/H0724/D/17/3188177

the junction and its return along Serpentine Gardens would contrast unfavourably with the open nature of the cul-de-sac.

6. I therefore conclude that the proposal would have a harmful impact on the character and appearance of the area and find conflict with Policies GEP21 and HSG10 of the Hartlepool Local Plan (2006), emerging Policy HSG11 of the Hartlepool Local Planning Framework Local Plan Consultation Document (2016) and paragraph 17 of the National Planning Policy Framework, which seek, amongst other things, high quality design that does not adversely affect the character of the street and surrounding residential area.

Other Matters

7. I note that the appellant reduced the size of the wall and fence at the application stage. Nonetheless, this does not alter my findings that a wall and fence of the height sought would have a detrimental impact on the character and appearance of the area. I saw at my site visit that the adjacent property on Serpentine Road has a similar boundary treatment to the appeal scheme. Whilst I note the parallels in design terms, I do not find the context comparable. It is not a corner plot and is clearly separated and distinct from those properties on Serpentine Gardens. Contrary to the appellant's assertions, I note from the Officers Report that the view from a neighbouring property was not of concern to the Council. The application was refused on character and appearance grounds. I note that no objections were received from Council departments but this does not negate my findings above. The separation distance to the park from the appeal site does not reduce the unduly harmful impact on the street scene.

Conclusion

8. For the reasons given above and taking all matters raised into account, I conclude that the appeal should be dismissed.

Caroline Jones

INSPECTOR

PLANNING COMMITTEE

7th February 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)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been determined 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 appeal decision was allowed. A copy of the Inspector's decision letter is attached.

2. RECOMMENDATIONS

- 2.1 That Members note the outcome of this appeal

3. CONTACT OFFICER

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Appeal Decision

Site visit made on 9 January 2018

by **Caroline Jones BA (Hons) DipTP MTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th January 2018

Appeal Ref: APP/H0724/D/17/3186762

5 Chichester Close, Hartlepool TS25 2QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Sancaster against the decision of Hartlepool Borough Council.
 - The application Ref H/2017/0233, dated 14 April 2017, was refused by notice dated 6 September 2017.
 - The development proposed is described on the application form as 1st floor extensions to front and rear.
-

Decision

1. The appeal is allowed and planning permission is granted for erection of first floor extensions to both front and rear elevations, and installation of 1no window in existing first floor side/south elevation at 5 Chichester Close, Hartlepool TS25 2QT in accordance with the terms of the application, Ref H/2017/0233, dated 14 April 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Proposed Elevations Drawing No 3 (as amended).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. I have taken the description in the decision above from the Council's decision notice. I consider this to be a more accurate description of development than that above in the banner heading.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 4 Chichester Close with particular regard to outlook and light.

Reasons

4. 5 Chichester Close is a detached two storey property which lies within a cul-de-sac consisting of properties of similar character. The properties are staggered

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in their plots so that the rear elevation of No 5 sits considerably further to the rear than that of No 4. The Council has not raised any objection to the front extension. From the information before and from my observations on site I have no reason to take a different view.

5. The property already benefits from a single storey extension with mono-pitch roof which extends across the full width of the rear of the property. The proposed extension would result in an increase in the height of the side walls of the single storey extension to create a first floor with gabled roof. This would be of a catslide design so that the eaves height of the extension closest to No 4 would be approximately 4m. The maximum ridge height would be lower than that of the original dwelling and the 4m eaves height on the western elevation would be set well below the eaves of the main roof.
6. No 5 lies to the north east of its immediate neighbour at No 4. Given the sun's normal daily trajectory, the rear windows and part of the rear garden of the neighbouring property would stand in a shadow cast by No 5 and the dwellings own bulk for a considerable part of the day. The proposed extension would be set in from the boundary and would result in only a modest increase in the expanse of wall over and above that of the existing single storey extension. Furthermore the ridge height of the extension would be lower than the existing ridge of the dwelling and for these reasons there would be no material worsening in terms of overshadowing. Whilst the proposals might result in a small reduction to early morning sunlight, I do not consider this to be sufficient to warrant dismissal of the appeal on this basis.
7. Given the staggered position of No 5 relative to its neighbour, the host property is already a dominant feature from the rear windows and garden of No 4. Whilst the proposed extension would be noticeable, by reason of the modest increase in height of the flank wall closest to No 4, its separation from the common boundary and the hiping of the roof away from the boundary, the proposal would not have an overbearing or over dominant impact on the outlook from No 4.
8. I therefore conclude that the living conditions of the occupants of 4 Chichester Close would not be materially harmed by the proposed development and find no conflict with Policies GE1 and HSG10 of the Hartlepool Local Plan (2006) or emerging Policy HSG11 of the Hartlepool Local Development Framework Local Plan Consultation Document (2016). These seek to ensure, amongst other things, that proposals for extensions to dwellings do not significantly affect the amenities of the occupiers of adjacent properties. I also find no conflict with paragraph 17 of the National Planning Policy Framework which states that planning should always seek to secure high quality design and a good standard of amenity for all existing occupants of land and buildings.

Conditions and Conclusion

9. It is necessary that the development is carried out in accordance with the approved plans in order to provide certainty. Matching materials are necessary in the interests of visual amenity.
10. For the reasons given above and taking all other matters into account, I conclude that the appeal should be allowed.

Caroline Jones INSPECTOR

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

2

PLANNING COMMITTEE

7 February 2018



Report of: Director of Regeneration and Neighbourhoods

Subject: UPDATE ON CURRENT COMPLAINTS

1. PURPOSE OF REPORT

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

1. The erection of outbuildings and siting of shipping containers at a commercial premises in Osborne Road.
2. Demolition works to a listed building in Park Avenue.
3. The untidy condition of a former licensed premises in Whitby Street.
4. The erection of fences to the front and side of a number of residential properties in Grange Road.
5. The erection of an addition to an approved extension at a residential property in Hayston Road.
6. Running a spray tan business from a residential property in Relton Way.
7. Non-compliance with a condition relating to boundary treatment at a residential development plot at land at Coniscliffe Road.

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

1. The installation of ANPR apparatus and associated signage at a sports ground in Elizabeth Way. The ANPR apparatus and associated signage has now been removed.
2. The open storage of a large stockpile of rubble at land at Old Cemetery Road. A legal notice (s215 notice) was served in respect of the matter and

the stockpile of rubble has since been reduced to below 1m in height in accordance with the requirements of the notice.

3. The erection of a timber outbuilding in the rear garden of a residential property in Arbroath Grove. A valid planning application seeking to regularise the development has since been received.
4. Non-compliance with a condition relating to wheel wash facilities at a housing development site at land off Valley Drive. It was found that the site is operating in accordance with the approved construction method statement. However as an additional measure it was agreed that the developer would conduct a letter drop to local residents providing a point of contact should problems with mud transfer to surrounding roads reoccur.
5. Alterations to levels of the front drive at a residential property in Castleton Road. It was found that the alterations in levels were not sufficiently significant to require planning permission.
6. The erection of a boundary wall at a residential property in Brigandine Close. A valid planning application seeking to regularise the development has since been received.

2. RECOMMENDATION

- 2.1 Members note this report.

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