

PLANNING COMMITTEE

AGENDA



Wednesday 7 March 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 2018 (*to follow*)
- 3.2 To confirm the minutes of the meeting held on 7th February 2018 (*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 27)
 - 3. H/2018/0002 English Martyrs Comprehensive School, Catcote Road (page 37)
 - 4. H/2017/0670 Rossmere Park, Rossmere Way (page 75)
 - 5. H/2017/0608 Lane at Wynyard Woods, West Wynyard (page 87)
 - 6. H/2017/0657 The Woodhouse, Unit 2 Navigation Point, Middleton Road (page 99)
- 4.2 Appeal at land to the North of Voltigeur Drive and Otterington Close, Hart Hartlepool - *Assistant Director (Economic Growth and Regeneration)*
- 4.3 Appeal at Unit 30-34 Navigation Point, Hartlepool - *Assistant Director (Economic Growth and Regeneration)*



5. ITEMS FOR INFORMATION

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

6. ANY OTHER BUSINESS WHICH THE CHAIR CONSIDERS URGENT

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

EXEMPT ITEMS

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

8 ITEMS REQUIRING DECISION

- 8.1 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 4 April 2018



PLANNING COMMITTEE

MINUTES AND DECISION RECORD

31st January 2018

The meeting commenced at 10.30am in the Civic Centre, Hartlepool

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Allan Barclay, Bob Buchan, Tim Fleming, Marjorie James, Brenda Loynes, Ray Martin Wells and George Morris

In accordance with Council Procedure Rule 4.2 Councillor Kevin Cranney was in attendance as substitute for Councillor Stephen Akers-Belcher and Councillor Carl Richardson was in attendance as substitute for Councillor Sandra Belcher

Officers: Peter Devlin, Chief Solicitor
Denise Ogden, Director of Regeneration and Neighbourhoods
Andrew Carter, Assistant Director, Economic Growth and Regeneration
Jim Ferguson, Planning and Development Manager
Adrian Hurst, Environmental Health Manager (Environmental Protection)
Peter Frost, Highways, Traffic and Transport Team Leader
Daniel James, Planning Team Leader (DC)
Matthew King, Planning Policy Team Leader
Peter Nixon, Senior Traffic Technician
Fiona Riley, Senior Planning Policy Officer
Jane Tindall, Senior Planning Officer
Kieran Bostock, Principal Engineer (Environmental Engineering)
Chris Scaife, Countryside Access Officer
Jo Stubbs, Democratic Services Officer

84. Apologies for Absence

Apologies were submitted by Councillors Stephen Akers-Belcher and Sandra Belcher.

85. Declarations of interest by members

Councillor Ray Martin-Wells declared a prejudicial interest in planning applications H/2014/0428 (Land South of Elwick Road, High Tunstall) and

H/2015/0551 (Land South of Elwick Road) and indicated he would leave the meeting during consideration of these items.

86. Confirmation of the minutes of the meeting held on 10th January 2017

The minutes were approved.

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

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| Number: | H/2015/0528 |
| Applicant: | Cecil M Yuill Ltd C/O Agent |
| Agent: | Signet Planning Mr John Wyatt 2 St James Gate Newcastle upon Tyne |
| Date received: | 07/12/2015 |
| Development: | Outline planning permission for up to 220 residential dwellings with associated access, all other matters reserved |
| Location: | LAND AT QUARRY FARM PHASE 2 ELWICK ROAD HARTLEPOOL |

A member requested clarification on which of the Parish Councils had objected. The Senior Planning Policy Officer confirmed Dalton Piercy and Hart Parish Councils had both objected. Another member advised that Elwick Parish Council had also objected and queried why their comments were missing from the report.

A member referred to issues on previous development sites around wagons queuing in the streets near the development well in advance of the time they were allowed to be on site and asked that a condition be put in place to prevent that. They also asked that it be a condition that a wheel bath be used to remove dirt from on-site vehicles rather than a wheel wash. Members asked that these conditions be extended to all 3 of the applications to be considered at this meeting. The Chief Solicitor advised that this would need to be discussed with the developers and would need to be precise and enforceable.

Andrew Williamson spoke on behalf of the Agent. This was a sustainable development which was included in the emerging local plan as endorsed by the inspector. The developer had tried to meet the requirements of the viability assessment as much as possible in terms of facilities for education and sport. Jobs would be created through the development itself and the Council would be the recipient of council tax and new homes bonus. The development would also help meet Government housing requirements.

The developer had also agreed to contribute to the funding of major road improvements to the A19 including the closure of gaps on the road and the development of a grade separation junction. Concerns had previously been raised by residents and the Council as to the risk of accidents caused by these gaps and Highways England had instructed that the development could not be completed until these issues were addressed and a junction put in place.

In terms of the condition on wagons not queuing in advance of their entry time onto the site Mr Williamson was happy to include this as a condition. He was not aware of a wheel bath being conditioned on any previous application but could see no reason not to.

A member asked about the possibility that the applicant might amend the development in the future to allow for smaller properties on the site. Mr Williamson saw no reason for this to happen but noted that members could refuse such a request in any case.

Members were supportive of the development for the following reasons:

- It would provide a third entry point into Hartlepool
- It would help to meet Government housing requirements
- The improvements to the A19 would address safety concerns
- The dwelling were high quality executive housing
- The developer had indicated their willingness to agree to the additional conditions which would help mitigate against any inconvenience to the residents nearby during the development process

Members approved the application by a majority. They agreed that the revised conditions would be brought back to Committee at a later date together with details of the planning obligations to be imposed

Decision: **Planning Permission Minded to Approve subject to changes to planning conditions 03 and 22 and subject to the final planning conditions and details of the s106 legal agreement being reported back to the planning committee for their final agreement**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters referred to below must be made not later than the expiration of three years beginning with the date of this permission and the development must be begun not later than whichever is the later of the following dates: (a) the expiration of five years from the date of this permission; or (b) the expiration of two years from the final approval of the reserved matters, or in the case of approval on different dates, the final approval of the

last such matter to be approved.

To clarify the period for which the permission is valid.

2. Approval of the details of the layout, scale and appearance of the building(s), the means of pedestrian access and internal highway layout and the landscaping of the site (hereinafter called the "reserved matters") shall be obtained in writing from the Local Planning Authority. In order to ensure these details are satisfactory.
3. Prior to the occupation of the dwellings hereby approved, a scheme for
 - i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and
 - ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and following this but not before, and again prior to the occupation of the dwellings hereby approved, the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.

In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.
4. The total development hereby approved shall not exceed the following maxima: Up to 220 Residential dwellings (C3 Use Class).
To ensure a satisfactory form of development.
5. The development hereby permitted shall be carried out in accordance with the plan (HG3002/011/Rev C) Built Form Masterplan received 7 December 2015 unless otherwise agreed in writing by the Local Planning Authority.
For the avoidance of doubt.
6. The permission hereby granted shall permit the phased development of the site. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the means of access/pathways, public and amenity open space, suitable alternative natural green space (SANGS), and play/recreational facilities of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.
To ensure the co-ordinate progression of the development and the

- provision of the relevant infrastructure and services to each individual phase.
7. No part of the development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway safety and to ensure a satisfactory form of development.
 8. The proposed roads, junction radii, footpaths and any associated crossings serving the development shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification, and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority. In order to ensure the roads are constructed and maintained to an acceptable standard.
 9. Development shall not commence until a detailed scheme for the disposal of foul water from the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall take place in accordance with the approved details.
To prevent the increased risk of flooding from any sources in accordance with the NPPF.
 10. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design including proposed fencing, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for the site be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide multiple SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented prior to the occupation of any part of that phase of the development and subsequently managed and maintained for the

lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding, both on and off site ensure that the impacts on trees are taken into account in any design and in the interest of enhancing biodiversity.

11. Prior to the commencement of development details of play/recreational facilities and public open space to be provided on site (including their/its location, the proposed phasing of provision, means of enclosure, landscaping, design and details of play/recreational equipment), shall be submitted to and approved in writing by the Local Planning Authority. The play/recreational facilities and public open space shall thereafter be provided in accordance with the details so agreed.
In order to ensure that these details are acceptable and are brought forward at an appropriate time in the interests of providing a sustainable development.
12. Prior to the commencement of development details of existing and proposed levels of the site including finished floor levels of the buildings to be erected and any earth retention measures shall be submitted to and approved in writing by the Local Planning Authority.
In order to ensure that these details are acceptable in the interests of visual amenity, safety and the amenity of future and adjacent residents.
13. A detailed scheme of landscaping and tree and shrub planting shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
15. No development shall take place until a scheme for the protection during construction works of all trees to be retained on the site, in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The protection scheme should also extend to hedgerows on or adjacent to the site. The scheme shall thereafter be carried out in accordance with the approved details and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these

areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season. In the interests of the health and appearance of the preserved tree(s).

16. The details submitted at reserved matters shall include an Arboricultural Method Statement/Tree Protection Plan to describe how trees that are to remain on site will be protected during construction phase and any other issues to mitigate damage to existing trees. To protect existing trees on the site.
17. Prior to the commencement of development a scheme to provide bat mitigation for the local bat population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The bat roosting features shall be built into 25% of buildings. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
18. Prior to the commencement of development a scheme to provide bird mitigation for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. The bird nesting features shall be built into 25% of buildings. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.
To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.
19. Prior to the commencement of development, a scheme for low level lighting for areas of development adjacent to wildlife corridors as set out in the Bat Survey Report received 7 December 2015, shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting and demonstrate how light spill will be minimised on the areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details.

In order to prevent disturbance to wildlife and the interests of the ecology of the area.

20. The clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this.

In the interests of breeding birds.

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

1. Site Characterisation

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

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

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

2. Submission of Remediation Scheme

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

intended use of the land after remediation.

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without prior planning permission.

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

22. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways (to include bath washing facilities), roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.
23. No construction works shall take place outside the hours of 08:00hrs to 18:00hrs Monday to Friday and 09:00hrs to 13:00hrs on a Saturday. No construction works shall take place on Sundays or Bank Holidays. In the interests of the amenities of the occupants of neighbouring properties.
24. Prior to the commencement of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.
To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
25. Prior to the commencement of each phase of development, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To ensure a satisfactory form of development.
26. The development hereby approved shall solely operate in full accordance with the Construction Transport Management Plan Reference Number: VACE/JO/HB/dc/ITM10364-010D TN received by the Local Planning Authority on the 12th January 2018 throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority in consultation with Highways England.
In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

27. Notwithstanding the provisions of Part 1 the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) and garages hereby approved shall not be converted or extended, in any way, and no garage(s) or other outbuildings shall be erected without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
28. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of existing and future occupants of the adjacent residential properties.
29. Details of all external finishing materials shall be submitted to and approved by the Local Planning Authority before development commences, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
30. Prior to the commencement of the housing development hereby approved details of the proposed emergency access onto Worset Lane including details of construction and surface treatments, accommodation for pedestrians and cyclists, enclosures and details of the proposed measures to manage access and to control the unauthorised use of the access by vehicles shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt in terms of its use by vehicles this access shall function as an emergency access only at the discretion of the Local Planning Authority.
In the interest of highway safety.

The Committee considered representations in relation to this matter.

Councillor Ray Martin-Wells left the meeting

Number: H/2014/0428

Applicant: Tunstall Homes Ltd c/o Agent

Agent: Prism Planning Ltd Mr Rod Hepplewhite Prism
Planning 1st Floor 11 High Row Darlington

Date received: 02/10/2014

Development: Outline application with all matters reserved for residential development comprising up to 1,200 dwellings of up to two and a half storeys in height and including a new distributor road, local centre, primary school, amenity open space and structure planting.

Location: LAND SOUTH OF ELWICK ROAD HIGH
TUNSTALL HARTLEPOOL

A member referred to road improvements which had been agreed as part of the scheme specifically the Elwick bypass and asked when this would be put in place. The Highways, Traffic and Transport Team Leader confirmed that it was a condition that the bypass be in place and operational before any of the houses on the development were occupied. The members also referred to local road improvements to which the Traffic & Transport Team Leader responded that they were looking to put mitigation works in place.

The Agent, Rod Hepplewhite urged members to support the application which the planning inspector had raised no objection to during the local plan hearings. The developer was comfortable with all the conditions including those proposed at this meeting. He acknowledged that there had been objections from residents but this was always the case for large developments of this type and no technical consultees had raised objections. New houses were needed nationally and locally and this would provide a new local centre with a primary school. It would also help provide funding for the first stretch of a new western bypass into Hartlepool.

Mike Seymour spoke in objection to the application as he felt it did not address the road safety matters caused by it, that the Council Highway Engineer and Countryside Officer had both raised concerns and a suitable period of public consultation had not been given. He also highlighted references which had been made by the officer to the flexibility of the 106 agreement and suggested that this should be reviewed before final permission was given

Andrew Williamson spoke in objection to the application saying he supported the principle of the development but felt that the impacts on the local road network and not been properly addressed. He also felt that there had been no opportunity for full public scrutiny in terms of the viability issues particularly the lack of affordable housing and education or sport facilities. He urged members to defer the application to allow further investigation into the viability of the developments and impacts on the local road network

Members queried Mr Seymour's comments that the consultation process had been inadequate and the issue of viability. The Planning Team Leader disputed this, saying that consultation on the development had taken place on at least 2 occasions as the detail of the development had been amended,

including letters to the surrounding villages and adjacent urban areas, site notices and press advertisements. The Assistant Director further commented a the viability assessment had initially been submitted followed by an amended viability assessment in December 2017. The applicant had committed to the flexibility of the 106 agreement to allow for any changes including amendments to contributions. The Chair asked that the final 106 agreement be brought back to committee for final approval..

Members were minded to approve the application by a majority, together with details of the planning obligations to be imposed

Councillor Brenda Loynes asked that her vote against this application and the previous application (H/2015/0528) be recorded.

Decision: **Planning Permission Minded to Approve subject to changes to planning conditions 08 and 28 and subject to the final planning conditions and details of the s106 legal agreement being reported back to the planning committee for their final agreement**

CONDITIONS AND REASONS

1. Application for the approval of the reserved matters (referred to below) and the commencement of development, shall be as follows. The first reserved matters application shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matters of that phase. Thereafter, all subsequent phased reserved matters applications shall be made to the Local Planning Authority not later than 10 years from the date of this permission and the development so approved shall be begun not later than the expiration of 2 years from the final approval of the last reserved matters relating to each phase.
For the avoidance of doubt.
2. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of the site (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.
In order to ensure that these details are satisfactory.
3. The details submitted at the reserved matters stage shall be in general conformity with drawing no. P101 Revision P 'Proposed Master Plan' received by the Local Planning Authority on 1st August 2017 and emerging Hartlepool Local Plan 2018 Policy HSG5(point 8 - 'High Tunstall Strategic Housing Site' and associated 'Diagram 3 High Tunstall Concept Plan').
In the interests of the proper planning of the area.

4. The permission hereby granted shall permit the phased development of the site and unless otherwise indicated all other conditions shall be construed accordingly. Prior to or alongside the submission of the first "reserved matters" application, a Phasing Plan/Programme shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plans/Programmes shall identify the phasing of all development, infrastructure, landscaping including strategic landscaping, the means of access/pathways/cycleways, enclosures and gates, public and amenity open space, suitable alternative natural green space (SANGS), play facilities and sports pitches of the development hereby approved. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.
To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
5. No development of any phase of the development for which outline planning permission is hereby approved shall commence until detailed proposals for the treatment of the green wedge within that phase including details of any phasing, play/sports facilities, the means of access/pathways/cycleways, enclosures and gates, footbridges, lighting, benches, bins, street furniture, landscaping (incorporating ecological mitigation and enhancements in accordance with Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) and a timetable for its provision have been submitted to and approved in writing by the Local Planning Authority. The green wedge shall be provided in accordance with the details and timetable so approved. In the interests of visual amenity and in order to ensure that the green wedge is provided in a planned and appropriate manner.
6. The development hereby approved shall be carried out in accordance with the following drawing no(s); P100 Revision G (Existing Site Layout), P101 Revision P (Proposed Master Plan) and P102 Revision D (Proposed Location Plan), all plans date received 1st August 2017 by the Local Planning Authority.
For the avoidance of doubt.
7. The total development hereby approved shall not exceed the following maxima:
Up to 1200 residential dwellings (C3 Use Class).
2.4ha of land allocated for the following neighbourhood facilities;
Up to 500sqm floorspace of a community centre (D1 Use Class)
Up to 500sqm of medical centre floorspace (D1 Use Class)
Up to 100sqm of crèche floorspace (D1 Use Class)
Up to 250sqm retail floorspace (A1 Use Class)
Up to 600sqm of public house/drinking establishment (A3/A4 Use Class)
Up to 2.05ha for a Primary School Site and playing pitches

- For the avoidance of doubt and to be in general conformity with emerging Hartlepool Local Plan 2018 Policy HSG5 (point 3).
8. Prior to the occupation of development of the dwellings hereby approved, the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 shall be fully open to traffic, to the satisfaction of the Hartlepool BC, Durham BC and Highways England. For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551 (decision to be concluded simultaneously with this application). (For the avoidance of doubt the completion of the gap closures on the A19 would not constitute commencement of the scheme to provide a bypass of Elwick Village and a grade separated junction on the A19 for the purposes of this condition).
In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Hartlepool Local Plan 2018.
 9. Notwithstanding the submitted plans, no development shall take place until a detailed scheme for the provision of a roundabout junction from Elwick Road (to be provided on a 1:500 scale plan, minimum) and a Phasing Plan/Programme for the implementation of such highway mitigation measures has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be provided in general conformity with Drawing No. P101 Rev P ('Proposed Master plan', date received 01.08.2017) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016). Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551).
To enable the Local Planning Authority to control details and in the interests of highway safety.
 10. No part of the development shall be occupied until the existing speed limit has been assessed along Elwick Road (between the proposed roundabout and the access to serve development approved under H/2015/0551), with a scheme and a Phasing Plan/Programme for the implementation of such highway mitigation measures to be first submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority.
(For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551).
In the interests of highway and pedestrian safety.
 11. No part of the development shall be occupied until a system of street lighting has been completed on Elwick Road which covers the extent of roundabout junction with a Phasing Plan/Programme for the implementation of such highway mitigation measures to be first submitted to and agreed in writing with the Local Planning Authority.

Thereafter the development shall be undertaken in accordance with the Phasing Programme/Plan so approved to the satisfaction of the Local Planning Authority, unless some variation is otherwise agreed in writing by the Local Planning Authority.

(For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551). In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.

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

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

13. Prior to the commencement of development on each phase, a Construction Traffic Management Plan shall be submitted to and agreed in writing with the Local Planning Authority in consultation with Highways England to agree the routing and movement of all construction traffic associated with the construction phases. Thereafter, the development of the site shall accord with the requirements of the approved Construction Traffic Management Plan to the satisfaction of the Local Planning Authority in consultation with Highways England.
(For the avoidance of doubt, this would not include the 208 no. dwellings approved under separate planning permission H/2015/0551). In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.

14. Notwithstanding the submitted information, no development in any phase shall commence until a scheme that includes the following components to deal with the risks associated with contamination of the site has been submitted to and approved in writing by the Local Planning Authority:

1. Site Characterisation

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

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

- f. archaeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

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

5. Long Term Monitoring and Maintenance

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

Following completion of the measures identified in that scheme and when the remediation objectives have been achieved, reports that

demonstrate the effectiveness of the monitoring and maintenance carried out shall be produced, and submitted to the Local Planning Authority.

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) hereby approved, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) hereby approved shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) without the prior written consent of the Local Planning Authority.

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

15. (A) No demolition/development in any phase shall take place/commence until a programme of archaeological work including a Written Scheme of Investigation for that phase has been submitted to and approved by the local planning authority in writing. The scheme shall include an assessment of significance and research questions; and:
 1. The programme and methodology of site investigation and recording
 2. The programme for post investigation assessment
 3. Provision to be made for analysis of the site investigation and recording
 4. Provision to be made for publication and dissemination of the analysis and records of the site investigation
 5. Provision to be made for archive deposition of the analysis and records of the site investigation
 6. Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.
- (B) No demolition/development shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- (C) No phase of the development shall be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.

In order to ensure that the archaeology of the site is adequately investigated.

16. Development shall not commence on any phase of the development until a detailed scheme for the disposal of foul water from that phase of the development 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.
17. No development on any phase shall take place until a scheme for a surface water management system for that phase including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for the site be achieved as a minimum and bettered where possible as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide multiple SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented prior to the occupation of any part of that phase of the development and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on trees are taken into account in any design.
18. Prior to the commencement of each phase, a detailed scheme of landscaping, tree, hedge and shrub planting (in general conformity with drawing no. P101 Revision P 'Proposed Master Plan' received by the Local Planning Authority on 1st August 2017) and incorporating ecological mitigation and enhancements in accordance with the Naturally Wild Environmental Statement Ecology Chapter Addendum Report (received by the Local Planning Authority on 1st April 2016) (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme and timetable

of the works to be undertaken, and be implemented in accordance with the approved details and programme/timetable of works.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

19. 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 of that phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.
In the interests of visual amenity.
20. Notwithstanding the submitted information and prior to the commencement of any phase of the development, an Arboricultural Impact Assessment and Method Statement for the removal and protection of any trees and hedgerows within that phase shall be submitted to and approved in writing by the Local Planning Authority. Thereafter development shall be carried out in accordance with the approved Arboricultural Impact Assessment and Method Statement, unless some variation is otherwise agreed in writing by the Local Planning Authority.
In order to ensure that any impact on trees is minimised in the interest of visual amenity and the ecology of the area.
21. Notwithstanding the submitted details, no development of any phase shall commence until detailed proposals for the provision of public open space and play areas including details of their phasing, location and design/specification, landscaping, play equipment, surfacing, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The play facilities shall be provided in accordance with the approved details and timetable.
In the interests of public health and delivering a sustainable development and in order to ensure that the play areas are provided in a planned and appropriate manner.
22. Notwithstanding the submitted details no development of any phase shall commence until detailed proposals for the provision of sports pitches including details of their phasing, location and design/specification, equipment, landscaping, means of enclosures, and a timetable for their provision have been submitted to and approved in writing by the Local Planning Authority for that phase. The sports pitches shall be provided in accordance with the approved details and timetable.
In the interests of public health and delivering a sustainable development and in order to ensure that the sports pitches are provided in a planned and appropriate manner.
23. Prior to the commencement of each phase of the development a scheme for the provision and management of a 10m wide buffer zone

alongside the existing watercourses and ponds, woodland belt, wildlife corridors and SUDS, and a 5m wide buffer to the existing hawthorn stand and existing hedgerows (where retained) shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the local planning authority. The buffer zone scheme shall be free from built development including lighting, domestic gardens and formal landscaping except where infrastructure is required by the local planning authority. The scheme shall include:

- a) plans showing the extent and layout of the buffer zones;
- b) details of any proposed planting scheme (for example, native species);
- c) details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan;
- d) details of any proposed footpaths, fencing, lighting etc.

In the interests of the environment and ecology of the area and in accordance with paragraph 109 of the NPPF which recognises that the planning system should aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity and providing net gains in biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures. The Natural Environment and Rural Communities Act which requires Local Authorities to have regard to nature conservation and article 10 of the Habitats Directive which stresses the importance of natural networks of linked corridors to allow movement of species between suitable habitats, and promote the expansion of biodiversity. Such networks may also help wildlife adapt to climate change and will help restore watercourses to a more natural state as required by the Northumbria River Basin Management Plan.

24. Prior to the commencement of development on any phase of the development a scheme to provide bat mitigation features to provide long term roost sites for the local bat population within that phase including details of the features and a timetable for their provision shall be submitted to and approved in writing by the Local Planning Authority. These shall include bat nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bat mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of

the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

25. Prior to the commencement of development on any phase of the development a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings, including the proposed primary school, with the selection of buildings facing onto the larger open spaces to be prioritised. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

26. The clearance of any vegetation, including trees and hedgerows (as agreed) and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.

In the interests of the ecology of the area.

27. Notwithstanding the submitted information and prior to the commencement of each phase details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before the phase is commenced. Each phase details shall include the provision a 10cm² square Hedgehog access hole at ground level within dividing garden fences, to allow free passage of Hedgehogs through gardens and into wildlife corridors. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity and the ecology of area.

28. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways (to include bath washing

facilities), roadsheeting of vehicles, offsite dust/odour monitoring, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site. In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

29. Prior to the commencement of each phase of the development a detailed scheme of noise insulation measures for the residential properties directly adjacent to the access and spine roads of the development shall be submitted to and approved in writing by the Local Planning Authority. The scheme of noise insulation measures shall be prepared by a suitably qualified consultant/engineer and shall take into account the provisions of BS 8233:2014 "Guidance on Sound Insulation and Noise Reduction for Buildings". The approved scheme shall be implemented, and verification that the measures identified in the scheme have been implemented shall be provided by a suitably qualified engineer, prior to the occupation of any of the dwellings identified in the scheme and shall be permanently retained thereafter unless some variation is otherwise agreed in writing by the Local Planning Authority.
In the interests of the amenity of future occupiers of the development.
30. Prior to the commencement of any phase of the development hereby approved, details of any proposed pumping station(s) shall be submitted to and approved in writing by the Local Planning Authority. The pumping station(s) shall thereafter be in accordance with the details so approved.
In the interests of visual amenity.
31. No development shall commence on any phase until details of existing and proposed levels within and outwith the site including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.
In the interests of the amenities of the occupants of neighbouring properties.
32. Notwithstanding the submitted information and prior to the first unit of each phase being constructed above damp proof level details of all external finishing materials and hardstandings shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose. Thereafter the development shall be carried out in accordance with the approved details.
In the interests of visual amenity.
33. Prior to the commencement of each phase of development, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development, both during the construction phase and once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

- To ensure compliance with the requirement for site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
34. Prior to the commencement of each phase of development, details for the storage of refuse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
To ensure a satisfactory form of development.
35. Prior to the submission of Reserved Matters applications relating to any self build phase, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be determined in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all the individual plots have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phase unless some variation is otherwise agreed in writing by the Local Planning Authority. (For the avoidance of doubt, this would not include the 55no. self build dwellings approved under separate planning permission H/2015/0551).
In the interest of the proper planning of the area to ensure plots can be clearly identified and relationships assessed when reserved matters applications are submitted.
36. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Order with or without modification), no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road, without the prior written consent of the Local Planning Authority.
To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential property.
37. The commercial premises (use classes A1, A3/A4) hereby approved shall only be open to the public between the hours of 07:00 and 23.30 on any day.
In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the emerging Hartlepool Local Plan 2018.
38. Deliveries to the commercial premises (Use classes A1, A3/A4) hereby approved shall only take place between the hours of 07:00 and 23.30 on any day.
In the interests of the amenities of the occupants of neighbouring properties in accordance with Policy RC16 of the emerging Hartlepool Local Plan 2018.
39. None of the A3/A4 uses hereby approved shall commence until there have been submitted to and approved in writing by the Local Planning

Authority plans and details for ventilation filtration and fume extraction equipment to reduce cooking smells, and all approved items have been installed. Thereafter, the approved scheme shall be retained and used in accordance with the manufacturers instructions at all times whenever food is being cooked on the premises.

In the interests of the amenities of the occupants of neighbouring properties.

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

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

The Committee considered representations in relation to this matter.

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| Number: | H/2015/0551 |
| Applicant: | Story Homes Ltd /Tunstall Homes Ltd Asama Court Newcastle Business Park NEWCASTLE UPON TYNE |
| Agent: | Story Homes Ltd /Tunstall Homes Ltd Panther House Asama Court Newcastle Business Park NEWCASTLE UPON TYNE |
| Date received: | 22/01/2016 |
| Development: | Hybrid planning application for the erection of up to 153 dwellings (in detail) and up to 55 self build dwellings (in outline, all matters reserved), a sales area (in detail to include cabin and car parking) and associated access, landscaping and engineering works. |
| Location: | Land south of Elwick Road HARTLEPOOL |

The Applicant, Richard Newsome, urged members to support the application which would bring economic and social benefits to the town. These would include improvements to the A19 and local roads, enhancements to the public right of way and bring jobs through the construction of the development.

Members were minded to approve the application by a majority. **Councillor Brenda Loynes asked that her vote against the application be recorded.**

The Chair noted that the 106 agreement and a schedule of conditions would be brought back to Committee for final approval.

Decision: **Planning Permission Minded to Approve subject to changes to planning conditions 09, 43 and 44 and subject to the final planning conditions and details of the y s106 legal agreement being reported back to the planning committee for their final agreement**

CONDITIONS AND REASONS

1. The part of the development for which full planning is hereby approved (hereby referred to as 'Parcel A'), as defined on drawing no's SD-00.03 Revision A "Key Location Plan - Outline & Detailed" (date received by the Local Planning Authority 12th January 2018 and SD-10.01 Revision Y "Masterplan as Proposed" (date received by the Local Planning Authority 19th July 2017), 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. For the part of the development for which outline planning permission is approved (up to 55no. self build dwellings - hereby referred to as 'Parcel B'), as defined on drawing no's SD-00.03 Revision A "Key Location Plan - Outline & Detailed" (date received by the Local Planning Authority 12th January 2018 and SD-10.01 Revision Y "Masterplan as Proposed" (date received by the Local Planning Authority 19th July 2017), application for the approval of the reserved matters (referred to below in condition 03) and the commencement of development, shall be as follows. The reserved matters applications shall be made to the Local Planning Authority not later than 3 years from the date of this planning permission and the development so approved shall be begun not later than 2 years from the date of approval of the last reserved matter.
For the avoidance of doubt.
3. Approval of the details of the internal pedestrian and highway layout, layout, scale and appearance of the building(s) and the landscaping of Parcel B (hereinafter called the "reserved matters"), shall be obtained in writing from the Local Planning Authority.
In order to ensure that these details are satisfactory.
4. The details submitted at the reserved matters stage for Parcel B shall be in general conformity with drawing no. SD-10.01 Revision Y "Masterplan as Proposed" (date received by the Local Planning Authority 19th July 2017).
In the interests of the proper planning of the area.
5. Notwithstanding the submitted details prior to the commencement of development for Parcel A, a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan/Programme shall identify the phasing of all development, infrastructure, temporary cabins provision and removal, landscaping including strategic landscaping and related infrastructure, public open space, footpaths (including the

Public Right of Way) and highways of the development hereby approved. Thereafter, the development shall be undertaken in accordance with the Phasing Plan/ Programme so approved unless some variation is otherwise agreed in writing by the Local Planning Authority.

To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.

6. Prior to or alongside the submission of the first "reserved matters" application for Parcel B, a Phasing Plan/Programme for this part of the development shall be submitted to and approved in writing by the Local Planning Authority. The Phasing Plan/Programme shall identify the phasing of all development, infrastructure, temporary cabins provision and removal, landscaping including strategic landscaping and related infrastructure, public open space, footpaths (including the Public Right of Way) and highways of the development hereby approved. Thereafter, the development shall be undertaken in accordance with the Phasing Plans/Programmes so approved unless some variation is otherwise agreed in writing by the Local Planning Authority. To ensure the co-ordinated progression of the development and the provision of the relevant infrastructure and services to each individual phase.
7. The development of Parcel A hereby approved shall be carried out in accordance with the following plans;
 SD-00.01 Rev A (Location Plan),
 SD-00.02 Rev A (Site Plan as Existing),
 DQ2696 Rev C (Portakabin Specification Plans)
 'Portakabin Specification Details',
 SD-30.01 Rev C (Temporary cabin area), all plans date received by the Local Planning Authority 22nd January 2016;
 amended plans SD-10.03 Rev C (Colour Layout),
 SD-10.04 Rev B (Spatial Syntax),
 SD-10.05 Rev B (Adoption Diagram),
 SD- 10.07 Rev B (Surface Treatment),
 567-STO-SD-10.01 Rev Y (Masterplan as Proposed)
 Boundary Details (plans; BD-03 Rev A, BD-15 and BD-29)
 Detailed Landscape Proposals - c-1507-01 Rev A (sheet 1 of 5),
 c-1507-02 Rev A (sheet 2 of 5), c-1507-03 Rev A (sheet 3 of 5),
 c-1507-04 Rev A (sheet 4 of 5), c-1507-05 Rev A (Sheet 5 of 5),
 Amended House Type floor plans and elevations -
 The Arundel v3, The Balmoral v4, The Boston v4, The Chester v3, The Durham v4, The Grantham v4, The Harrogate v3, The Hastings v3, The Mayfair v3, The Salisbury v3, The Sandringham v4, The Taunton v4, The Warwick v4, The Wellington v3, The Westminster v3, The Winchester v4 and
 Garage Booklet Standard Variants (single detached and double detached garages), all plans date received by the Local Planning Authority 19th July 2017; amended plans SD-40.01 Rev B (Indicative Site Sections as Proposed) and
 SD-10.08 (Public Rights of Way Plan), all plans date received by the

Local Planning Authority 27th July 2017;
amended plan SD-10.06 Rev F (Boundary & Elevation Plan) date received by the Local Planning Authority 11th September 2017;
and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), date received by the Local Planning Authority 12th January 2018.

The development of Parcel B hereby approved shall be carried out in accordance with the following plans;

SD-00.01 Rev A (Location Plan) and SD-00.02 Rev A (Site Plan as Existing), both plans date received by the Local Planning Authority 22nd January 2016; and amended plan SD-00.03 Revision A (Key Location Plan - Outline & Detailed), plan date received by the Local Planning Authority 12th January 2018.

For the avoidance of doubt.

8. The total quantum of development on Parcel A and Parcel B hereby approved shall not exceed 208 no. dwellinghouses (C3 use class). To ensure a satisfactory form of development and for the avoidance of doubt.
9. Prior to the occupation of the dwellings hereby approved, a scheme for i) the works to upgrade the Sheraton Interchange (A19/A179 junction) and ii) the closure of the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall be submitted to, and agreed in writing by, the Local Planning Authority, in consultation with Highways England. Thereafter, prior to the occupation of the dwellings hereby approved, the agreed scheme for the upgrade to Sheraton Interchange (A19/179 junction) shall be completed and following this but not before, and again prior to the occupation of the dwellings hereby approved, the central reserve gaps on the A19 (A19/Elwick Road, A19/North Road and A19/Dalton Piercy junctions) shall have been closed to prevent right hand turn manoeuvres, in accordance with the details and timetable for works embodied within the agreed scheme. For the avoidance of doubt such a scheme for the gap closures could include temporary works ahead of permanent works, however any change from temporary to permanent measures for the closure of the gaps must be contiguous and ensure that there is no time gap between the end of the temporary and the start of the permanent closures to ensure the gaps remain closed.
In the interests of highway safety and to accord with the provisions of policies HSG5 and INF2 of the emerging Local Plan.
10. Prior to the occupation of any part of the residential development hereby approved a segregated ghost-island priority junction into the site shall be provided in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority.
To enable the Local Planning Authority to control details and in the interests of highway safety.
11. Prior to the first occupation of any part of the residential development hereby approved a footway shall be provided on the southern side of Elwick Road between the site access and the existing footway to the

- east in accordance in accordance with Drawing No. 2073/SK001/001 Rev E (Proposed Elwick Road/Site Access Junction) and details included within the Transport Assessment Version 1.1 (dated 18.02.2016) to the satisfaction of the Local Planning Authority. To enable the Local Planning Authority to control details and in the interests of highway safety.
12. No part of the residential development shall be occupied until vehicular and pedestrian access connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
 13. No part of the residential development shall be occupied until the existing 30mph speed limit boundary has been extended westwards on Elwick Road to cover the extent of the new junction to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety.
 14. No part of the residential development shall be occupied until a system of street lighting has been completed on Elwick Road which covers the extent of the extended 30mph speed limit to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
 15. The development hereby approved shall solely operate in full accordance with the Construction Transport Management Plan "Story Homes, Land South of Elwick Road, Tunstall, Construction Traffic Management Plan Version 3" (date received January 12th 2018) throughout the construction period of the development hereby approved, unless some variation is agreed in writing with the Local Planning Authority in consultation with Highways England.
In the interests of highway safety.
 16. The proposed roads, junction radii, footpaths and any associated crossings serving the development of Parcel A shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.
In order to ensure the roads are constructed and maintained to an acceptable standard.
 17. The proposed roads, junction radii, footpaths and any associated crossings serving the development of Parcel B shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.

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

18. No part of the development of Parcel A shall be occupied until details for the works to Public Right of Way (Public Footpath No 7, Hartlepool) located in Parcel A have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of surfacing, countryside furniture and dropped kerbs, and a timetable for the implementation of the agreed works. Thereafter, the scheme shall be carried in accordance with the agreed details and timetable, to the satisfaction of the Local Planning Authority.

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

19. No part of the development of Parcel B shall be occupied until details for the works to Public Right of Way (Public Footpath No 7, Hartlepool) located in Parcel B have been submitted to and agreed in writing with the Local Planning Authority. The scheme shall include details of surfacing, countryside furniture any dropped kerbs and a timetable for the implementation of the agreed works. Thereafter, the scheme shall be carried in accordance with the agreed details and timetable, to the satisfaction of the Local Planning Authority.

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

20. In the event that contamination is found at any time when carrying out the approved development on each phase of Parcel A that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment shall be undertaken in accordance with the following requirements:

1. (Site Characterisation:;

A scheme to assess the nature and extent of any contamination found in that phase of Parcel A, whether or not it originates in that phase of Parcel A. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

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

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

2. Submission of Remediation Scheme

Where remediation is necessary a detailed remediation scheme to

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

3. Implementation of Approved Remediation Scheme

Any measures identified in the necessary approved remediation scheme shall be completed in accordance with its terms prior to the commencement of development in the relevant phase of Parcel A unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority shall be given two weeks written notification of commencement of the remediation scheme works.

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

4. Long Term Monitoring and Maintenance

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

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

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

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

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

1. Site Characterisation

An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed to assess the nature and extent of any contamination on that phase of Parcel B, whether or not it originates on that phase of Parcel B. The investigation and risk assessment shall be undertaken by competent persons and a written report of the findings must be produced. The written report is

subject to the approval in writing of the Local Planning Authority. The report of the findings shall include:

- a. a survey of the extent, scale and nature of contamination;
- b. an assessment of the potential risks to:
 - i. human health,
 - ii. property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - iii. adjoining land,
 - iv. groundwaters and surface waters,
 - v. ecological systems,
 - vi. archeological sites and ancient monuments;
- c. an appraisal of any necessary remedial options, and proposal of the preferred option(s).

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

2. Submission of Remediation Scheme

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

3. Implementation of Approved Remediation Scheme

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

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

4. Reporting of Unexpected Contamination

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

Following completion of measures identified in the approved

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

5. Long Term Monitoring and Maintenance

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

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

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

6. Extensions and other Development Affecting Dwellings.

If as a result of the investigations required by this condition landfill gas protection measures are required to be installed in any of the dwelling(s) approved on any phase of Parcel B, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwelling(s) approved on such phases of Parcel B shall not be extended in any way, and no garage(s) shed(s), greenhouse(s) or other garden building(s) shall be erected within the garden area of any of the dwelling(s) within such phases of Parcel B without the prior written consent of the Local Planning Authority.

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

22. (A) No development (excluding site access works to Elwick Road) in each phase of Parcel A shall commence until a programme of archaeological work including a Written Scheme of Investigation for that phase of Parcel A 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 in each phase shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- (C) Each phase of Parcel A of the development shall not be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- In order to ensure that the archaeology of the site is adequately investigated.
23. (A) No development in each phase of Parcel B shall commence until a programme of archaeological work including a Written Scheme of Investigation for that phase of Parcel B 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 in each phase shall take place other than in accordance with the Written Scheme of Investigation approved under (A).
- (C) Each phase of Parcel B of the development shall not be occupied until the site investigation and post investigation assessment relevant to that phase has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under (A) and the provision made for analysis, publication and dissemination of results and archive deposition has been secured.
- In order to ensure that the archaeology of the site is adequately investigated.
24. Development (excluding site access works to Elwick Road) shall not commence on each phase of Parcel A of the development until a detailed scheme for the disposal of foul water from that phase of Parcel A of the development 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.

25. Development shall not commence on each phase of Parcel B of the development until a detailed scheme for the disposal of foul water from that phase of Parcel B of the development 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.
26. No development (excluding site access works to Elwick Road) on each phase of Parcel A shall take place until a scheme for a surface water management system for that phase of Parcel A including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for that phase of Parcel A be achieved as a minimum and bettered where possible, as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The SuDS area shall achieve a minimum 10m buffer to the dwellinghouses. The SuDS area shall be securely fenced to discourage access by people and especially dogs.
The scheme shall be implemented prior to the occupation of any part of Parcel A of the development that requires it and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.
To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on ecology are taken into account in any design.
27. No development on each phase of Parcel B shall take place until a scheme for a surface water management system for that phase of Parcel B including the detailed drainage/SuDS design, has been submitted to and approved in writing by the Local Planning Authority. The scheme must ensure that the existing Greenfield run off rate for that phase of Parcel B be achieved as a minimum and bettered where possible, as well as 100 year store return period (+ 40% climate change allowance) being contained within the red line boundary of the site. It must be based on sustainable drainage principles and an

assessment of the hydrological and hydrogeological context of the development and should, where possible, make space for water above ground through the use of the open space on the site to provide SuDS solutions. The scheme shall include details of the plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. Any SUDS areas shall achieve a minimum 10m buffer to the dwellinghouses. The SUDS area should, where necessary, be securely fenced to discourage access by people and especially dogs.

The scheme shall be implemented prior to the occupation of any part of Parcel B of the development that requires it and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details.

To prevent the increased risk of flooding, both on and off site and to ensure that the impacts on ecology are taken into account in any design.

28. Prior to the commencement of each phase in Parcel A a detailed scheme of landscaping, tree and shrub planting (in general conformity with the 'Detailed Landscape Proposals' plans c-1507-01 Rev A (sheet 1 of 5), c-1507-02 Rev A (sheet 2 of 5), c-1507-03 Rev A (sheet 3 of 5), c-1507-04 Rev A (sheet 4 of 5) and c-1507-05 Rev A (Sheet 5 of 5), all plans date received by the Local Planning Authority 19th September 2017 and the mitigation and enhancement measures set out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) (except as may be varied with the agreement of the Local Planning Authority) shall be submitted to and approved in writing by the Local Planning Authority before the phase is commenced. The scheme must specify sizes, types and species, indicate the proposed layout and surfacing of all open space areas, include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works. The scheme(s) shall include the creation of a total new length of native species hedgerow (x 1.5 the length of any hedgerow lost within Parcel A) within Parcel A. The scheme shall be provided in accordance with the approved details and timetable.

In the interests of visual amenity, ecology and to ensure any species planted within the easement of the high pressure pipeline are appropriate.

29. All planting, seeding or turfing comprised in the approved details of landscaping in each phase of Parcel A shall be carried out in the first planting season following the occupation of the building(s) in that phase

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 of that phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

30. All planting, seeding or turfing comprised in any approved details of landscaping in each phase of Parcel B shall be carried out in the first planting season following the occupation of the building(s) in that phase 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 of that phase die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation.

In the interests of visual amenity.

31. Notwithstanding the submitted information, no development in each phase of Parcel A shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement for that phase have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the recommendations set out in the Elliot Consultancy 'pre-development tree survey' (Ref ARB/AE/1231, dated December 2015). The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. The scheme for each phase shall thereafter be carried out in accordance with the approved details and particulars for that phase before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

32. Notwithstanding the submitted information, no development in each phase of Parcel B shall take place until both an Arboricultural Impact Assessment and an Arboricultural Method Statement for that phase have been submitted to and approved in writing by the Local Planning Authority. This shall include a scheme to identify which trees and hedges are to be removed and retained, and for the protection during

construction works of all identified trees, hedges and any other planting to be retained on and adjacent to the site in accordance with BS 5837:2012 'Trees in relation to design, demolition and construction - Recommendations' and the recommendations set out in the Elliot Consultancy 'pre-development tree survey' (Ref ARB/AE/1231, dated December 2015). The scheme shall include details of the Root Protection Area with such areas demarcated and fenced off to ensure total safeguarding. Any Reserved Matters approval(s) for any phase of Parcel B shall thereafter be carried out in accordance with the approved details and particulars for that phase before any equipment, machinery or materials are brought on to the site for the purposes of the development, unless a variation to the scheme is agreed in writing with the Local Planning Authority. Nothing shall be stored or placed in any area fenced in accordance with this condition. Nor shall the ground levels within these areas be altered or any excavation be undertaken without the prior written approval of the Local Planning Authority. Any trees which are seriously damaged or die as a result of site works shall be replaced with trees of such size and species as may be specified in writing by the Local Planning Authority in the next available planting season.

In the interests of adequately protecting the health and appearance of any trees, hedges and other planting that are worthy of protection.

33. Notwithstanding the submitted details, no development (excluding site access works) of each phase of Parcel A shall commence until detailed proposals for the provision of public open space including details of their phasing, location and design/specification, landscaping, surfacing, means of enclosures, and a timetable for their provision in that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The public open space shall be provided in accordance with the approved details and timetables.

In the interests of public health and delivering a sustainable development and in order to ensure that public open space is provided in a planned and appropriate manner.

34. Notwithstanding the submitted details, no development of each phase of Parcel B shall commence until detailed proposals for the provision of public open space including details of their phasing, location, landscaping, surfacing, means of enclosures, and a timetable for their provision in that phase have been submitted to and approved in writing by the Local Planning Authority for that phase. The public open space shall be provided in accordance with the approved details and timetables.

In the interests of public health and delivering a sustainable development and in order to ensure that the public open space is provided in a planned and appropriate manner.

35. Prior to the commencement of any development (excluding site access works to Elwick Road) on each phase of Parcel A, a scheme for low level lighting (during and post development) for the areas of development, including road lighting adjacent to wildlife corridors, for that phase shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting

and demonstrate how light spill will be minimised on the adjacent to/onto the buffer zone and areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details.

In order to prevent disturbance to wildlife and the interests of the ecology of the area.

36. Prior to the commencement of any development on each phase of Parcel B of the development, a scheme for low level lighting (during and post development) for the areas of development, including road lighting adjacent to wildlife corridors, for that phase shall be first submitted to and agreed in writing with the Local Planning Authority. The scheme shall include the type of lighting and demonstrate how light spill will be minimised on the adjacent to/onto the buffer zone and areas of habitat that are of importance (linear features such as hedgerows). The development shall be carried out in accordance with the approved details.
In order to prevent disturbance to wildlife and the interests of the ecology of the area.
37. Prior to the commencement of any development (excluding site access works to Elwick Road) on each phase of Parcel A, a scheme for ecological mitigation for that phase in accordance with mitigation and enhancement measures set out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) shall be first submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall include details of animal pipes (to be inserted under roads where wildlife corridors are bisected), a 'toolbox talk' (to be provided to all on site contractors and staff prior to works commencing), 10cm2 square Hedgehog access hole at ground level within dividing garden fences, 'habitat piles' to be created within the SUDS area, buffer zones and under hedgerows. The development shall be carried out in accordance with the approved details unless some variation to the agreed details is agreed in writing with the Local Planning Authority.
In order to prevent disturbance to wildlife and the interests of the ecology of the area.
38. Prior to the commencement of any development on each phase of Parcel B of the development, a scheme for ecological mitigation for that phase in accordance with mitigation and enhancement measures set out in the 'Ecological Appraisal' by Naturally Wild (reference SHL-15-02, dated 09.12.2015) shall be first submitted to and agreed in writing with the Local Planning Authority. Such a scheme shall include details of animal pipes (to be inserted under roads where wildlife corridors are bisected), a 'toolbox talk' (to be provided to all on site contractors and staff prior to works commencing), 10cm2 square Hedgehog access hole at ground level within dividing garden fences, 'habitat piles' to be created within the SUDS area, buffer zones and under hedgerows. The development shall be carried out in accordance with the approved details unless some variation to the agreed details is agreed in writing with the Local Planning Authority.
In order to prevent disturbance to wildlife and the interests of the ecology of the area.

39. Prior to the commencement of development (excluding site access works to Elwick Road) on each phase of Parcel A a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings on Parcel A, with the selection of buildings facing onto the larger open spaces to be prioritised. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

40. Prior to the commencement of development on each phase of Parcel B of the development a scheme to provide bird mitigation features within that phase to provide long term nesting sites for the local bird population, including details of the features and a timetable for their provision, shall be submitted to and approved in writing by the Local Planning Authority. These shall include house martin nest cups and integral swift nesting bricks to be built into 10% of buildings on Parcel B. The bird mitigation features shall thereafter be provided in accordance with the approved timetable and details, unless some variation is otherwise approved in writing by the Local Planning Authority.

To ensure that the site is developed in a way that contributes to the nature conservation value of the site in accordance with the National Planning Policy Framework (NPPF) paragraph 109, which requires the planning system to aim to conserve and enhance the natural and local environment by minimising impacts on biodiversity. Paragraph 118 of the NPPF also states that opportunities to incorporate biodiversity in and around developments should be encouraged.

41. The clearance of any vegetation, including trees, hedgerows and arable land, shall take place outside the bird breeding season unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present, and a report confirming this is submitted to the Local Planning Authority prior to the clearance of any vegetation. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority.

In the interests of the ecology of the area.

42. All holes or trenches should be dug and in-filled within the same working day. If this is not possible, these should be securely covered overnight and/ or provided with an adequate means of escape to prevent badger, brown hare and other wildlife from becoming

entrapped.

In the interests of the ecology of the area.

43. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development on each phase of Parcel A, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways (to include bath washing facilities), roadsheeting of vehicles, dust/odour management, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site for that phase of Parcel A.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

44. A Construction Management Plan shall be submitted to and agreed in writing with the Local Planning Authority, prior to the commencement of development of each phase on Parcel B, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing measures to reduce mud on highways (to include bath washing facilities), roadsheeting of vehicles, dust/odour management, communication with local residents and measures to prevent the queuing of construction vehicles prior to the opening of the site for that phase of Parcel B.

In the interests of the amenity of the occupiers of adjacent and nearby premises and highway safety.

45. No development (excluding site access works to Elwick Road) shall commence on each phase of Parcel A until details of existing and proposed levels within that phase of Parcel A including any earth retention measures within the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.

In the interests of the amenities of the occupants of neighbouring properties.

46. No development shall commence on each phase of Parcel B until details of existing and proposed levels within that phase of Parcel B including any earth retention measures within and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority, the phase shall thereafter proceed in accordance with the agreed levels unless some variation is otherwise approved in writing by the local planning authority.

In the interests of the amenities of the occupants of neighbouring properties.

47. Notwithstanding the submitted information and prior to the first dwelling of each phase of Parcel A being constructed above damp proof level details of all external finishing materials and hardstandings of that phase shall be submitted to and approved by the Local Planning Authority, samples of the desired materials being provided for this purpose where requested by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

48. Notwithstanding the submitted details and prior to the occupation of each phase of Parcel A, details of all walls, fences and other means of boundary enclosure shall be submitted to and approved by the Local Planning Authority before that phase is commenced. The details shall be in general conformity with plan SD-10.06 Rev F (Boundary & Elevation Plan, date received 11.09.2017). Thereafter the development shall be carried out in accordance with the approved details.

In the interests of visual amenity.

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

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

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

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

51. Prior to the commencement of development (excluding site access works to Elwick Road) in each phase of Parcel A, details for the storage of refuse in that phase of Parcel A shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved

details.

To ensure a satisfactory form of development.

52. Prior to the commencement of development in each phase of Parcel B, details for the storage of refuse in that phase of Parcel B shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.

To ensure a satisfactory form of development.

53. Prior to the submission of Reserved Matters applications relating to any self build phase in Parcel B, the applicant shall submit a Design Code identifying the parameters and general design principles of the self build area. Once approved all plot specific Reserved Matters applications shall be determined in accordance with the Design Guide, unless otherwise agreed in writing with the Local Planning Authority. No development on any individual plot shall commence until the boundaries of all the individual plots within that phase (as agreed under condition 06) have been identified and demarcated on site in accordance with a scheme first submitted to and approved in writing by the Local Planning Authority. The scheme identifying and demarcating the plots shall thereafter be maintained as approved during the construction phases unless some variation is otherwise agreed in writing by the Local Planning Authority.

In the interest of the proper planning of the area to ensure plots can be clearly identified and relationships assessed when reserved matters applications are submitted.

54. Notwithstanding the provisions of Class A of Part 1 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification), the dwellings hereby approved within Parcel A shall not be extended in any way without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of the occupants of the adjacent residential properties.

55. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 (or any order revoking or re-enacting that Order with or without modification) and notwithstanding the boundary treatment details approved under condition 48, no fences, gates, walls or other means of enclosure, shall be erected within the curtilage of any dwellinghouse forward of any wall of that dwellinghouse which fronts onto a road in Parcel A, without the prior written consent of the Local Planning Authority.

To enable the Local Planning Authority to exercise control in the interests of the amenities of existing and future occupants of the adjacent residential properties.

56. No construction/building works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 8.00 am and 1.00 pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays. Unless some variation to these times is otherwise agreed in

writing by the Local Planning Authority.

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

57. .Notwithstanding the submitted details, the temporary portakabin and associated area (as detailed on plan SD-30.01 Rev C, received 22.01.2016) shall be removed from the site within 3 months from the last, first sale, of the approved dwellings on Parcel A unless an alternative timescale is agreed in writing with the Local Planning Authority. Thereafter the land shall be completed in accordance with the requirements of the planning conditions of this permission For the avoidance of doubt and in the interests of the visual amenity of the area.

The Committee considered representations in relation to this matter.

The meeting concluded at 12:20 pm.

CHAIR

PLANNING COMMITTEE

MINUTES AND DECISION RECORD

7th February 2018

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

Present:

Councillor: Rob Cook (In the Chair)

Councillors: Stephen Akers-Belcher, Allan Barclay, Marjorie James, Brenda Loynes, Ray Martin-Wells and George Morris

In accordance with Council Procedure Rule 4.2 Councillor Jean Robinson was in attendance as substitute for Councillor Sandra Belcher and Councillor Paul Beck was in attendance as substitute for Councillor Kaylee Sirs

Also Present: Councillors Kevin Cranney and Leisa Smith

Officers: Peter Devlin, Chief Solicitor
Jim Ferguson, Planning and Development Manager
Mike Blair, Transport and Infrastructure Manager
Sylvia Pinkney, Head of Public Protection
Daniel James, Planning Team Leader (DC)
Kieran Bostock, Principal Engineer (Environmental Engineering)
Fiona Riley, Planning Policy Officer
Jo Stubbs, Democratic Services Officer

88. Apologies for Absence

Apologies were submitted by Councillors Sandra Belcher, Bob Buchan, Tim Fleming and Kaylee Sirs.

89. Declarations of interest by members

Councillor Stephen Akers-Belcher declared a personal interest in planning application H/2017/0565 (Land at the Cliff) as Vice-Chair of Regeneration Services Committee.

Councillor Rob Cook declared a personal interest in planning application H/2017/0565 (Land at the Cliff) as a member of Regeneration Services Committee.

90. Confirmation of the minutes of the meeting held on 31st January 2018

Minutes deferred to the next meeting.

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

Number: H/2017/0565

Applicant: LOFTMAN LEISURE LTD MR CHRIS DODDS BIRCHILL GARDENS HARTLEPOOL

Agent: LOFTMAN LEISURE LTD MR CHRIS DODDS 38 BIRCHILL GARDENS HARTLEPOOL

Date received: 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

Prior to consideration of this item the Chair read aloud an email received from Ward Councillor James Black objecting to the application. A member queried as to whether any elements of the objection were material planning considerations. The Planning Team Leader (DC) offered that reference was made to the developments impact on the character of the area.

The Applicant, Chris Dodds, urged members to support the application which would help attract and maintain visitors to Seaton Carew thereby supporting the community. It would provide employment during and after the initial construction phase and work with the planned leisure park facility. In terms of some of the objections the location had been chosen due to its proximity to the proposed leisure park and the fact that it could be seen from the road. The location suggested by the objectors (behind the clock tower) provided neither of these advantages. He also noted that the proposed fence would provide a transparent and secure demarcation, preventing people from gaining access to the course out of hours.

Members asked whether the applicant was happy to include a daily litter pick as part of the conditions, including any airborne litter which might cling to the fence. Mr Dodds commented that he would be happy to agree to such a condition for the inside of the fence but not the outside. Councillors were

concerned at this response and queried whether he would reconsider the overall design of the fence. Mr Dodds advised that a number of alternatives had been suggested and he felt this was the most effective option in terms of cost and preventing access to the site out of hours. Members commented that fences of the kind proposed tended to hold airborne litter and Mr Dodd's refusal to agree to collect litter from the outside of the fence was a serious concern. In light of this members voted in favour of a site visit to the area to allow them to see the impact the development would have on the residents and the surrounding area in terms of the visual impact of the proposed fencing and matters of litter. This would also allow for further discussions on the type of fence and litter issue. Andrew Moss, a solicitor acting on behalf of the residents asked whether he could attend the site visit. The Chair confirmed he could attend but could not address members of the Committee.

Decision: Deferred for a site visit

The Committee considered representations in relation to this matter.

| | |
|-----------------------|--|
| Number: | H/2017/0487 |
| Applicant: | F S STURROCK & SONS THE GREEN ELWICK HARTLEPOOL |
| Agent: | YOUNGS RPS MR JAMES THOMPSON 50 FRONT STREET SEDGEFIELD |
| Date received: | 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 |

Members noted the comments of Tees Archaeology relating to the proximity of the site to the medieval village of Elwick and the fact that the top soil had been removed prior to planning permission being given thereby removing the possibility of archaeological monitoring during the laying of the foundations. They queried the possibility of enforcement action being taken. The Chief Solicitor advised that such discussions would need to place during closed session.

The Agent, James Thompson, urged members to support the development which would be a natural extension to the existing farmyard. Building materials had been carefully chosen in order to fit in with the rest of the site.

Members were happy to support the application. The application was approved by a majority.

Decision: Planning Permission Approved**CONDITIONS AND REASONS**

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby approved shall be carried out in accordance with 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 interests 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.

The Committee considered representations in relation to this matter.

| | |
|-----------------------|--|
| Number: | H/2017/0574 |
| Applicant: | MR A HOGG RELTON WAY HARTLEPOOL |
| Agent: | CAD-LINK ARCHITECTURAL SERVICES LTD 26 MOUNTSTON CLOSE HARTLEPOOL |
| Date received: | 21/11/2017 |
| Development: | Extension to detached garage |
| Location: | 13 RELTON WAY HARTLEPOOL |

Members requested a site visit for the following reasons – local and national planning policy, loss of privacy, loss of daylight, noise, dust and smells.

Decision: **Deferred for a site visit**

92. **Appeal at the former Saxon Public House, Easington Road, Hartlepool, TS24 9XU** (*Assistant Director (Economic Growth and Regeneration)*)

Members were advised that an appeal had 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 Public House. The decision was delegated through the Chair of the Committee and permission was sought to contest the appeal.

Decision

That officers be authorised to contest the appeal.

93. Appeal at 1 Serpentine Gardens, Hartlepool *(Assistant Director (Economic Growth and Regeneration))*

Members were advised that a planning appeal against the refusal of planning permission for the installation of a dormer window, patio, balcony, boundary wall/fence and gate and other alterations to the window and door arrangements had been dismissed. A copy of the Inspector's decision letter was appended.

Decision

That the outcome of this appeal be noted.

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

Members were advised that a planning appeal against the refusal of planning permission for the erection of a first floor extension and installation of an additional window had been allowed. A copy of the Inspector's decision letter was appended.

Decision

That the outcome of the appeal be noted

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

An update was given regarding 7 complaints currently under investigation and 6 completed complaints.

Decision

That the report be noted.

96. Local Government (Access to Information) (Variation Order) 2006

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

Minute 91 – (Planning Applications) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings

Minute 97 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

Minute 98 – (Enforcement Action) – This item contains exempt information under Schedule 12A Local Government Act 1972 as amended by the Local Government (Access to Information) (Variation) Order 2006 namely (para 5) information in respect of which a claim to legal professional privilege could be maintained in legal proceedings and (para 6) information which reveals that the authority proposes (a) to give under any enactment a notice under or by virtue of which requirements are imposed on a person; or (b) to make an order or direction under any enactment.

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

Discussions took place regarding planning application H/2017/0487 (Home Farm). Details are contained in the exempt minutes.

Decision

Contained in the exempt minutes.

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

Members were asked to consider whether to take enforcement action.

Further details are contained in the exempt minutes

Decision

Contained in the exempt minutes.

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

Members were asked to consider whether to take enforcement action.

Further details are contained in the exempt minutes

Decision

Contained in the exempt minutes.

The meeting concluded at 11am.

CHAIR

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 This application was deferred at the last Planning Committee (07/02/18) for a site visit to take place before this meeting (07/03/2018) to allow members to appraise themselves of the site and further consider the impacts of the proposed fencing in terms of the character of the area and litter accumulation. The case officer has since engaged in further discussions with the applicant with respect to the design of the fence and this is discussed in detail in paragraphs 1.46-1.50. Further comments have also been received from the applicant and the Council's Grounds Maintenance, Estates and Legal teams with respect to clearing of litter from the site and these are discussed in detail in paragraphs 1.89-1.91.

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

1.4 H/2013/0432 – Planning permission was granted on 4th December 2013 for change of use to siting of amusements, rides, catering vans and use of bus station kiosk for sale of hot beverages, snacks and newspapers on parcels of land located along Seaton Carew front (north of the paddling pool/south of Station Lane and east of 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. Whilst the above application initially included the current application site, condition 5 of the above approval excluded the site from the planning permission.

1.5 H/2015/0396 – Planning permission was granted on the adjacent site (east of the Front/south of Station Lane) 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.

1.6 H/2017/0471 – Planning permission was again granted on the adjacent site (east of the Front/south of Station Lane) 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

1.7 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.

1.8 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.

1.9 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.

1.10 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.

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

1.12 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

1.13 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.

1.14 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.

1.15 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

1.16 The application has been advertised by way of neighbour letters (24), site notice and a press notice. To date 21 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

1.17 2 letters of objection have also been received from local Ward Councillor's citing concerns including:

- The proposal is unduly large/out of keeping/constitutes poor design
- The proposed fencing is inappropriate/out of keeping
- Loss of greenfield/recreation/amenity open space and event space
- Detrimental impact on neighbour amenity (including noise) and privacy
- Detrimental impact on parking and highway and pedestrian safety
- The proposal is contrary to wishes of community
- Loss of views
- Other alternative/more appropriate sites are available
- Lack of public consultation

1.18 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

1.19 Copy Letters **A**

1.20 The period for publicity has now expired.

CONSULTATIONS

1.21 The following consultation responses have been received;

HBC Strategic Asset Manager - The necessary covenant insert in the draft lease has been actioned with Chris Walker in Legal [to ensure any litter accumulated on site is removed].

HBC Legal (verbal) – A clause shall be included in the lease to the operator to ensure any litter accumulated is removed.

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.

UPDATE 07/02/18: The problem in the area, where the crazy golf has been proposed, is predominantly anti-social behaviour. There have been 71 instances reported in the vicinity in the past 12 months.

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 Grounds Maintenance - The responsibility for internally generated litter from the golf course would be the responsibility of the independent licensed golf provider to clear up and dispose of, and anything external on the street/ promenade would be HBC. Given we have cleansing operations taking place in the area when necessary, at first glance I am not sure this would be any significant additional work.

UPDATE 13/02/18: Any materials collected on the external boundary fence line would be litter picked by our cleansing teams as part of our routine cleansing regime for the area. As this is one of our major tourist areas the area gets cleaned daily during the summer months and twice a week in the winter months.

HBC Waste Management – No representation received.

Campaign to Protect Rural England (CPRE) - This application has just been brought to the attention of CPRE Durham. We understand from the website that a decision has been deferred.

We note that this site is in or close to the Seaton Carew Conservation Area. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to ensure “special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area”. The relevant paragraphs of the NPPF have of course to be read in conjunction with this statutory duty.

We acknowledge that the southern part of the Conservation Area is generally commercial but the northern part is much more residential. This application site, while almost adjoining the commercial part, is in the far more open residential part.

We therefore believe that this proposal will impact negatively on the Conservation Area. It will introduce a commercial activity into this area which will be compounded by a fence that is required by the police.

We note comments about the previous crazy golf course by the bus station. That is in the commercial part of the Conservation Area and in our opinion is a much more satisfactory location for such activity.

We therefore fully support the comments of Ward Hadaway solicitors and request that permission be refused for this application.

PLANNING POLICY

1.22 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)

1.23 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.

1.24 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 in 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 its 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

1.25 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)

1.26 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.

1.27 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:

1.28 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.

1.29 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

1.30 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

1.31 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.

1.32 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.

1.33 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.

1.34 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.

1.35 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.

1.36 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.

1.37 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.

1.38 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

1.39 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.

1.40 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.

1.41 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.

1.42 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.

1.43 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.

1.44 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.

1.45 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.

1.46 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.

1.47 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 has stated 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.

1.48 In view of similar concerns raised at the previous Planning Committee meeting (07/02/18) and at the request of Members, the case officer has since engaged in further discussions with the applicant regarding the proposed boundary fencing and whether there are any alternative boundary enclosures that could be used that would be more sympathetic to/characteristic of the area.

1.49 However, the applicant has stated that the boundary fence has been designed and detailed after careful consultation with the Council and Cleveland Police. The applicant has confirmed that they have looked at a number of options however ultimately maintain that the proposed fence will provide a strong, transparent and secure demarcation line between the course and the surrounding paths, and will also prevent balls from leaving the course. The applicant has also highlighted that from a legal point of view, as a company, they have a duty of care to prevent injury to trespassers under the Occupiers Liability Act 1984, and a low fence would increase the likelihood of trespassers to whom they would owe a duty of care to. Cleveland Police has since reiterated their support for the proposed fencing, highlighting that the problem in this area is predominantly anti-social behaviour, with 71 instances reported in the vicinity in the past 12 months.

1.50 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.

1.51 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.

1.52 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.

1.53 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

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

1.55 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).

1.56 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."

1.57 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.

1.58 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.

1.59 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.

1.60 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.

1.61 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.

1.62 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.

1.63 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.

1.64 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

1.65 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.

1.66 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.

1.67 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.

1.68 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

1.69 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.

1.70 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

1.71 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.

1.72 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.

1.73 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.

1.74 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.

1.75 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

1.76 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

1.77 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.

1.78 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.

1.79 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

1.80 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.

1.81 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.

1.82 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

1.83 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

1.84 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

1.85 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.

1.86 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.

1.87 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.

1.88 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.

1.89 Concerns have been raised with respect to the potential for increases in litter, and in particular litter gathering or getting trapped in and around the perimeter fencing. 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.

1.90 In addition, to ensure the site remains clear of litter and in view of concerns raised at the previous Planning Committee meeting (07/02/18), the Council's Legal team have prepared a clause to be included in the lease to the operator to ensure any litter accumulated is removed, in addition to a standard condition not to cause a nuisance and ensure the site is kept in a tidy condition. The applicant has also since confirmed in written correspondence that during opening hours, their litter patrol team will remove litter that may have collected on the boundary fence on a daily basis and when the course is closed, mainly in the winter months, the litter patrol team will meet regularly to carry out this duty. As such, matters can be appropriately addressed through the above referenced legal mechanism.

1.91 Furthermore, and with respect to external areas, the Council's Grounds Maintenance team has been consulted and has advised that whilst internally generated litter from the golf course would be the responsibility of the independent licensed golf provider to clear up and dispose of, anything external on the street/promenade would be removed by the Council. As this is a major tourist area, the area gets cleaned daily during the summer months and twice a week in the winter months by HBC Grounds Maintenance.

1.92 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.

1.93 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.

1.94 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

1.95 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

1.96 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

1.97 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.

1.98 There are no Section 17 implications.

REASON FOR DECISION

1.99 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

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

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

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LAND AT THE CLIFF, SEATON CAREW

THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| 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. This application was deferred at the last Planning Committee (07/02/18) for a site visit to take place before this meeting (07/03/2018).

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

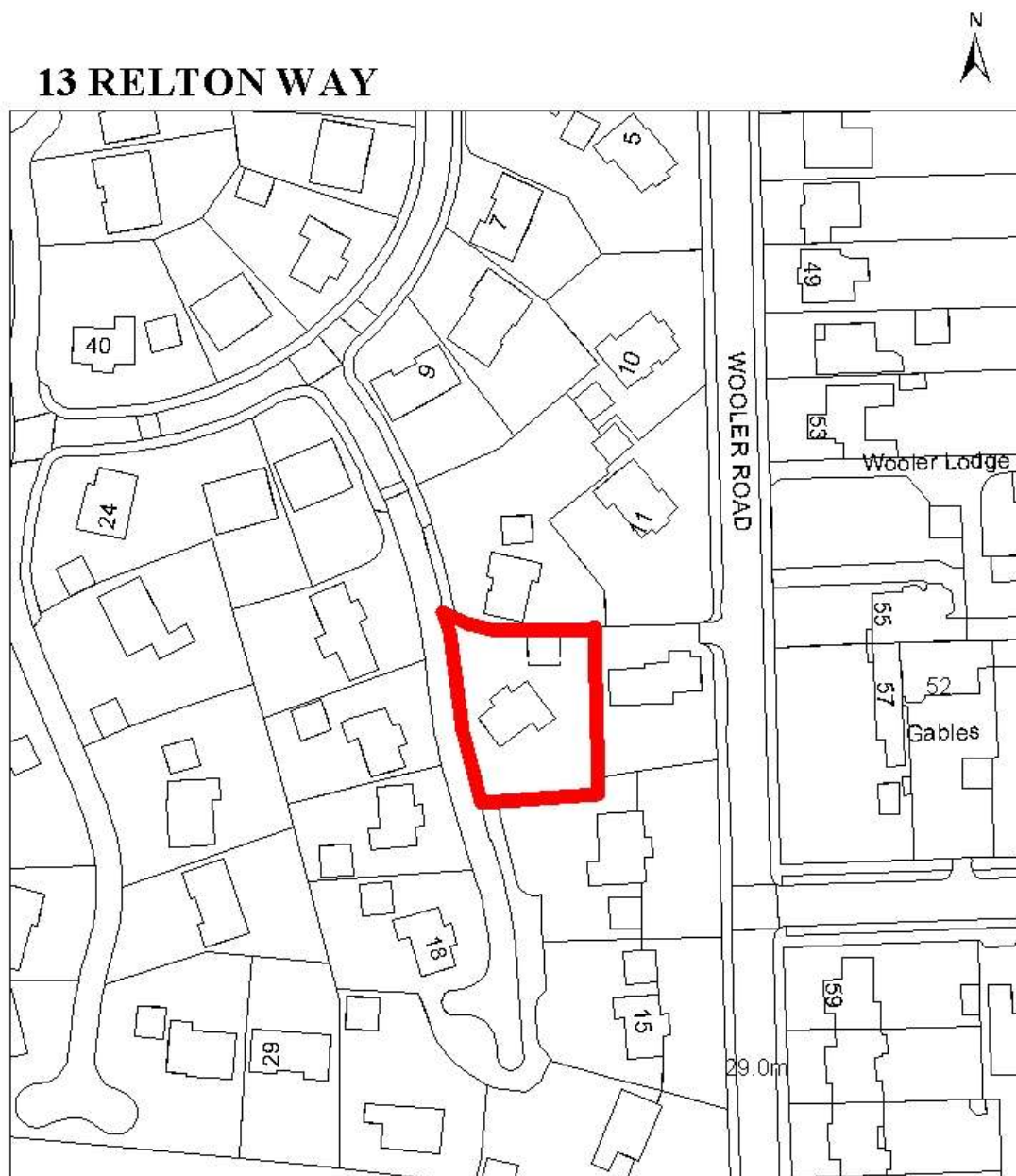
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|-------------------------|
| 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/2018/0002
Applicant: BAM CONSTRUCTION LTD FIFTH AVENUE BUSINESS
 PARK TEAM VALLEY TRADING ESTATE GATESHEAD
 NE11 0HF
Agent: LICHFIELDS MR JONATHAN WALLACE THE ST
 NICHOLAS BUILDING ST NICHOLAS STREET
 NEWCASTLE UPON TYNE NE1 1RF
Date valid: 11/01/2018
Development: Demolition of existing school buildings and redevelopment
 of the site to provide a replacement school building and
 playing pitches along with extended WC facilities, car
 parking, hard and soft landscaping and access
 arrangements
Location: ENGLISH MARTYRS COMPREHENSIVE SCHOOL
 CATCOTE ROAD 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 history is considered to be relevant to the current application:

3.3 HFUL/1985/0295 – Planning permission was granted on 27th August 1985 for the erection of a portable classroom unit for a Youth Training Scheme.

3.4 HFUL/1993/0333 – Planning permission was granted on 4th August 1993 for the erection of a building for use as school chaplaincy.

3.5 HFUL/1993/0428 – Planning permission was granted on 15th September 1993 for the erection of a rear laboratory extension and a library/administration extension with link pedestrian bridge over to front of premises.

3.6 HFUL/1995/0575 – Planning permission was granted on 17th January 1996 for the provision of a new vehicular crossing, alterations to the entrance gates and use of hardstanding areas for the parking of buses

3.7 HFUL/1997/0679 – Planning permission was granted on 18th February 1998 for the erection of 2.4 metre high palisade, galvanised, security fencing to boundaries.

3.8 HFUL/2000/0274 – Planning permission was granted on 17th July 2000 for the erection of an art studio and exhibition gallery extension (for school use).

3.9 HFUL/2001/0043 – Planning permission was granted on 5th April 2001 for an extension to provide a new science laboratory.

3.10 HFUL/2001/0345 – Planning permission was granted on 24th September 2001 for the erection of 4 demountable classrooms.

3.11 HFUL/2002/0776 – Planning permission was granted on 23rd April 2003 for the provision of a fenced, floodlit, all-weather sports pitch and additional car parking and pedestrian gates.

3.12 HFUL/2003/0390 – Planning permission was granted on 9th July 2003 for the erection of a demountable classroom block/

3.13 HFUL/2003/0485 – Planning permission was granted on 8th December 2003 for the erection of a sixth form block, music room, art room, changing block and lifts to extensions.

PROPOSAL

3.14 Planning permission is sought for the demolition of existing school buildings and redevelopment of the school site to provide a replacement school building and playing pitches along with extended WC facilities, car parking, hard and soft landscaping and access arrangements.

3.15 The existing buildings to be demolished comprise the majority of those that currently serve the site and run north-south along the frontage of Catcote Road. The buildings to be demolished range in height from 1-3 storeys and are primarily of a design typical of school buildings of this age (c.1970s). The scheme includes the retention of 4 smaller detached buildings/classrooms in addition to the existing art and music block (which is to be extended) and existing Sixth Form building.

3.16 The main replacement school building comprises a three storey U-shaped building, with a total floor area of approximately 9,855 square metres, which is to be located to the west/south-west of the existing school building(s) on an area of playing field. At its greatest extent, the building measures approximately 83 metres by 70 metres in size. The building is to be clad in textured grey/brown facing brickwork and insulated taupe metallic cladding panels with dark (anthracite) fenestration. The proposed building features a flat roof design with parapet wall with a maximum building height of approximately 12.3 metres (approx. 14.1 metres to top of plant).

3.17 The northern main section of the building features a large triple height glazed entrance atrium and dining hall, a new sports hall and changing facilities, a new general purpose hall, a chapel, classrooms and other ancillary school facilities. The two projecting wings of the building feature further classrooms and other ancillary school facilities. A base of flexible general teaching spaces are planned for the delivery of academic subjects, with specialist teaching spaces, such as serviced science laboratories and specialist classrooms for Music and Design and Technology. Externally, the new facility will include a landscaped informal play area, chapel gardens and seating areas.

3.18 The proposal also includes a single storey extension to the existing art and music block that is to be retained, to provide new W/C facilities. The existing block is currently adjoined to the existing main school building (to be demolished) and as such its retention requires the erection of a new exterior wall to the southern elevation (approx. 4.6 metres in height). The proposed extension is to feature a flat roof design in keeping with the existing retained block, with a total height of approximately 3.6 metres. The proposed extension will be clad in facing brickwork with a single double glazed door to the northern elevation, to match the existing building(s) to be retained.

3.19 In addition, the proposal includes compensatory playing field provision on the site of the old school building, alterations to existing car parking and access arrangements, bin and cycle storage facilities, a substation and hard and soft landscaping.

3.20 The proposed new school will have a capacity of 1,750 students and 220 staff. The existing school currently has 1,634 pupils.

3.21 The application has been referred to the Planning Committee due to the nature of the proposed development.

SITE CONTEXT

3.22 The application site comprises an existing school site at English Martyrs Comprehensive School, Catcote Road, Hartlepool. The application site extends to approximately 9.3 hectares in area. The site is bounded to the east by the adopted highway along Catcote Road with playing pitches at West Hartlepool Rugby Football Club beyond. To the south, the site is bounded by residential properties along Kipling Road and Gladys Worthy Close. To the west of the site lies Summerhill Country Park. To the north, the site is bounded by allotment gardens and Catcote School.

PUBLICITY

3.23 The application has been advertised by way of neighbour letters (59), site notices (4) and a press notice. To date, 1 objection has been received with the following concerns (summarised):

- Historical/archaeological information will be damaged/lost

3.24 Copy Letters **C**

3.25 The period for publicity (press notice) expires 28/02/2018.

CONSULTATIONS

3.26 The following consultation responses have been received;

HBC Building Control – The proposals require an application, no further comments at this stage.

HBC Building Consultancy – No representation received.

HBC Child Services – On behalf of Hartlepool Safeguarding Children Board (HSCB) I can confirm that there are no concerns over the above mentioned planning application.

HBC Economic Development – No representations received.

HBC Engineering – Can I please request a surface water condition on this application?

HBC Heritage and Countryside – I'm not aware of any heritage assets on this site therefore I wouldn't wish to comment.

Tees Archaeology - Thank you for the consultation on this application. The applicant has provided a geophysical survey of the area proposed for the new school building. No features of likely archaeological significance were identified in the survey and the applicant has satisfied the requirements of the NPPF (para 128). I recommend that no further evaluation work is required. I therefore have no objection to the proposal and have no further comments to make.

HBC Countryside Access Officer – For this application; I have no comments to add. All my main comments and concerns have been addressed through planning pre-application process for the full site, planning pre-application I/2017/0377. Please refer to those comments for further details.

HBC Ecology – Ecology position: I currently object, due to a lack of NPPF biodiversity enhancement measures.

Bats

I am satisfied that the bat survey work is robust and that no further action is required (unless bats are found during works, when the developer has a legal obligation to stop work and seek professional advice, as stated in the Dendra bat report at E3.1).

Landscape and biodiversity

I have studied the submitted Landscape General Arrangement Plan (Figure 1).

The areas that could have biodiversity benefits are small in size and restricted in scope. I commented at pre-application stage (on 28/11/2017) suggesting that this major scheme, for education and within a secure perimeter, could take advantage of the opportunity to provide a strong biodiversity theme through habitat creation and provision of nesting opportunities for species. The landscape/ biodiversity proposals appear not to have changed since my earlier comments on Site Plan '140867-ONE-ZZ-XX-DR-L-0002-SO-P04'.

I require significant biodiversity enhancement for such a major scheme as per paragraph 118 of the NPPF, but can see little evidence of this.

I recommend that wildlife ponds are created, especially to provide breeding opportunities for declining amphibians. Figure 2 shows how the school site directly links to Summerhill Country Park where there are known amphibian populations in ponds. There has been no effort to create ponds within the western perimeter which could help those populations to expand.

I recommend that a falcon nest box, integral swift nesting bricks and integral bat roost bricks are built into the new build, to provide safe nesting/ roosting opportunities for declining bird and bat species. Details of bespoke nest and roost bricks can be found on the following websites:

<http://www.swift-conservation.org/>

[http://www.bats.org.uk/pages/bat_boxes.html#Integrated bat boxes](http://www.bats.org.uk/pages/bat_boxes.html#Integrated%20bat%20boxes)

https://www.nhbs.com/1fe-schwiegler-bat-access-panel?bkfno=183033&ca_id=1495&qclid=EAlaIQobChMIsLfvhqfh1wIVDbobCh0doQAiEAQYBCABEgIRtvD_BwE

I recommend that the existing trees (to be retained) around the NW, W and SW boundaries are under-planted with native species trees (There appears to be no Arboricultural Assessment report, so it is not clear what species, size or condition these trees are).

Other comments

On the GA Elevations – Sheets 1 to 4, ‘materials’ 10 (Rooftop Plant) and 11 (Guardrail) appear to be missing.

I suggest the standard bird breeding condition (to cover all works) and the bat informative (to cover building demolition).

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

UPDATE 19/02/18 (following the submission of further/amended details);

I have studied the revised Landscape General Arrangement Plan (Drawing No. 1003-D5-P04) and detailed Planting Plan (Drawing No. 0202-D2-P01).

In my previous response I commented on the following:

1. A requirement for 'significant biodiversity enhancement';
2. A recommendation that wildlife ponds be created;
3. A recommendation that nesting boxes are incorporated into the development; and
4. A recommendation that the existing western tree belts are under planted with native species.

The applicant has sought to address these issues or justify why they cannot be implemented.

1. I am now satisfied with the inclusion of an extensive area of proposed 'species-rich' grassland along the site's western perimeter as illustrated in the revised plan.
2. While I have seen ponds created in two recent new build schools in Redcar and Cleveland I am satisfied that a reason has been given as to why ponds have not been incorporated into the English Martyrs School. I remove my requirement for ponds.
3. I am satisfied with the agreed inclusion of bat roost and swift nest bricks within the walls of the new-build element of the scheme (as per the submitted details – Appendix 1) and provide siting advice below. I recommend 18 bat boxes in groups of three on the east and south facing sides of the new build and 18 swift boxes in groups of three on the north and west facing sides.
4. Having taken advice from the Council Arboricultural Officer regarding the species make-up and age of the tree belt and having noted the applicant's comment that the scope for soft landscaping improvements and tree planting across the site has been maximised, I am satisfied that no under-planting is required and remove my requirement.

I recommend that the selection of tree species and the species-rich grassland seed mix are the subject of a condition and that the appropriate plans and bat and swift brick details are secured by conditions or a legal agreement.

With these measures secured I am satisfied that NPPF 118 biodiversity enhancement appropriate to the scale of the site will be delivered.

Positioning of swift nest boxes

The following swift nest box guidance from http://www.swift-conservation.org/swift_bricks.htm should be followed.

Positioning of bat roost boxes

Bat bricks/ boxes to be mounted high up on the eaves of buildings. The aspect of the brick should capture the sun for part of the day, therefore a sunny location on the east or south facing side of the building is recommended.

UPDATE 21/02/18 (following the submission of further/amended details);

I have studied Drawing No. RYD-ZZ-ZZ-DR-A-36002-SO-P7-GA Elevations and am satisfied with the inclusion of 18 bat boxes (six on east and 12 on south elevations) and 18 swift boxes (12 on west and six on north elevations).

HBC Arboricultural Officer – landscape plan that has been submitted showing the General Arrangement for job no.N662 and dated the 14/12/2017 (Reference 140867-ONE-ZZ-XX-DR-L-1003-D5-P03) gives an indicative layout which appears to work well. That said the final details of the scheme needs to be submitted showing choice of species, program of works for the soft landscape element etc. From the information provided so far, I have no objection to this proposal going ahead.

UPDATE 15/02/18 (following the submission of further/amended details);

The species selected are appropriate to the site although the woodland planting will take 5 – 6 years to become noticeable, the birch, field maple and cherry will be of a size that is noticeable. From the landscape side, I am happy with the proposals.

HBC Public Health - The Council's Health Improvement Team (Children's Services and Joint Commissioning Directorate) are supportive of this application.

HBC Public Protection – I have looked at the updated construction management plan and it is still short on some detail.

The plan identifies that a wheel wash will be provided at the site entrance but there are no details of what this wheel wash will consist of.

There is no mention of how they intend to control and treat any stockpiles on site. This is of particular importance with regards to any dusty products.

There is no mention in the plan concerning the road sheeting of vehicles entering and leaving the site. This is also of importance in connection with any potentially dusty materials.

I am happy with the hour's restrictions on construction activities and deliveries to site. The only concern I have is how they intend to prevent any delivery vehicles that may turn up outside of these hours parking up in neighbouring residential streets or on Catcote Road or queueing up at the site entrance.

The conditions within the plan should also apply to the demolition works. I would also require a condition prohibiting any open burning on site.

Otherwise I have no objections to this application.

UPDATE 20/02/18 (following the submission of further/amended details);

Considering how close the site compound is to the rear of the neighbouring houses I think the earliest deliveries should be from 7:00am and no earlier. I accept that this is somewhat of a balancing act between highway safety and the school runs and the requirement to get materials onto site. The less deliveries we can achieve in the early morning the better from the view of the potential impact on the amenity of the neighbouring residents.

Otherwise I am happy that the rest of the plan is acceptable from our perspective.

UPDATE 21/02/18 (following the submission of further/amended details);

It's not ideal but I can work with a 6:30 to 7:30. I am only accepting this as it is important to avoid the peak times for drop off and pick up at the Schools. They need to make the staff aware of how close they are to residential properties and to consider this when unloading vehicles. It would help if they could insist on delivery vehicles being fitted with broadband reversing alarms in preference to reversing beepers. They should also ensure that vehicle engines are not left idling whilst being unloaded.

HBC Property Services – My only comment is that the document refers to the site entrance off Summerhill Lane which hasn't been formally agreed as yet.

HBC Sport and Recreation – From my point of view the details relating to the proposed new build covers all the statutory ground including re provision of sports pitches.

My only comments re this is the quality of the pitch re provision vis a vis getting assurances (as a planning condition?) that this would be done in accordance with Sport England/FF/FA technical guidelines .

Been bitten in a previous life by pitches having a thin layer of clay and top soil on top of rubble left and buried on site by the contractor resulting in rubble debris continually coming to the surface over time.

I'd question the capacity of the changing rooms to accommodate full site use however from a EFA perspective given they are only concerned with education use they will probably meet their spacial requirements. Ditto car parking capacity.

HBC Traffic and Transport – The proposed school utilises the existing school access points, the access points to the main car park adjacent Catcote Road will have the in and out designations reversed. The car park has been extended in several locations to accommodate 199 vehicles the level of parking is of the required standard set out in the HBC Design Guide and Specification. The proposed layout of the car park is acceptable.

Cycle parking should be provided for children and staff a minimum provision of 1 space per 10 members of staff.

The Construction Management Plan should also include details on delivery routes, the site should be accessed from the A689 / Catcote Road (deliveries should be advised to avoid school arrival and leaving times). The existing management plan has provision for wheel wash facilities however it should be noted that the recent planning committee required all major developments to have wheel bath facilities on site.

UPDATE 16/02/18: I can confirm that I don't require a travel plan.

UPDATE 19/02/18: I can confirm that I am happy with the use of Summerhill Lane for the site access.

In line with comments from a recent planning committee it is now required for major developments to provide wheel bath facilities.

UPDATE 22/02/18: I can confirm that the proposed relocation of the existing cycle storage would be acceptable.

The updated Project management plan is acceptable.

HBC Waste Management – This looks fine to us, as long as we are able to access the bin store, which, judging by the attached plan, we can.

HBC Education – Children’s & Joint Commissioning Services Department have no objections to the proposals.

Cleveland Fire Brigade – Following discussions with the design and development team B.A.M. we understand that the development of the new building will not incorporate sprinklers into the design; this is contrary to government policy.

I have spoken with a representative of the Education and Skills Funding Agency who has informed me that funding has not been provided for this purpose, however, where required by local policy they will fund their inclusion.

As I’m sure you are aware, many schools provide far more than a place of learning, they act as a community hub and promote community cohesion. Therefore, the potential impact of a severe fire goes far beyond the immediate impact to the students that attend them.

A fire can potentially place pupils, teachers and firefighter’s lives at risk; it may expose children to lengthy periods of disrupted education which could result in unachieved potential. It often results in an additional economic burden to the government and local authorities; compromise employment; and causes distress to whole communities.

Since 2002 schools and colleges within the Cleveland Fire Authority area have experienced a combined total of 126 fire incidents, many of them severe, causing considerable disruption. In July 1998 Grange School, Owton Manor experienced such a serious fire that it completely destroyed the junior classrooms and hall which were subsequently demolished. More recently in May 2017, Rift House Primary school, Masefield Road also experienced a significant fire resulting in the destruction of the nurse section of the school following a deliberate ignition.

The appropriate guidance document for fire safety in schools is Building Bulletin 100 produced by the then Department for Children Schools and Families, which has not been utilised. A designer is not required to follow the guidance in this document. The onus is on the designer to demonstrate that the design results in an appropriate level of safety, as good as or better than that achieved by following the guide, the executive summary states;

‘The guide acknowledges the important role of sprinklers. Sprinkler systems installed in buildings can significantly reduce the degree of damage caused by fire and can reduce the risk to life. On 1 March 2007, DCSF announced the new policy on sprinklers and their value as a measure against the risk of fire and arson. All new schools should have fire sprinklers installed except in a few low risk schools. The tools available to carry out such a risk assessment are discussed in this guide.’

We have also seen a number of successful interventions by sprinkler systems in schools within our area. Outwood Academy and Middlesbrough College both built between 2014-2015, experienced deliberate fires which were successfully

extinguished by their respective systems resulting in only very minor fires and slight water damage, with little disruption to the school, the wider community and no injuries were sustained.

I would encourage the committee to consider requiring the installation of sprinklers as part of the granting of permission and in the longer term contemplate a change of policy to require their inclusion on any new school development.

UPDATE 20/02/18: Thanks for the response, however, I disagree with some of the commentary. I have spoken with Tyne and Wear FRS and have a copy of the consultation. They like ourselves have concerns that sprinklers are not being installed. Our particular issue is that the risk assessment toolkit which forms part of BB100 is being bypassed by utilising alternative guidance. It is still the expectation of Government that this assessment is undertaken see link below, I have copied the appropriate section;

A DfE spokesperson said: “Schools have a range of fire protection measures and new schools undergo an additional check while being designed. Where sprinklers are deemed necessary to keep children safe, they must be installed.

<http://www.independent.co.uk/news/uk/politics/angela-rayner-schools-sprinklers-fire-nick-gibb-education-labour-a8215531.html>

The check alluded to is the risk assessment toolkit. If the risk assessment is undertaken and indicates that sprinklers are required the Education and Skills Funding Agency (‘ESFA’), will fund them and the additional cost would not be borne by the council. I would suggest that this is the case by contacting the EFSA.

Tyne and Wear FRS have requested that BME carry out the risk assessment, Cleveland Fire Brigade have likewise, unfortunately we are only consultees and although our comments should be considered they can be ignored.

Cleveland Emergency Planning Officer – No representations received.

Environment Agency – Following our conversation on the phone. I can confirm that the Environment Agency will have no comments on this planning application. We had been correctly consulted by yourself on this application as it included an Environment Impact Assessment. Once I had screened the site through our matrix’s and systems I decided that there was no constraints.

Hartlepool Water – No representations received.

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

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

We would have no issues to raise with the above application, provided the application is approved and carried out within strict accordance with the submitted document entitled “Drainage Strategy Report (part 1 & 2)”. In this document it states that both the foul and surface water flows shall discharge to the combined sewer upstream of manhole 3301 and will not exceed 47.1 l/sec.

We would therefore request that the following condition be attached to any planning approval, so that the development is implemented in accordance with this document:

CONDITION: Development shall be implemented in line with the drainage scheme contained within the submitted document entitled “Drainage Strategy Report (part 1 & 2)” dated “14/12/17”. The drainage scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole. The joint discharge rate shall not exceed the available capacity of 47.1 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Lead Local Flood Authority.

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

It should be noted that we are not commenting on the quality of the flood risk assessment as a whole or the developers approach to the hierarchy of preference. The council, as the Lead Local Flood Authority, needs to be satisfied that the hierarchy has been fully explored and that the discharge rate and volume is in accordance with their policy. The required discharge rate and volume may be lower than the Northumbrian Water figures in response to the National and Local Flood Policy requirements and standards. Our comments simply reflect the ability of our network to accept flows if sewer connection is the only option.

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>

Cleveland Police – I am led to believe this development does not wish to achieve Secured by Design Accreditation however crime prevention and community safety requires to be taken into consideration to help provide a safe and secure facility.

Although the school does not suffer from significant problems regard crime and anti-social behaviour it is always advisable to put in appropriate preventive measures to help maintain this situation.

Site Boundaries

The proposed 2.4m paladin weld mesh fence will provide an effective deterrent. It is important that no structures close to the proposed fence or the retained existing boundary fencing to act as a climbing aid. Proposed gates should be devoid from climbing aids. It is important that access to school ground is restricted to unauthorised users during and outside school hours. Security of access gates will need to be well managed.

Lighting

Car parking, roads and footpaths should all be well lit preferably to the requirements of BS5489-1: 2013 All entrances /doors are recommended to have effective lighting. Internal lighting should be activated by movement sensors

Cycle Storage

This to be a close to the main school building as possible and in view of an active room e.g. reception area and preferably consisting of a secure container.

Outside Dinning /sitting Areas

Require to be robust and vandal resistant.

Reception

I understand there is one main entrance to the school this should be clearly identified and reception should have a clear view of approaches consideration should be given to access control to the school main entrance with CCTV coverage of the reception area. It is important to restrict access to the main school via reception. Reception area should be staffed at all times and the design of the reception desks should offer protection for the staff by width and height of desk.

CCTV

Although not a universal solution to security problems it help provide a useful deterrent to crime and anti-social behaviour. An operational requirement should be carried out with regard any CCTV installation

Alarms

A fit for purpose monitored alarm with a Police response is recommended.

Strongrooms

These should be recommended to store any items of high value

Mail Delivery

Secure mail delivery should be made available

Physical Security

Doors and accessible windows should be fitted with one pane of attack resistant glass which is laminated min. 6.8mm and should ideally be certified to PAS 24:2012/ PAS 24:2016 or STS201/Sts202 BR2

Sport England - Summary: Sport England raises no objection to this application which is considered to meet exception E4 of our adopted Playing Fields Policy, subject to a condition relating to the detail of the replacement playing field

Sport England –Statutory Role and Policy

It is understood that the proposal prejudices the use, or leads to the loss of use, of land being used as a playing field or has been used as a playing field in the last five years, as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2015 (Statutory Instrument 2015 No. 595). The consultation with Sport England is therefore a statutory requirement.

Sport England has considered the application in the light of the National Planning Policy Framework (particularly Para 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England' (see link below): www.sportengland.org/playingfieldspolicy

Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

The Proposal and Impact on Playing Field

The proposal involves the building of a new teaching block on playing field to the south of the site's existing floodlit artificial grass pitch. Once the new block is complete and occupied, existing buildings fronting Catcote Road will be demolished and new replacement playing field will be created.

Assessment against Sport England Policy

This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. It therefore needs to be considered against exception E4 of the above policy, which states:

E4 – The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable

location and subject to equivalent or better management arrangements, prior to the commencement of development.

I have therefore assessed the existing and proposed playing fields against the above policy to determine whether the proposals meet exception E4.

The existing playing field area which will be lost to the new school block has an area of approximately 8,000sq.m. Once the redundant school buildings are cleared a new area of playing field of an equivalent area is to be created. As such the quantitative element of exception E4 is considered to be met. The applicant has revised the proposal during pre-application negotiation so that the shape of the replacement playing field area is conducive to the setting out of playing pitches. Subject to the imposition of a condition which ensures that the replacement playing field will be suitably drained, it is considered that the proposal also meets the qualitative test within exception E4

Conclusions and Recommendation

Given the above assessment, Sport England does not wish to raise an objection to this application as it is considered to meet/broadly meet exception E4 of the above policy. The absence of an objection is subject to the following condition being attached to the decision notice should the local planning authority be minded to approve the application:

(a) Within 6 months of the commencement of use of the new school block the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:

- (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
- (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.

(b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation and in any event not later than 18 months after the occupation of the school block. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.

Reason: To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy **.

If you wish to amend the wording of the recommended condition or use another mechanism in lieu of the condition, please discuss the details with the undersigned. Sport England does not object to amendments to conditions, provided they achieve the same outcome and we are involved in any amendments.

Should the local planning authority be minded to approve this application against the recommendation of Sport England; in accordance with The Town and Country

Planning (Consultation) (England) Direction 2009 the application should be referred to the Secretary of State via the National Planning Casework Unit

Sport England would also like to be notified of the outcome of the application through the receipt of a copy of the decision notice.

The absence of an objection to this application, in the context of the Town and Country Planning Act, cannot be taken as formal support or consent from Sport England or any National Governing Body of Sport to any related funding application, or as may be required by virtue of any pre-existing funding agreement.

PLANNING POLICY

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

National Planning Policy Framework (NPPF)

3.28 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.

3.29 It must be appreciated that the NPPF does not change the statutory status of the development plan as the starting point for decision making.

3.30 The following paragraphs are relevant to this application:

| Para | Subject |
|------|--|
| 2 | Application of planning law (development plan and material considerations) |
| 6 | Purpose of the planning system – creation of sustainable development |
| 7 | Three dimensions to sustainable development |

| | |
|--------------|--|
| 13 | The National Planning Policy Framework constitutes guidance |
| 14 | Presumption in favour of sustainable development |
| 17 | Core planning principles |
| 32 | Transport Statement or Transport Assessment |
| 34 | Minimise the need to Travel |
| 36 | Travel Plan requirement |
| 37 | Minimise journey lengths |
| 56 | Design of the built environment and its contribution to sustainable development. |
| 57 | High quality inclusive design |
| 61 | The connections between people and places |
| 64 | Improving the character and quality of an area |
| 66 | Community involvement |
| 72 | Sufficient choice of school places |
| 74 | Open space, sports and recreational buildings and land |
| 96 | Minimise energy consumption |
| 196 | Determination in accordance with the development plan |
| 197 | Presumption in favour of sustainable development |
| 203 - 206 | Planning Obligations |
| 216 | Weighting of emerging policies |

Adopted Hartlepool Local Plan (2006)

3.31 The 2006 Local Plan forms part of the Development Plan and is still a key consideration for determining planning applications.

3.32 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 |
| GEP9 | Developers' Contributions |
| GEP12 | Trees, Hedgerows and Development |
| Tra16 | Car Parking Standards |
| Tra20 | Travel Plans |
| Rec4 | Protection of outdoor playing fields |
| GN2 | Green Wedge |

Tees Valley Minerals DPD

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

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

| Policy | Subject |
|--------|--------------|
| MWP1 | Waste Audits |

Emerging Hartlepool Local Plan

3.35 The Council Submitted its Local Plan to the Secretary of State in March 2017. The Examination has been ongoing since the Inspector was appointed and the Hearing sessions took place in September and October 2017. The Council has recently received the Inspectors Interim Findings and has undertaken an eight week consultation on the Inspector's Main Modifications between December 2017 and February 2018. Once the Inspector has considered any responses to the consultation he will produce his final report which should then allow the Council to adopt the Local Plan. Given the advanced stage of the preparation of the plan the policies within it, in most circumstances, can now be given great weight. The relevant policies from the emerging Local Plan are considered in section 5 below.

3.36 The following policies in the emerging Hartlepool Local Plan 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 |
| GEP9 | Developers' Contributions |
| GEP12 | Trees, Hedgerows and Development |
| Tra16 | Car Parking Standards |
| Tra20 | Travel Plans |
| Rec4 | Protection of outdoor playing fields |
| GN2 | Green Wedge |

3.37 HBC Planning Policy comments (summarised) - The proposal is deemed acceptable despite being on existing playing fields as compensatory provision of the playing fields is being made where the existing building is – this means there is no net loss of playing field land meaning the scheme is acceptable to Sport England. The proposal is broadly in compliance with other policies of the existing and emerging Local Plan. Planning Policy would not object to the application on the basis that it is financially unable to provide renewable energy.

PLANNING CONSIDERATIONS

3.38 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on playing pitches, energy efficiency and renewable energy provision, the character of the surrounding area, landscaping, the amenity of neighbouring land users, highway and pedestrian safety, flood risk and drainage, ecology, land contamination, archaeology, and waste management. These and all other planning and residual matters are considered in detail below.

PRINCIPLE OF DEVELOPMENT

3.39 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.

3.40 The application site comprises an established school, within a sustainable location, within the limits to development of both the adopted Hartlepool Local Plan (2006) and emerging Hartlepool Local Plan. Within the adopted Hartlepool Local Plan, the school buildings are on white land with the playing fields to the west covered by saved policy Rec4 (Protection of Outdoor Playing Space).

3.41 Paragraph 74 of the NPPF stipulates that existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless they are surplus to requirements, the loss would be satisfactorily replaced or the development is for necessary alternative sports and recreational provision.

3.42 Saved policy Rec4 stipulates that the loss of playing fields will only be acceptable where they are replaced by new provision which is at least comparable in terms of facilities, amenities and location or where school expansion or re-building takes place and the loss of some playing field land does not prejudice its overall integrity.

3.43 In terms of the emerging Hartlepool Local Plan, whilst the entirety of the school site is covered by emerging policy NE3 (Green Wedges), the school playing fields are also protected through emerging policies NE2d (Green Infrastructure – outdoor sport including playing fields) and NE5 (Playing Fields, Tennis Courts and Bowling Greens). Emerging policy NE5 similarly stipulates that the loss of playing fields will only be acceptable in exceptional circumstances, as above.

3.44 With respect to emerging policy NE3, whilst the site is located within the Burn Valley Green Wedge and does not technically conform with the criteria of the policy (which allows for extensions to existing premises rather than a new build), overall it is considered that the proposal to effectively move the building to another part of the site and replace it with playing fields would not have a significant adverse effect on the overall integrity of the Green Wedge (criteria 10) and therefore the proposal is considered to be acceptable in this respect.

3.45 The Council's Planning Policy section has advised that the proposal is broadly in line with the saved policies of the adopted Hartlepool Local Plan 2006 and emerging policies of the emerging Hartlepool Local Plan and there are therefore no planning policy objections to the application. The application is therefore considered to be acceptable in principle subject to the satisfactory provision of compensatory playing fields and the consideration of all other relevant material planning considerations, as set out in detail below.

PLAYING PITCHES

3.46 The site forms part of, or constitutes, a playing field as defined in The Town and Country Planning (Development Management Procedure) (England) Order 2010 (Statutory Instrument 2010 No. 2184), in that it is on land that has been used as a playing field within the last five years, and the field encompasses at least one playing pitch of 0.2 ha or more, or that it is on land that is allocated for the use as a playing field in a development plan or in proposals for such a plan or its alteration or replacement. Sport England has therefore been consulted on the application as a statutory consultee.

3.47 Sport England has considered the application in the light of the National Planning Policy Framework (particularly paragraph 74) and Sport England's policy to protect playing fields, 'A Sporting Future for the Playing Fields of England'. Sport England's policy is to oppose the granting of planning permission for any development which would lead to the loss of, or prejudice the use of, all or any part of a playing field, unless one or more of the five exceptions stated in its policy apply.

3.48 This application relates to the loss of existing playing fields and/or the provision of replacement playing fields. Exception E4 of the above policy is therefore relevant, which states:

"The playing field or playing fields which would be lost as a result of the proposed development would be replaced by a playing field or playing fields of an equivalent or better quality and of equivalent or greater quantity, in a suitable location and subject to equivalent or better management arrangements, prior to the commencement of development."

3.49 The existing playing field area which will be lost to the new school block has an area of approximately 8,000sq.m. Once the redundant school buildings are cleared a new area of playing field of an equivalent area is to be created. As such the quantitative element of exception E4 is considered to be met. The replacement playing field area is considered to be conducive to the setting out of playing pitches.

3.50 Subject to the imposition of a condition which ensures that the replacement playing field will be suitably drained, Sport England has advised that the proposal also meets the qualitative test within exception E4.

3.51 Sport England has therefore confirmed that they raise no objections to the application subject to the abovementioned planning condition, which is recommended accordingly. The Council's Sport and Recreation section has similarly raised no objections however has requested a similar planning condition to ensure the quality of the pitch is satisfactory.

3.52 The Council's Planning Policy section has advised that they are satisfied that the loss of the pitch has been overcome through the provision of a new pitch and that the proposal is in line with saved policy Rec4 and emerging policy NE5.

3.53 The application is therefore considered to be acceptable with respect to the impact on the provision of playing pitches subject to the abovementioned planning condition.

ENERGY EFFICIENCY AND RENEWABLE ENERGY

3.54 In determining applications for planning permission, due regard should also be had to NPPF paragraph 96 in ensuring that the design and layout of the site seeks to minimise energy consumption. Discussions have taken place with the developer and the developers have noted that energy efficiency has been carefully considered and the building designed to be as energy efficient as possible without impacting on the operation of the building. The building provides a reduction in energy consumption of 7% compared to the minimum Building Regulations (Part L) standards. This corresponds to a reduction in CO2 emissions of 9.5%. The feasibility study which was submitted to support this was considered and the advice of Building Control sought – no significant issues or abnormalities with the assumptions were noted and therefore the Council's Planning Policy team consider this to be acceptable, however it is noted this falls short of the requirements of emerging policy QP7 (Energy Efficiency).

3.55 To assist in meeting the EU renewable energy consumption target of 15% of the UK energy is consumed via renewable resources, and to assist in the Council's climate change agenda, consideration should be given to the provision of onsite renewable energy generation. Evidence regarding the onsite provision of renewable energy is set out in the 2010 background paper entitled 'energy supply from decentralised and renewable or low carbon sources'. The background paper indicates that an acceptable level of onsite provision is 10%, such provision was deemed to not render a scheme unviable.

3.56 The Low and Zero Carbon Technologies feasibility study submitted by the applicant does look at the feasibility of a range of renewable energy sources for the site. It concludes that a PV array contributing approximately 24,000kWh per year provides a 3.1% contribution to energy consumption, and pays back in approximately 7 years. The PV system also provides a significant carbon dioxide emissions reduction of 6.1%. Following the initial feasibility assessment outlined previously, the implementation of a photovoltaic array is deemed the most appropriate technology for English Martyrs School, should it be required. The cost of this element 24,000kWh scheme is estimated at £27,000 but pays for itself in 7 years.

3.57 The submitted information indicates that, whilst renewable technologies are technically feasible for this project, these cannot be delivered due to economic constraints. It is therefore somewhat disappointing that this relatively small cost cannot be met by such a large development which will exist for significantly more than 7 years and therefore would have significant environmental and cost benefits over the longer term.

3.58 With respect to the energy efficiency and renewable energy provision, where these do not meet the requirements of emerging policies QP7 and CC1 respectively, the normal procedure with a housing scheme or business would be to require a viability assessment to assess whether this stance was justified. However, given this proposal is for an educational facility which is a not for profit business which is reliant on significant grant funding to construct, the Council's Planning Policy section have advised that it would be unreasonable to require a viability assessment in this instance. Funding is also being put into the scheme from the Local Education

Authority, however as a wider authority there are no funding streams which would be available to put in place the renewable element at present that the Council's Planning Policy section are aware of.

3.59 The Council's Planning Policy section has commented that, whilst it is disappointing that the government is not being more forward thinking about climate change when allocating money for buildings such as this (which will be in place for 30 years or so and which will have large energy bills over time that could be significantly offset by renewables being installed on the building), given the above, the Council's Planning Policy section would not object to the application on the basis that it is financially unable to provide the renewables.

3.60 The application is therefore considered on balance to be acceptable with respect to energy efficiency and renewable energy provision.

PLANNING OBLIGATIONS

3.61 Given the nature of the development and in view of the proposals, there are no planning obligations required to be paid to make the development acceptable in planning terms. Notwithstanding this, to assist in ensuring that Hartlepool's economy grows sustainably the Council's Planning Policy section has advised that a training and employment charter should be signed to ensure that some employment is provided to local residents. An appropriate planning condition is therefore recommended to ensure a training and employment charter is signed.

IMPACT ON THE CHARACTER OF THE SURROUNDING AREA

3.62 The National Planning Policy Framework (NPPF) sets out the Government's commitment to good design. Paragraph 56 states that, good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

3.63 The Hartlepool Local Plan 2006 and the emerging Local Plan advise that development should be of a scale and character which is in keeping with its surroundings. Saved policy GEP1 (General Environmental Principles) of the 2006 Local Plan states that development should take into account issues such as the relationship of the development to other buildings in terms of siting, size and colour; the visual impact on the landscape; the compatibility of the design of the development within its setting and the landscape generally; and the use of traditional or sympathetic materials.

3.64 Emerging policy QP4 (Layout and Design of Development) of the emerging Hartlepool Local Plan seeks to ensure all developments are design to a high quality and positively enhance their location and setting through appropriate layout, scale and form, the use of a variety of appropriate design elements and a mix of materials and colours amongst other considerations.

3.65 The existing buildings to be demolished are of a design typical of school buildings of this age, comprising a number of 1, 2 and 3 storey blocks featuring flat roofs and a mixture of brown/buff brick and red/pink cladding panels with glazing

above. The existing buildings appear dated and in parts are in a state of disrepair, as was evident through the case officer's site visit.

3.66 The art/music and sixth form blocks to be retained are primarily more modern in design however also comprise brown/buff brick. The retained sixth form block is in a prominent location to the front of the site adjacent to Catcote Road and will partially obscure the view of the new school building from this direction.

3.67 The proposed main school building is considered to be of a design and style that is characteristic of a modern school and features materials and a flat roof design not dissimilar to those of the existing buildings to be demolished, with the proposed materials palette derived from the retained buildings, the nearby housing and Catcote Academy. The main frontage of the building facing Catcote Road (east) features the main entrance which is demarcated by a large triple height atrium with a large canopy externally and glazed frontage that punctuates this elevation. This elevation is further enhanced through large strip windows that serve the main hall. The remainder of the building features standardised window designs with taupe metallic cladding infill between the first and second floor windows, with the exception of the sports hall, which features taupe metallic cladding above a brick plinth, and the southern elevations of each wing of the building which feature limited (corridor/stairwell) glazing.

3.68 The proposal rationalises the existing teaching spaces demolished into a single larger block that is set further back within the site. In respect of the materials and design, it is considered that the proposal would create a contemporary building which, whilst distinct from its immediate surroundings and larger in scale, will appear unobtrusive in the street scene and is typical of a school site. The building is considered to be fit for the modern operational function of a contemporary educational facility and in terms of visual impact is considered to be acceptable on the site.

3.69 The proposed WC extension is considered to be of a design and scale that is in keeping with the retained art/music block it is adjoined to and is in a location that would not appear prominent in the street scene.

3.70 It is not considered that the other associated works, including the proposed car parking and access works, siting of bin and cycle storage, substation or hard and soft landscaping would have any significant detrimental impact on the character of the area. Notwithstanding this, final details of the proposed bin and cycle storage, boundary treatments, hard surfaces and substation shall be secured by way of a planning condition prior to their installation.

3.71 In view of the set back of the proposed building and extension from Catcote Road, the use of appropriate landscaping and the design of the proposals, it is considered that the proposed development would not appear incongruous in the street scene or appear out of keeping with the character of the area. The application is therefore considered to be acceptable in this respect and in accordance with paragraph 56 of the NPPF, saved policy GEP1 of the adopted Hartlepool Local Plan 2006 and emerging policy QP4 of the emerging Hartlepool Local Plan.

LANDSCAPING

3.72 The application is accompanied by a landscaping plan and planting plan. The proposed landscaping arrangements include the provision of amenity/sports grass to serve the new playing fields and other amenity spaces within the site (including where buildings are to be demolished), a woodland planting landscape buffer to the south of the site between the main block and the site boundary, and species rich grassland to the north-west of the site, as part of the proposed biodiversity enhancement.

3.73 The Council's Arboricultural Officer has been consulted on the application and has advised that the proposed indicative layout shown on the submitted landscape plan appears to work well. With respect to the submitted planting plan, the Council's Arboricultural Officer has advised that the species selected are appropriate to the site. Whilst the woodland planting will take 5 – 6 years to become noticeable, the birch, field maple and cherry will be of a size that is noticeable.

3.74 The Council's Arboricultural Officer is therefore satisfied with the landscaping proposals and has no objections to the application, provided the works are carried out in accordance with the submitted details and subject to a standard landscape maintenance condition. Planning conditions to this effect are recommended accordingly. The proposal is therefore considered to be acceptable in this respect subject to the abovementioned planning conditions.

IMPACT ON AMENITY OF NEIGHBOURING LAND USERS

3.75 Paragraph 17 of the NPPF requires that planning should seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

3.76 Saved policy GEP1 of the adopted Hartlepool Local Plan (2006) states that the Council, in determining planning applications for development, will take account of a number of matters including the effect on the amenities of occupiers of adjoining or nearby properties in terms of general disturbance, loss of privacy, visual intrusion and light pollution.

3.77 Similarly, emerging policy QP4 of the emerging Hartlepool Local Plan stipulates that development should not negatively impact upon the relationship with existing and proposed neighbouring land uses and the amenity of occupiers of adjoining or nearby properties.

3.78 The proposed main school building is located to the west of the existing school buildings to be demolished and to the south of the site, with the western projecting wing located approximately 13 metres from the southern boundary at its closest point.

3.79 To the west, the proposed main school building overlooks the existing playing fields (which sit at a higher level than the proposed building), with Summerhill Country Park beyond. The proposed building does not directly overlook any neighbouring residential properties in this direction. It is therefore considered that

there will be no appreciable impact on the amenity and privacy of neighbouring land users to the west.

3.80 To the north, the school site is bounded by Catcote School. The proposed main school building is set back off the northern boundary of the site by a satisfactory distance in excess of 150 metres. The proposed building overlooks the existing sports courts that are to be retained to the immediate north. It is therefore considered that there will be no appreciable impact on the amenity and privacy of neighbouring land users to the north.

3.81 To the east, the eastern elevation of the proposed main school building features the principal elevation features, including the large glazed entrance atrium and projecting main hall with large vertical windows. Whilst this elevation features significant amounts of glazing, the proposed building overlooks a car park, an area of amenity space, the proposed playing fields and the pedestrian access to the building in this direction. Beyond is the existing sixth form block that is to be retained with a satisfactory separation distance in excess of 60 metres maintained between the eastern elevation of the new building and western elevation of the existing sixth form block. Beyond this is Catcote Road and further playing fields at West Hartlepool Football Rugby Club. It is therefore considered that there would be no appreciable impact on the amenity and privacy of neighbouring land users to the east.

3.82 To the south, the proposed main building is located within relatively close proximity to the southern boundary of the site, with properties at Kipling Road beyond (40-56, evens). A separation distance of approximately 34 metres is to be maintained between the southern elevation of the main building and the rear elevations of the closest residential properties to the south at 50-56 Kipling Road (evens). The southern boundary to the site comprises an approximately 2.4 metre high metal security fence with planting in parts, and neighbouring properties beyond typically feature additional residential boundary fencing to rear garden areas, with a narrow strip of scrubland separating the two fence lines.

3.83 The proximity of the building to the boundary and potential issues for the amenity of neighbours to the south were raised with the applicant at pre-application stage. A number of alternative locations for the main building have been considered including the existing hard courts, the all weather pitch and the grass sports pitch to the west. However, these alternative locations were discounted for various reasons including excessive loss of pitches, insufficient area for the scale of development and insufficient funding to re-provide the all weather pitch. Given the constraints of the site, the location of the proposed building is therefore accepted to be the most feasible in this instance.

3.84 Whilst it acknowledged the proposed building sits close to the southern boundary of the site, efforts have been made by the applicant to reduce the impact on the amenity of neighbouring properties to the south, including the provision of a woodland planting landscape buffer along this boundary, relocating the dining hall and external dining area to the northern elevation and locating the school chapel to the southern elevation of the courtyard to promote a quieter south facing social environment to support the school chapel setting. The U-shaped design of the

building and its orientation further reduces the impact of the southern elevations on these neighbouring properties.

3.85 The proposal also includes limited glazing within the southern elevations of the projecting wings closest to these neighbouring dwellings, and these windows will serve corridors/stairwells to reduce the potential for overlooking. A planning condition is also recommended to ensure these windows are obscurely glazed and feature restricted opening in the interests of the privacy and amenity of neighbouring properties. In addition, it is noted that the building is located north of these neighbouring properties and as such will not cause significant overshadowing.

3.86 In view of the above, it is considered on balance that the proposed main school building would not have a significant detrimental impact on the amenity and privacy of neighbouring properties to the south in terms of overshadowing, any overbearing effect or loss of privacy of amenity.

3.87 With respect to the proposed single storey art/music block W/C extension, this is located within the interior of the site, with satisfactory separation distances to the north and east, and will be significantly screened to the south and west by the existing building(s) to be retained. Furthermore, the proposal is of a size and design that would not have a significant impact on the amenity of neighbouring land users.

3.88 It is not considered that the other associated works, including the proposed car parking and access works, siting of bin and cycle storage, substation or hard and soft landscaping would have any significant detrimental impact on the amenity of neighbouring land users. Notwithstanding this, final details of the proposed bin and cycle storage, boundary treatments, hard surfaces and substation shall be secured by way of a planning condition.

3.89 The Council's Public Protection section has not raised any objections to the application, subject to appropriate planning conditions to restrict construction and delivery hours (to avoid school start and finish times and protect the amenity of neighbouring residents). Whilst a construction management plan has been submitted, further details are still required and as such an appropriate planning condition is also recommended to secure this prior to the commencement of development.

3.90 In view of the above, it is considered on balance that the proposed development would not have a significant detrimental impact on the amenity and privacy of neighbouring land users. The proposal is therefore considered to be acceptable in this respect and in accordance with paragraph 17 of the NPPF, saved policy GEP1 of the adopted Hartlepool Local Plan 2006 and emerging policy QP4 of the emerging Hartlepool Local Plan.

HIGHWAY AND PEDESTRIAN SAFETY

3.91 With respect to highway and pedestrian safety, the proposed development will use the existing school access points, however the access points to the main car park adjacent Catcote Road will have the 'in' and 'out' designations reversed. The car park has been extended in several locations to accommodate 199 vehicles.

3.92 The Council's Highways, Traffic and Transport section has advised that the level of parking is of the required standard set out in the HBC Design Guide and Specification and the proposed layout of the car park is acceptable. The application includes the relocation of the existing cycle storage facilities close to the main building. The Council's Highways, Traffic and Transport section has confirmed that this is acceptable.

3.93 The submitted construction management plan indicates that a fully operational wheel cleanser will be positioned at the site exit during construction works where lorries will then exit on to a road stone apron before entering the public highway. Whilst a construction management plan has been submitted, further details are still required and as such an appropriate planning condition is also recommended to secure this prior to the commencement of development.

3.94 The application is therefore considered to be acceptable with respect to highway and pedestrian safety, subject to the abovementioned planning condition.

FLOOD RISK AND DRAINAGE

3.95 The application site is located in Flood Zone 1 and is therefore at a lower risk of flooding however, as the site area is greater than 1 hectare, the application is accompanied by a Flood Risk Assessment and Drainage Strategy.

3.96 The Council's Engineering section has been consulted on the application and has raised no concerns at this stage subject to the submission of final details of surface water drainage by virtue of a pre-commencement planning condition that is recommended accordingly.

3.97 Northumbrian Water has advised that they would have no objections provided the proposed development is carried out in strict accordance with the submitted Drainage Strategy by way of a planning condition which is also recommended.

3.98 The Environment Agency and Hartlepool Water have also been consulted on the application and no comments or concerns have been received.

3.99 The application is therefore considered to be acceptable with respect to matters of flood risk and drainage, subject to the abovementioned planning conditions.

ECOLOGY

3.100 The application site is bounded to the west by Summerhill Local Wildlife Site and Nature Reserve, designated through saved policy WL5 of the adopted Hartlepool Local Plan (2006) and emerging policy NE1 of the emerging Hartlepool Local Plan. The application is accompanied by a Bat Survey.

3.101 The Council's Ecologist is satisfied that the submitted bat survey work is robust and that no further action is required, unless bats are found during construction works (in which case the development must stop work and seek professional advice).

3.102 The Council's Ecologist had however initially objected to the application due to the lack of biodiversity enhancement measures proposed, as required by paragraph 118 of the NPPF. The applicant has since submitted additional information and amended plans to address these concerns, including the provision of an extensive area of 'species-rich' grassland along the site's western perimeter and bat roost and swift nest bricks within the walls of the new main school building.

3.103 The Council's Ecologist has subsequently confirmed that they have no further ecology concerns with the application subject to suitable planning conditions ensuring the works are carried out in accordance with the submitted additional information and amended plans, and these are recommended accordingly.

3.104 A planning condition is also recommended to ensure demolition and the clearance of any vegetation shall take place outside of the bird breeding season unless the site is first checked by a suitably qualified ecologist to confirm that no breeding birds are present. An informative note is also recommended to make the applicant aware that, should bats or signs of bats be discovered in any buildings and/or trees to be demolished or altered, work should stop immediately and advice sought from Natural England.

3.105 Natural England has also been consulted on the application and has confirmed that they have no comments to make on this application.

3.106 The application is therefore considered to be acceptable with respect to matters of ecology, subject to the abovementioned planning conditions and informative.

LAND CONTAMINATION

3.107 The National Planning Policy Framework (NPPF) paragraph 120 states that where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner. Paragraph 121 states that adequate site investigation information, prepared by a competent person, must be presented in order for a decision to be made.

3.108 The application is accompanied by an Interim Geo-Environmental Assessment. The Council's Engineering section and the Environment Agency have been consulted and have not submitted any comments or concerns with respect to land contamination. The application is therefore considered to be acceptable in this respect.

ARCHAEOLOGY

3.109 The application is accompanied by a geophysical survey of the area proposed for the new school building. Whilst an objection has been received from a neighbouring resident citing concerns with respect to the impact of the proposal on the archaeological interest of the site, no features of likely archaeological significance were identified in the survey and the applicant has satisfied the requirements of the NPPF (paragraph 128).

3.110 Tees Archaeology has been consulted on the application and has recommended that no further evaluation work is required. Tees Archaeology therefore has no objection to the proposal and has advised that they have no further comments to make. The application is therefore considered to be acceptable with respect to matters of archaeology.

WASTE MANAGEMENT

3.111 With respect to matters of waste management, the Council's Waste Management section has confirmed that they have no concerns with the proposal. The application is therefore considered to be acceptable in this respect. Notwithstanding this, a planning condition is recommended requiring final details of bin storage prior to the occupation of the building.

3.112 In addition, whilst the submitted construction management plan indicates that the applicant intends to recycle as much waste as possible and has a target to direct 95% of waste away from landfill during the construction phase, the Council's Planning Policy section requires further details with respect to the management of waste from the site once the building is operational and as such a suitable planning condition is recommended to secure a site specific Waste Audit.

OTHER PLANNING MATTERS

Public Rights of Way

3.113 With respect to the impact on public rights of way, it is noted that Public Footpath No.9 runs along the outside of the rear (western) fence line of the school site, between Gladys Worthy Close and Catcote Allotments car park, east of Summerhill Country Park. The Council's Countryside Access Officer has been consulted and has confirmed that they have no comments to add as this matter was satisfactorily addressed through the pre-application enquiry process. The application is therefore considered to be acceptable in this respect.

Heritage Assets

3.114 The Council's Heritage and Countryside Manager has confirmed that they are not aware of any heritage assets on this site and therefore have provided no comments. The application is therefore considered to be acceptable in terms of the impact on any known heritage assets.

Safety and Security

3.115 In terms of safety and security, Cleveland Police have not submitted any objections to the proposal however have provided advice to the applicant with respect to site boundaries, lighting, cycle storage, outside dining/sitting areas, reception areas, CCTV provision, alarms, strongrooms, mail delivery and physical security. These comments have been forwarded to the applicant's agent for their consideration however a suitable informative note to this effect is also recommended.

RESIDUAL MATTERS

Fire Safety

3.116 Cleveland Fire Brigade has submitted concerns regarding the absence of a sprinkler system within the school. It is understood that the development of the new building will not incorporate sprinklers into the design. Cleveland Fire Brigade has advised that the appropriate guidance document for fire safety in schools (BB100) has not been utilised, however acknowledge that a designer is not required to follow the guidance in this document provided they can demonstrate that the design results in an appropriate level of safety.

3.117 In response, the agent for the application has acknowledged that, where sprinklers are considered necessary to keep pupils and staff safe, or if they are required under local planning policy, they must be installed. However, the applicant's Fire Safety Engineer has confirmed that numerous guidance documents are available which provide routes to achieving a fire safety design that is compliant with the functional requirements of Part B (fire safety) of Schedule 1 of the Building Regulations 2010. In this case, the design process followed the guidance of document BS9999, which does not lead to a recommendation that a sprinkler system should be installed to comply with Building Regulations in this instance.

3.118 Furthermore, there are no local planning policies that would require the installation of a sprinkler system specifically. Whilst Cleveland Fire Brigade has suggested a sprinkler system should be required as part of the granting of planning permission, ultimately this matter is covered by separate legislation and is beyond the remit of the Local Planning Authority. Nevertheless, Cleveland Fire Brigade's comments have been forwarded to the applicant for their consideration and a suitable informative note if recommended to reiterate this advice.

Council Land

3.119 The site is on land leased from the Council and the school would require landlords consent to do the works. The Council's Property Services has advised that the site construction entrance off Summerhill Lane hasn't been formally agreed as yet; however this is a separate matter to be agreed between the school and the Council's Property Services section.

Community Use

3.120 With respect to community use of the facilities, the school has advised that the proposed new building will not have any impact on the facilities available to the community in relation to the sports hall, dining hall, multi surface pitch and football pitches. However, it is noted that the swimming pool will be demolished and therefore no longer accessible to the school or the community. The Council is currently working on an Indoor Sports Facility Strategy which includes provision of swimming pools. The agent for the application has advised that the rationale to close the school's swimming pool was underpinned by the Council's wider strategy to rationalise swimming pool provision within larger facilities in the town. No comments or concerns have been received from the Council's Sport and Recreation section with respect to this.

CONCLUSION

3.121 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

3.122 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

3.123 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.

3.124 There are no Section 17 implications.

REASON FOR DECISION

3.125 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;

140867-ONE-ZZ-XX-DR-L-1001-D5-P01 (Location Plan),
 140867-ONE-ZZ-XX-DR-L-1006-D5-P02 (Existing & Proposed Playing Fields Arrangement),
 140867-RYD-00-ZZ-DR-A-36003-S0-P3 (GA Elevations – Sheet 2)
 140867-RYD-01-XX-DR-A-36006-S0-P3 (GA Elevations & Sections – WC Extension and Art Room Replacement)
 140867-RYD-00-00-DR-A-30001-S0-P8 (GA Plan Level 00)
 140867-RYD-00-01-DR-A-30002-S0-P8 (GA Plan Level 01)
 140867-RYD-00-02-DR-A-30003-S0-P8 (GA Plan Level 02)
 140867-RYD-00-R2-DR-A-30004-S0-P6 (GA Roof Plan)
 140867-RYD-01-00-DR-A-30020-S0-P4 (GA Ground Floor Plan – WC Extension and Art Room Replacement Wall)
 140867-ONE-ZZ-XX-DR-L-1401-D5-P02 (Existing & Proposed Contours)
 140867-ONE-ZZ-XX-DR-L-1402-D5-P01 (Site Sections)
 received 2nd January 2018 by the Local Planning Authority;

140867-ONE-ZZ-XX-DR-L-1007-D5-P01 (Existing Block Plan),
 140867-ONE-ZZ-XX-DR-L-1008-D5-P01 (Proposed Block Plan),

received 11th January 2018 by the Local Planning Authority;

English Martyrs School: Building External Materials Schedule
received 12th February 2018 by the Local Planning Authority;

140867-ONE-00-Z0-DR-L-0202-D2-P01 (Planting Plan)
Eco-Habitats for Bats & Swifts specification
received 14th February 2018 by the Local Planning Authority;

7.0 Construction Phasing: Site Access & Logistics 2
received 19th February 2018 by the Local Planning Authority; and amended plans;

140867-ONE-ZZ-XX-DR-L-1003-D5-P05 (Landscape General Arrangement)
140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 (GA Elevations – Sheet 1)
received 20th February 2018 by the Local Planning Authority;

For the avoidance of doubt.

3. Notwithstanding the submitted information and prior to the 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.
4. Notwithstanding the requirements of condition 5, no development shall take place until a scheme for surface water management has been submitted to and approved in writing by the local planning authority. The scheme shall include details of any plant and works required to adequately manage surface water; detailed proposals for the delivery of the surface water management system including a timetable for its implementation; and details of how the surface water management system will be managed and maintained thereafter to secure the operation of the surface water management system. With regard to management and maintenance of the surface water management system, the scheme shall identify parties responsible for carrying out management and maintenance including the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the surface water management system throughout its lifetime. The scheme shall be fully implemented and subsequently managed and maintained for the lifetime of the development in accordance with the agreed details. To accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
5. Development shall be implemented in accordance with the drainage scheme contained within the submitted document entitled "Drainage Strategy Report

(part 1 & 2)" dated "14/12/17". The drainage scheme shall ensure that both the foul and surface water flows discharge to the combined sewer at manhole. The joint discharge rate shall not exceed the available capacity of 47.1 l/sec that has been identified in this sewer. The final surface water discharge rate shall be agreed by the Local Planning Authority.

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

6. Notwithstanding the submitted information, a Construction Management Plan shall be submitted and agreed in writing with the Local Planning Authority, prior to the commencement of development, to agree the routing of all HGVs movements associated with the construction phases, effectively control dust emissions from the site remediation and construction works, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents. Any land affected by constructions works shall be made good following construction and prior to the school building(s) hereby approved being brought into use. In the interests of the occupiers of adjacent and nearby premises and highway safety.
7. Prior to the commencement of development, a scheme to encourage reasonable steps to secure local training and employment shall be submitted to and agreed in writing with the Local Planning Authority. Thereafter the development shall be carried out in accordance with the agreed scheme. To assist in ensuring that Hartlepool's economy grows sustainably in accordance with emerging policy QP1 of the emerging Hartlepool Local Plan and the adopted Planning Obligations SPD.
8. (a) Within 6 months of the commencement of use of the new school block the following documents shall be submitted to and approved in writing by the Local Planning Authority after consultation with Sport England:
 - (i) A detailed assessment of ground conditions (including drainage and topography) of the land proposed for the playing field which identifies constraints which could adversely affect playing field quality; and
 - (ii) Where the results of the assessment to be carried out pursuant to (i) above identify constraints which could adversely affect playing field quality, a detailed scheme to address any such constraints. The scheme shall include a written specification of the proposed soils structure, proposed drainage, cultivation and other operations associated with grass and sports turf establishment and a programme of implementation.
 (b) The approved scheme shall be carried out in full and in accordance with the approved programme of implementation and in any event not later than 18 months after the occupation of the school block. The land shall thereafter be maintained in accordance with the scheme and made available for playing field use in accordance with the scheme.
 To ensure that the playing field is prepared to an adequate standard and is fit for purpose and to accord with Development Plan Policy.

9. The landscaping and tree and shrub planting hereby approved shall be implemented in accordance with the following plans and details; 140867-ONE-ZZ-XX-DR-L-1003-D5-P05 (Landscape General Arrangement) received 20th February 2018 by the Local Planning Authority and 140867-ONE-00-Z0-DR-L-0202-D2-P01 (Planting Plan) received 14th February 2018 by the Local Planning Authority, unless an alternative scheme is otherwise agreed in writing with the Local Planning Authority. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting season following the occupation of the building(s) or completion of the development, whichever is the sooner. Any trees plants or shrubs which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of the same size and species, unless the Local Planning Authority gives written consent to any variation. In the interests of visual amenity and to enhance biodiversity in accordance with paragraph 118 of the NPPF.
10. Notwithstanding the submitted information, final details of means of all boundary enclosures shall be submitted to and approved in writing by the Local Planning Authority prior to the occupation of the school building(s) hereby approved. Thereafter the development shall be carried out in accordance with the approved details. In the interests of visual amenity.
11. Notwithstanding the details submitted within the application and prior to the occupation of the school building(s) hereby approved, full details of the appearance, layout and scale of the bin store and cycle storage shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details. In the interests of visual amenity.
12. Prior to the occupation of the school building(s) hereby approved, a site specific Waste Audit shall be submitted to and approved in writing by the Local Planning Authority. The Waste Audit shall identify the amount and type of waste which is expected to be produced by the development once it is in use. The Waste Audit shall set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy. To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
13. Notwithstanding the submitted details and prior to the laying of any hard surfaces, 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.
In the interests of visual amenity.

14. Notwithstanding the submitted details and prior to the installation of the first and second floor corridor/stairwell windows located in the south facing end elevations of the two projecting wings of the main school building hereby approved (as shown on plan 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 received 20th February 2018 by the Local Planning Authority), a scheme for the obscure glazing and restricted opening of these windows shall be first submitted to and approved in writing by the Local Planning Authority. The windows shall thereafter be installed in accordance with the approved details and thereafter retained for the lifetime of the development.
In the interest of the amenities of neighbouring land users and to prevent overlooking.
15. Notwithstanding the submitted details and prior to the erection of the proposed substation hereby approved, full details of the proposed substation shall be submitted to and agreed in writing by the Local Planning Authority. This will include final details of the construction and appearance of the substation, including all external finishing materials, finished levels and technical specifications. The substation shall thereafter be constructed in accordance with the approved details.
In the interest of visual amenity and the amenity of neighbouring land users.
16. 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.
17. 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.
18. The external materials used for the WC Extension and Art Room Replacement Wall hereby approved (shown on plan 140867-RYD-01-XX-DR-A-36006-S0-P3 received 2nd January 2018 by the Local Planning Authority) shall match those of the existing building(s) to be retained unless otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.

19. The external materials used for the proposed main school building hereby approved (shown on plan 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 received 20th February 2018 by the Local Planning Authority) shall be in accordance with the following submitted details; English Martyrs School: Building External Materials Schedule received 12th February 2018 by the Local Planning Authority, unless an alternative similar scheme of materials is otherwise agreed in writing with the Local Planning Authority.
In the interests of visual amenity.
20. The bat roost and swift nest bricks hereby approved shall be installed prior to the building being brought into use in accordance with the following plans and details; Eco-Habitats for Bats & Swifts specification received 14th February 2018 by the Local Planning Authority and 140869-RYD-ZZ-ZZ-DR-A-36002-S0-P7 (GA Elevations – Sheet 1) received 20th February 2018 by the Local Planning Authority.
To conserve and enhance biodiversity in accordance with paragraph 118 of the NPPF.
21. The development hereby approved shall be carried out in accordance with the details provided within the submitted Low and Zero Carbon Technologies Feasibility Study (received 2nd January 2018 by the Local Planning Authority) and section 10 (Sustainability) of the submitted Design and Access Statement (received 2nd January 2018 by the Local Planning Authority).
To ensure a sustainable form of development which minimises energy consumption to comply with paragraph 96 of the NPPF
22. Waste generated during the demolition and construction phases of the development hereby approved shall be managed and disposed of in accordance with the details set out within the submitted Project Management Plan (including Construction Phase H&S Plan) received 22nd February 2018 by the Local Planning Authority.
To ensure compliance with the requirement for a site specific detailed waste audit in accordance with Policy MWP1 of the Tees Valley Joint Minerals and Waste Development Plan Document 2011.
23. No construction/building or demolition works shall be carried out except between the hours of 8:00am and 6:00pm on Mondays to Fridays and between 8:00am and 1:00pm 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.
24. No deliveries associated with the construction phase of the development hereby approved shall be carried out except between the hours of 06:30am and 7:30am, 9:30am and 2:30pm and 4:00pm and 6:00pm on Mondays to Fridays and between 8:00am and 1:00pm on Saturdays. There shall be no deliveries on Sundays or on Bank Holidays.
To avoid excessive noise and disturbance to the occupants of nearby properties.

25. Demolition and the clearance of any vegetation, including trees and hedgerows, shall take place outside of the bird breeding season. The bird breeding season is taken to be March-August inclusive unless otherwise advised by the Local Planning Authority. Unless the site is first checked, within 48 hours prior to the relevant works taking place, by a suitably qualified ecologist who confirms that no breeding birds are present and a report is subsequently submitted to the Local Planning Authority confirming this. In the interests of breeding birds.
26. The car parking areas hereby approved shall be laid out in accordance with the approved plans and in compliance with the HBC Design Guide and Specification. In the interest of highway safety.

BACKGROUND PAPERS

3.126 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

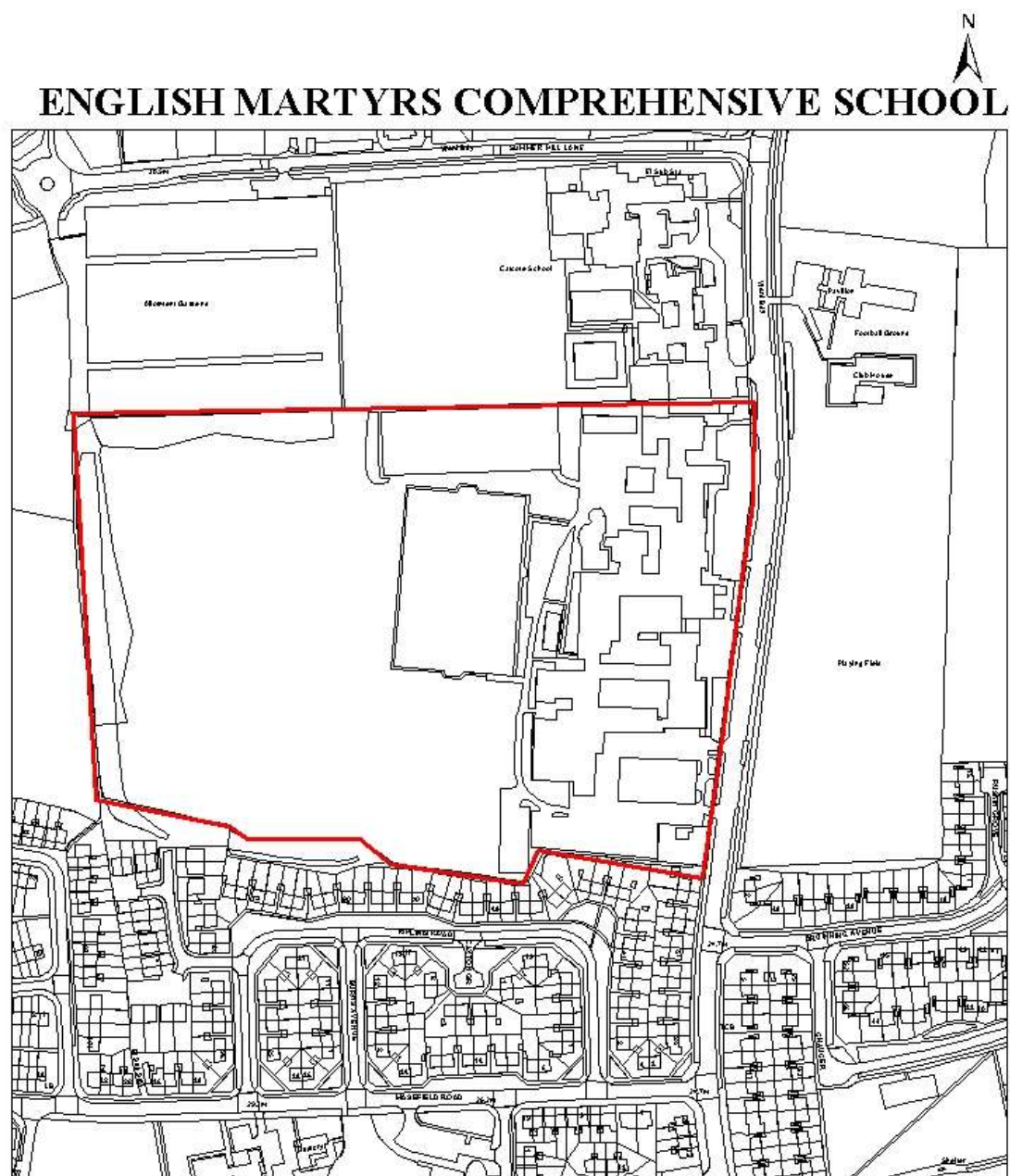
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 21/02/18 |
| | SCALE 1:3000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2018.0002 | REV |

No: 4
Number: H/2017/0670
Applicant: HARTLEPOOL BOROUGH COUNCIL VICTORIA ROAD
 HARTLEPOOL TS24 8AY
Agent: HARTLEPOOL BOROUGH COUNCIL MR S WILKIE
 CIVIC CENTRE VICTORIA ROAD HARTLEPOOL TS24
 8AY
Date valid: 09/01/2018
Development: Removal of existing play equipment and replacement with
 new items including a SUTU interactive ball wall and
 associated ball fencing and court, a basket swing,
 climbing net, spinner, zip line, two spinners and six
 benches
Location: ROSSMERE PARK ROSSMERE WAY HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

4.2 The following applications are relevant to this site:

4.3 H/HDC/1986/0035 – Erection of floodlights and laying out of synthetic two-court multi sports unit – Approved 11/03/1986.

4.4 HHDC/1998/067 – Extension to existing play facilities in park – Approved 05/02/1999.

4.5 H/2005/5081 – Provision of new boundary railings – Approved 21/03/2005.

4.6 H/2015/0426 - Provision of car park (up to 16 spaces) and additional off street parking, new events space comprising hard paved area (SUDS) and steel canopy shelters with electrical supply point, new vehicular access for events and maintenance, alterations to existing access points including provision of new gated entrances, works to pond to improve edge treatment and addition of new floating island habitats, refurbishment of play area including new play equipment, and additional boundary and landscaping works. Outline permission for a future community and cafe building – Approved 22/12/2015.

PROPOSAL

4.7 Planning permission is sought for the removal of existing play equipment and replacement with new items including an interactive ball wall and associated ball

fencing and court, a basket swing, climbing net, spinner, zip line, two spinners and six benches.

4.8 The interactive football goal wall (SUTU is the manufacturer's name) is made up of impact sensitive panels which react to ball impact location and speed. It comes with a range of games that can be played individually, in groups or in teams with each game developing a particular skill or providing a particular type of challenge. The wall can be remotely updated with new games via an integral internet connection. The power usage is approximately 60 watts. The wall itself is designed for outdoor, heavy duty use. The wall is bounded by a 3m high x 11m wide ball fence to ensure that the ball remains within the play area. The court will have a artificial turf finish.

SITE CONTEXT

4.9 The application site is Rossmere Park, a Locally Listed recreational park located to the west of the A689 between Rossmere Way to the north, Braemar Road to the south and Balmoral Road to the west. Beyond Balmoral Road is a tree planted area and enclosed playing field with St Teresa's and Rossmere Primary schools beyond. The park is oriented in an east-west layout with a pond on the eastern side, a green space in the centre and a more formal play space on the western side. There are a number of entrances to the park including two pedestrian access points from Braemar Road and a vehicular access from Rossmere Way, with a number of closed gated entrances from the north. The park is surrounded by predominantly residential dwellings some of which back directly onto the park such as properties on the south side of Rossmere Way and those to the west of Stockton Road (A689). An approx. 1.6m high wrought iron fence bounds the park on all sides with numerous trees and bushes also forming the boundary. A footpath exists within the park running inside the tree lined boundary around the central green area and pond. A further fence divides the play area from the main part of the park.

PUBLICITY

4.10 The application has been advertised by way of site notice and neighbour letters (22). To date, there have been 4 letters of objection/comments.

4.11 The concerns raised are summarised as follows;

- Hope these plans go ahead with security in mind
- Is there play equipment for young children
- Any balls kicked hard will end up on the road
- Removal of swings and replacement with a single basket swing
- No security in the park – no park keeper
- Toilets too far away from play area
- Health hazard

4.12 Copy Letters **D**

4.13 The period for publicity has expired.

CONSULTATIONS

4.14 The following consultation replies have been received:

HBC Heritage and Countryside Manager: Rossmere Park is on the list of Locally Listed Buildings and therefore recognised as a heritage asset.

The significance of the park is described as:

‘Linear Park located off Stockton Road between Rossmere Road and Braemar Road. Formerly the site of a brick factory with associated clay pit, the site was acquired by the then local authority in the early 1950s when the surrounding housing was largely being built to create a public park. The factory buildings were cleared and the clay pit partly filled in to create a small lake with an island.

The park is orientated east/west with the lake located at the east end near the main entrance (with other entrances on the north and south sides). The park provides informal lake side and woodland walks. The west end of the park is occupied by more formal play and sport areas. The Park has the feel of a late 19th century park similar to Ward Jackson Park in Hartlepool with extensive bird life.’

Of relevance is para 135 of the NPPF which has regard to determining applications effecting non-designated heritage assets, it states, ‘a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.’

The proposed works will provide an enhancement to this space to enable it to continue to be a valued space used by the community. No objection.

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

HBC Public Protection: I have no objection to this application subject to conditions restricting demolition works, construction works, deliveries or despatches and an hour’s restriction of the operation of the SUTU interactive ball wall.

HBC Arborist: This application avoids the existing mature trees and enhances the new play area with additional tree planting. My only concern is that in time they may obstruct the view of the CCTV camera in the corner of the Park once they become established but I welcome the present scheme. No objection.

HBC Engineering Consultancy: No objection.

Cleveland Police: The area is currently used as a play area and provides a facility that is well used and is required for use by young people Police have no objections to the proposals.

I would recommend that the area maintains good surveillance from nearby roads and any nearby residential premises to help deter any misuse or ant-social behaviour. I

am aware that the interactive ball wall is of robust construction I would also advise that the other proposed play equipment also has similar properties. I would also recommend that the area is well managed and maintained to discourage crime and anti-social behaviour.

PLANNING POLICY

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

National Policy (NPPF)

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

Paragraph 002: Primacy of Development Plan

Paragraph 006: Contribute to the achievement of sustainable development

Paragraph 007: 3 dimensions of sustainable development

Paragraph 008: Sustainable development

Paragraph 009: Sustainable development

Paragraph 010: Local 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.

EMERGING LOCAL PLAN (2016/17)

4.17 The Council’s emerging Local Plan is now at an advanced stage of development and as such weight can also be given to policies within this document,

with more or less weight apportioned to individual policies dependant on the level of objection received to date in relation to those policies, identified through the public consultation process.

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

SUS1: The Presumption in Favour of Sustainable Development

LS1: Locational Strategy

QP4: Layout and Design of Development

QP5: Safety and Security

NE2: Green Infrastructure

ADOTPED LOCAL PLAN (2006)

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

GEP1: General Environmental Principles

GEP2: Access for All

GEP3: Crime Prevention by Planning and Design

GN2: Protection of Green Wedges

Rec4: Protection of Outdoor Playing Space

PLANNING CONSIDERATIONS

4.20 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on a designated heritage asset, the impact on visual amenity, the impact on neighbour amenity, crime prevention, impact on trees and the impact on highways and residual matters.

PRINCIPLE OF DEVELOPMENT

4.21 The principle of development has been established for the refurbishment works to Rossmere Park with the approval of planning application H/2015/0426. This current application is for revised play equipment within the play area at the western end of the park. Overall, the proposal is considered to contribute to enhancing the quality of the park and the principle of the development is therefore acceptable.

IMPACT ON NON-DESIGNATED HERITAGE ASSET

4.22 The park is a Locally Listed Building and therefore is considered to be a non-designated heritage asset. Consultation was undertaken with HBC Heritage and Countryside (Conservation) and no objections were made. In determining planning applications which affect non-designated heritage assets, paragraph 135 of the NPPF is relevant and states: *“a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.”* Given the proposed alterations which seek to improve the overall quality of the park and improve community use of the park, it is not considered that the proposal would

result in any harm to or loss of character of the heritage asset. The proposal is therefore considered to be acceptable in this respect.

VISUAL AMENITY

4.23 The proposed improvements to the play area are considered to have an improved impact on the visual quality of the park. Currently, the play facilities are fairly dated. The improved play equipment will enhance this area of the park. The style of play equipment to be installed is consistent to play equipment in other parks throughout the town.

4.24 Whilst the 'Ball Wall' will be partially visible, in the context of the surrounding area, the visual impact is considered to be acceptable. It is not considered that the proposal would have a significant detrimental visual impact upon the area.

NEIGHBOUR AMENITY

4.25 The park is a public space with play spaces which are designed for a range of children. Therefore a level of noise and general disturbance would be expected already from the park. The change in the type of equipment being provided is not considered to significantly increase these issues which would adversely affect neighbour amenity. Consultation with HBC Public Protection raised no objections subject to conditions restricting hours of demolition and construction works and deliveries and a restriction on hours operation of the interactive ball wall. This is considered to allow this aspect to operate without any significant impact on neighbour amenity. It is considered subject to appropriate conditions, the overall impact on neighbour amenity and privacy is considered to be acceptable.

IMPACT ON TREES

4.26 The application avoids the existing mature trees and enhances the new play area with additional tree planting. Whilst concerns are raised with the potential of the existing CCTV camera being obstructed once the trees are established, this would be a management issue. The camera sits outside the park perimeter. It is considered that the impact upon existing trees is acceptable.

HIGHWAY SAFETY

4.27 Concerns have been raised with regard to balls being kicked hard when using the interactive ball wall and coming onto the road. The ball wall is bounded by a 3m high x 11m wide ball fence to ensure that the ball remains within the play area. The court proposed is 10m x 15m with the ball wall located along the short edge. The ball wall and court will sit away from the boundary fence and tree line boundary which runs the length of the boundary along Balmoral Road. It is considered that this is adequate protection to prevent balls being kicked out of the park, the overall impact on neighbour amenity is considered to be acceptable.

4.28 The Council's Traffic and Transport section have been consulted and has raised no concerns. It is considered that proposal is acceptable in highway terms.

DRAINAGE

4.29 The Council's Engineering Consultancy section have raised no objection to the proposal. It is considered that the proposal is acceptable in this respect.

CRIME PREVENTION / ANTI SOCIAL BEHAVIOUR

4.30 The proposed play equipment is designed for outdoor, heavy duty use. The proposal will be incorporated into the main masterplan proposals previously identified in the approved application H/2015/0426. The masterplan had a selective tree removal to improve areas of the park which may be more overshadowed. The masterplan includes new entrance gates, for both pedestrian and vehicle access. The play area will be enclosed by railings which are open and will encourage natural surveillance of the area. Concerns have been raised by objectors with respect to the proposal resulting in an increase in anti social behaviour (ASB) vandalism and a lack of security.

4.31 Cleveland Police's Architectural Liaison Officer (ALO) has assessed the proposal and has raised no objections to the proposed scheme subject to some advisory comments in respect of adopting appropriate measures to maintain good surveillance. The applicant has been made aware of these comments, which can be appended as an Informative.

4.32 Section 17 of the Crime and Disorder Act 1998 places a duty on the authority to consider the crime and disorder implications of the proposal. Objections detail concerns that the proposed scheme will lead to an increase in anti-social behaviour in the area through increased activity. Whilst there is no evidence to link such issues to the proposed development, any potential problems arising from this behaviour would need to be dealt with by the appropriate authorities such as the Police Service or the Community Safety and Engagement team and such concerns would not be of sufficient weight to warrant refusal of the application. Furthermore and as set out above, the Cleveland Police's Architectural Liaison Officer has raised no objections to the application.

4.33 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.

RESIDUAL MATTERS

4.34 Comments have been raised with regard to the type of play equipment being provided in particular for the use by younger children. The planning approval (H/2015/0426) which covers the whole of the park and the refurbishment works includes a 'Toddlers' play area this remains unchanged.

4.35 Comments relating to the type of play equipment being provided, this application relates to one area of play equipment. As part of the wider masterplan

works approval (H/2015/0426) there is a range of equipment being provided to cover all ages.

4.36 The park currently operates a 'dawn to dusk' locking policy which is in line with Council Policy and applied to all parks within the town. The area is also covered by CCTV which is position outside the park in the south west corner which covers the play areas. With regard to a park keeper this is a funding issue and not a material planning consideration.

4.37 A comment relating to the lack of toilets and the position of the toilets within the park is not part of the consideration of this application. It is understood that the park does however provide toilets in the north eastern side of the park.

CONCLUSION

4.38 The proposal is in keeping with a play park which caters for all ages of children. The replacement equipment will enhance the visual amenity of this area of the park.

4.39 It is considered that the proposal is acceptable and in accordance with relevant saved policies contained with the adopted Hartlepool Local Plan (2006) and those of the Emerging Plan (2016) and paragraphs of the NPPF.

EQUALITY AND DIVERSITY CONSIDERATIONS

4.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

4.41 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION - APPROVE subject to the conditions below:

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) 310/09 L002 (location plan), 310-009L001 (play area revisions) and details received by the Local Planning Authority on the 21st December 2018 and Dwg No: 310-09 L003 SUTU goal wall elevation received by the Local Planning Authority on the 10th January 2018.
For the avoidance of doubt.

3. Notwithstanding the proposals detailed in the Design and Access Statement/submitted plans and prior to the commencement of development, details of hard and soft landscaping including surface finishes (footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all external finishing materials, finished levels, and all construction details confirming materials, colours, finishes and fixings. The agreed scheme shall be implemented prior to the 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 interests of visual amenity of the area.
4. No construction/building or demolition works or deliveries shall be carried out except between the hours of 8.00 am and 6.00 pm on Mondays to Fridays and between 09.00 am and 1:00 pm 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.
5. The 'SUTU ball wall' hereby approved shall be switched off between the hours of 9.00 pm and 8.00 am to prevent the structure from being used (including all sounds and illumination).
In the interests of the amenities of the occupants of neighbouring properties.

BACKGROUND PAPERS

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

CONTACT OFFICER

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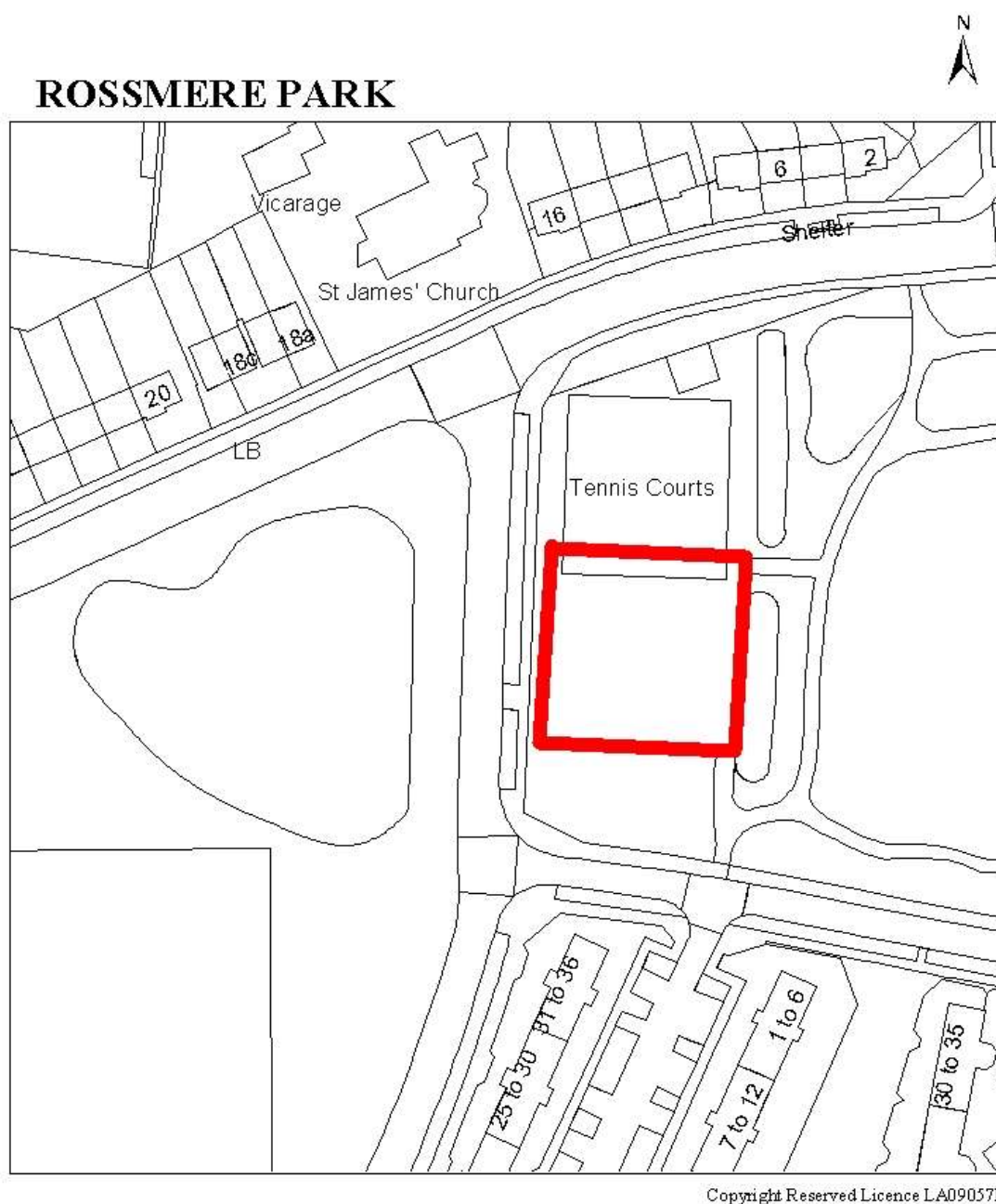
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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

| | | |
|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 13/02/18 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0670 | REV |

No: 5
Number: H/2017/0608
Applicant: CHARLES CHURCH ROBERTSON HOMES RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Agent: CHARLES CHURCH ROBERTSON HOMES RADCLIFFE CRESCENT THORNABY STOCKTON ON TEES TS17 6BS
Date valid: 21/11/2017
Development: Construction of access road extending from the approved Dere Street development (H/2016/0501) to link to the residential development to the South West (13/0342/EIS Stockton Borough Council)
Location: LAND AT WYNYARD WOODS WEST WYNYARD

PURPOSE OF REPORT

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

BACKGROUND

5.2 The following applications are relevant to this site and surrounding areas;

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

5.4 This outline consent included the current application site and established the principle of a school as part of the wider residential development. The proposed access road in addition to a second access road from Wynyard Woods (see para 5.8) was also established through this outline consent and will serve both the permanent school in SBC and the future wider residential development within SBC permission 13/0342/EIS. The site access(s) fell within the administrative boundary of Hartlepool Borough Council (HBC) and therefore a duplicate application was submitted for consideration and determination by HBC (HBC ref H/2013/0076, approved 08.03.2017).

5.5 As part of the approved outline consent (SBC ref 13/0342/EIS), a reserved matters application was received for 'Phase A' for the erection of a 138 dwellings SBC (ref 17/0909/REM) which was approved July 2017. An application was also submitted to Hartlepool Borough Council as the access fell within the administrative boundary of HBC (ref H/2017/0185) this application was approved August 2017.

5.6 As part of the approved outline consent (SBC ref 13/0342/EIS), a reserved matters application was received for 'Phase C' for the erection of 61 dwellings SBC (ref 17/1429/REM) the application is under consideration. An application was also submitted to Hartlepool Borough Council as the access fell within the administrative boundary of HBC (H/2017/0369). This application is under consideration.

5.7 Stockton Borough Council (SBC) (SBC ref 17/2777/REM) reserved matters application (access, appearance, landscaping, layout and scale) for the erection of 280 dwelling houses with associated infrastructure within phase F, Wynyard Woods, Stockton – still under consideration.

5.8 The wider design of the overall master plan of the above outline application has since changed and as such the proposed location of the new school has altered placing the school to the east of the site. Planning permission was granted by HBC (ref H/2017/0122, May 2017) for a new-build primary school for Wynyard Church of England Primary School and the adjacent highway and access road which will serve the school, the majority of which falls within the administrative boundary of SBC. The main element of the application was approved in 2017 (SBC reference 17/0526/FUL). A small section of the site access from Wynyard Woods falls within the administrative boundary of HBC hence the submission and approval of the duplicate application by HBC (H/2017/0122).

5.9 A temporary school on the Wynyard Estate (within HBC) to the east of the current application site is currently being funded by the Education Funding Agency, it has a cohort of over 80 children and a permanent school is now required to cater for the predicted increase in pupil numbers. Planning permission was granted recently in May 2017 (H/2017/0166) to extend the temporary school site to allow up to 160 pupils at any one time. The temporary school is permitted to operate until September 2018.

5.10 H/2015/0386 – Erection of 64 dwellings, access and associated works – Approved 01/04/2016. The proposed access that forms part of this application will adjoin this development to the residential development proposed in SBC's administrative area (SBC ref 17/2777/REM)

5.11 H/2016/0501 – Variation of condition 2 of planning application H/2015/0386 for the erection of 64 dwellings, access and associated works for substitution of house types and alterations to layout – Approved 15/02/2017.

PROPOSAL

5.12 The application seeks approval to the construction of a road between Dere Street development to the north off Wynyard Woods and connecting to the proposed development to the south which is within the administrative area of Stockton Borough Council (a Reserved Matters application is currently under consideration from SBC 17/2777/REM). The road will be a continuation of the access currently under-construction from Wynyard Woods (Dere Street homes ref H/2016/0501 development). The intention of the road will be to form a loop around the south west of the village to serve the larger residential area and new school which is also served by a second access onto Wynyard Woods as discussed in para 5.8. The total road

length for which permission is sought is 165 metres (approx) and includes a 2m wide grass verge with a 2m wide footpath to the north and 2m-3m wide cycleway to the south. This measurement is taken from the end point of the approved Dere Street development to the edge of the Reserved Matters Application on the boundary between the two authorities. Since the approval of the outline planning permission the point of connection and the end point have slightly change resulting in this current application being made as the 'link road' falls fully within the administrative area of HBC.

SITE CONTEXT

5.13 The application site forms part of wider residential development proposals on the land in and around Wynyard Village. The site is bound to the north by residential development currently under construction, to the south by the temporary Wynyard primary school and to the south Wynyard Woods (road) beyond.

5.14 The application is referred to Committee due to an objection received from Grindon Parish Council and comments/concerns from Elwick Parish Council.

PUBLICITY

5.15 The application has been advertised by way of site notice and neighbour letters (16). To date, there have been no representations received.

5.16 The period for publicity has expired.

CONSULTATIONS

5.17 The following consultation replies have been received:

HBC Traffic and Transportation: The proposed highway layout and junction location is acceptable. The construction of the carriageway should meet the HBC Design Guide and Specification and carried out under an advanced payment code/Section 38 Agreement.

HBC Arborist: No objection.

HBC Countryside Access Officer: Dere Street Development and Hartlepool Borough Council are looking to provide a new access route from their development to the Castle Eden Walkway (CEW).

The first part of the route as it leaves the development is along the same route that this proposed link road takes.

There will be a need to therefore provide suitable and safe pedestrian and cycle access along the footway to the point where the link road moves from Hartlepool Borough into Stockton Borough. The new CEW link then separates from the proposed link road and carries on in a westerly direction along the borough boundaries to the CEW.

HBC Engineering Consultancy: Can I please request a surface water condition on this application as no drainage details have been provided.

HBC Public Protection: No objection.

HBC Ecology: I have no ecology concerns or requirements.

Elwick Parish Council: No Objection in principle, however, when the Dere Street development is taken alongside the SBC approved development underway south of the Wynyard Woods loop road, there will be too much pressure put on the Wynyard West Gate A689 roundabout, which is already dreadful, at peak times in particular. It is conservatively estimated that an extra 1320 vehicles will come in and out of Wynyard estate twice every day - a new roundabout onto the A689 is needed to alleviate this.

It was also noted that the current footpath, running parallel to the A689, which connects to the Castle Eden walkway, is in a very poor state, and unsuitable for use by either pedestrians or cyclists - it needs upgrading. As it runs along the northern edge of the Dere Street development, would it be too much to ask the developers to undertake this as a condition of planning approval?

Grindon Parish Council: The main objection is with reference to the traffic management when leaving and entering the estate. SBCs Planning application 17/2777/REM shows an application for a further 280 homes on top of the 200 already approved, and under construction, south of Wynyard Woods - as well as being linked into over 160 houses in Hartlepool which are also connected to this development. This is an extra 640 homes spilling their traffic onto the Wynyard Woods loop road at peak times.

Even with a conservative estimate of 2 cars per household this is 1,280 more vehicles. This loop road will lead all of these vehicles to the West gate roundabout on the A689 which we feel will cause severe blockages and back traffic up within the estate as well as on the A689. The main problem being during evening rush hour when folk are trying to get back into Wynyard. There needs to be an exit from this development directly onto the A689 with a new roundabout to facilitate ease of traffic congestion.

Stockton Borough Council: Stockton Borough Council has no objection to the proposed development.

PLANNING POLICY

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

National Policy (NPPF)

5.19 In March 2012 the Government consolidated all planning policy statements, circulars and guidance into a single policy statement, termed the National Planning Policy Framework (NPPF). The NPPF sets out the Governments Planning policies

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

Paragraph 002: Primacy of Development Plan
 Paragraph 006: Contribute to the achievement of sustainable development
 Paragraph 007: 3 dimensions of sustainable development
 Paragraph 009: Sustainable development
 Paragraph 010: Local 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.

EMERGING LOCAL PLAN (2016/17)

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

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

INF1: Sustainable Transport Network
 INF2: Improving Connectivity in Hartlepool
 QP3: Location, Accessibility, Highway Safety and Parking
 RUR1: Development in the Rural Area
 SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy

ADOPTED LOCAL PLAN (2006)

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

GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 Rur2: Wynyard Limits to Development
 Rur7: Development in the Countryside

PLANNING CONSIDERATIONS

5.23 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the Development Plan and in particular the impact on visual amenity, residential amenity, highway safety and any other material planning considerations.

PRINCIPLE OF DEVELOPMENT

5.24 The overriding objective of planning is to contribute to the achievement of sustainable development; this objective is echoed in the NPPF particularly as the presumption in favour of sustainable development is the golden thread running through the NPPF.

5.25 It is considered that the principle of the development has been accepted through the consideration of outline planning applications for residential development within the area HBC ref H/2013/0076 and SBC ref 13/0342/EIS. The proposed 'linked access' between the two Boroughs (Stockton and Hartlepool) is considered acceptable.

IMPACT ON VISUAL AMENITY OF THE AREA

5.26 The proposed road will cross over a small area of green wedge as defined within the emerging Local Plan. There will be a footpath either side of the carriageway which will be in keeping with the existing roads which run throughout Wynyard estate. It is not considered the provision of this section of roadway would have a detrimental impact upon the visual amenity of the area. There is no built development either side of the proposed carriageway so as to retain the green aspect of this area. It is therefore considered that the proposal is acceptable in this respect.

IMPACT ON THE AMENITY OF NEIGHBOURS

5.27 The proposed carriageway is an extension of the existing road network which serves the Dere Street Homes development under construction and will link into the proposed development which is within the Stockton Borough. It is not considered that the provision of this road would have a significant impact upon the amenity of neighbouring properties through the loss of privacy, or noise pollution furthermore no

objections have been received from HBC Public Protection. It is therefore considered that the proposal is acceptable in this respect.

HIGHWAYS AND PEDESTRIAN SAFETY

5.28 Objections and concerns have been received from both Grindon Parish Council and Elwick Parish Council in relation to the level of vehicles which will use the carriageway and the pressures that will be imposed onto the A689. The comments received relate primarily to development being carried out within the administrative area of Stockton. Outline Planning Application was granted permission by Stockton Borough Council (SBC ref 13/0342/EIS) for the construction of up to 500 houses, Primary School, Nursery, Retail Units, Doctors Surgery, Community Facilities, access and associated landscaping, footpaths and open space. A Transport Assessment was submitted in support of the application and the internal road network, including the A689 Wynyard West were assessed for capacity. These assessments showed that the internal junctions would operate well within capacity except the A689 Wynyard West junction, this would however operate well within capacity following the implementation of mitigation measures which included the signalisation of the roundabout and the incorporation of a controlled crossing.

5.29 The Council's Countryside Access Officer makes reference to safe pedestrian and cycle access along the footway, details within the design and access statement indicate the road will be bound by a footpath and cycle path. HBC Traffic and Transport section have been consulted and raise no objection to the proposal. It is therefore considered that the proposal is acceptable in highway and pedestrian safety terms.

DRAINAGE

5.30 The Council's Engineering Consultancy section, have been consulted and raised no objection to the proposal subject to condition relating to surface water drainage. It is also acknowledged that surface water will be dealt with through the site wide infrastructure to be incorporated into the residential development to the south within Stockton Borough.

RESIDUAL MATTERS

5.31 Comments have been received in relation to the current footpath, running parallel to the A689, which connects to the Castle Eden Walkway and the condition that it is in. This is outside of the application site and does not form part of this application. However, there are improvement works to be carried out on the links to the Castle Eden Walkway under Planning Approval H/2015/0386.

CONCLUSION

5.32 It is considered that the impacts of the proposal have been considered against national and local planning guidance. Overall the nature and scale of the development is acceptable. It is considered that the site could satisfactorily accommodate the proposal without any undue impact on the amenity of any adjacent neighbours and does not conflict with policies in the Local Plan(s). It is considered

that the development can be undertaken without significant harm to the surrounding area and there are not overriding matters of a technical nature that would outweigh the benefits of the development.

EQUALITY AND DIVERSITY CONSIDERATIONS

5.33 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

5.34 The Crime and Disorder Act 1998 requires local authorities to consider crime and disorder reduction in the exercise of all their duties, activities and decision-making. There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – APPROVE subject to the following conditions;

1. The development to which this permission relates shall be begun not later than three years from the date of this permission.
To clarify the period for which the permission is valid.
2. The development hereby permitted shall be carried out in accordance with the plans Dwg No(s) S(WW)-023 (location plan), S(WW)-024 (access road plan) and details received by the Local Planning Authority on the 22nd November 2017.
For the avoidance of doubt.
3. A scheme of soft landscaping shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved is commenced. The scheme shall indicate the proposed layout and surfacing of all grass verges and include a programme of the works to be undertaken, and be implemented in accordance with the approved details and programme of works.
In the interests of visual amenity.
4. No development shall commence until details of external lighting associated with the development hereby approved, including full details of the method of external illumination, siting, angle of alignment; light colour, luminance of external areas of the site, has been submitted to and agreed in writing by the Local Planning Authority. The agreed lighting shall be implemented wholly in accordance with the agreed scheme and retained for the lifetime of the development hereby approved.
To enable the Local Planning Authority to control details and in the interests of the amenities of adjoining residents, highway safety and natural habitat.
5. No 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 accord with the provisions of the NPPF in terms of satisfying matters of flood risk and surface water management.
6. No part of the development shall be brought into use until vehicular and pedestrian access (including cycleway) connecting the proposed development to the public highway has been constructed to the satisfaction of the Local Planning Authority.
In the interests of highway and pedestrian safety and in the interests of the visual amenity of the surrounding area.
 7. The proposed access road, footpaths and cycleway shall be built and maintained to achieve as a minimum the adoptable standards as defined by the Hartlepool Design Guide and Specification for Residential and Industrial Development, an advanced payment code shall be entered into and the works shall be carried out in accordance with a timetable first submitted to and approved in writing by the Local Planning Authority unless some variation is otherwise agreed in writing by the Local Planning Authority.
In order to ensure the roads are constructed and maintained to an acceptable standard.
 8. Prior to the commencement of development, details of proposed hard landscaping and surface finishes (including cycleway, footpaths and any other areas of hard standing to be created) shall be submitted to and agreed in writing by the Local Planning Authority. This will include all finishing materials, finished levels, and all construction details confirming materials, colours and finishes. The scheme shall be completed to the satisfaction of the Local Planning Authority in accordance with the agreed details. Any defects in materials or workmanship appearing within a period of 12 months from completion of the development shall be made-good by the owner as soon as practicably possible.
To enable the Local Planning Authority to control details of the proposed development, in the interests of visual amenity of the area and highway safety.

BACKGROUND PAPERS

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

CONTACT OFFICER

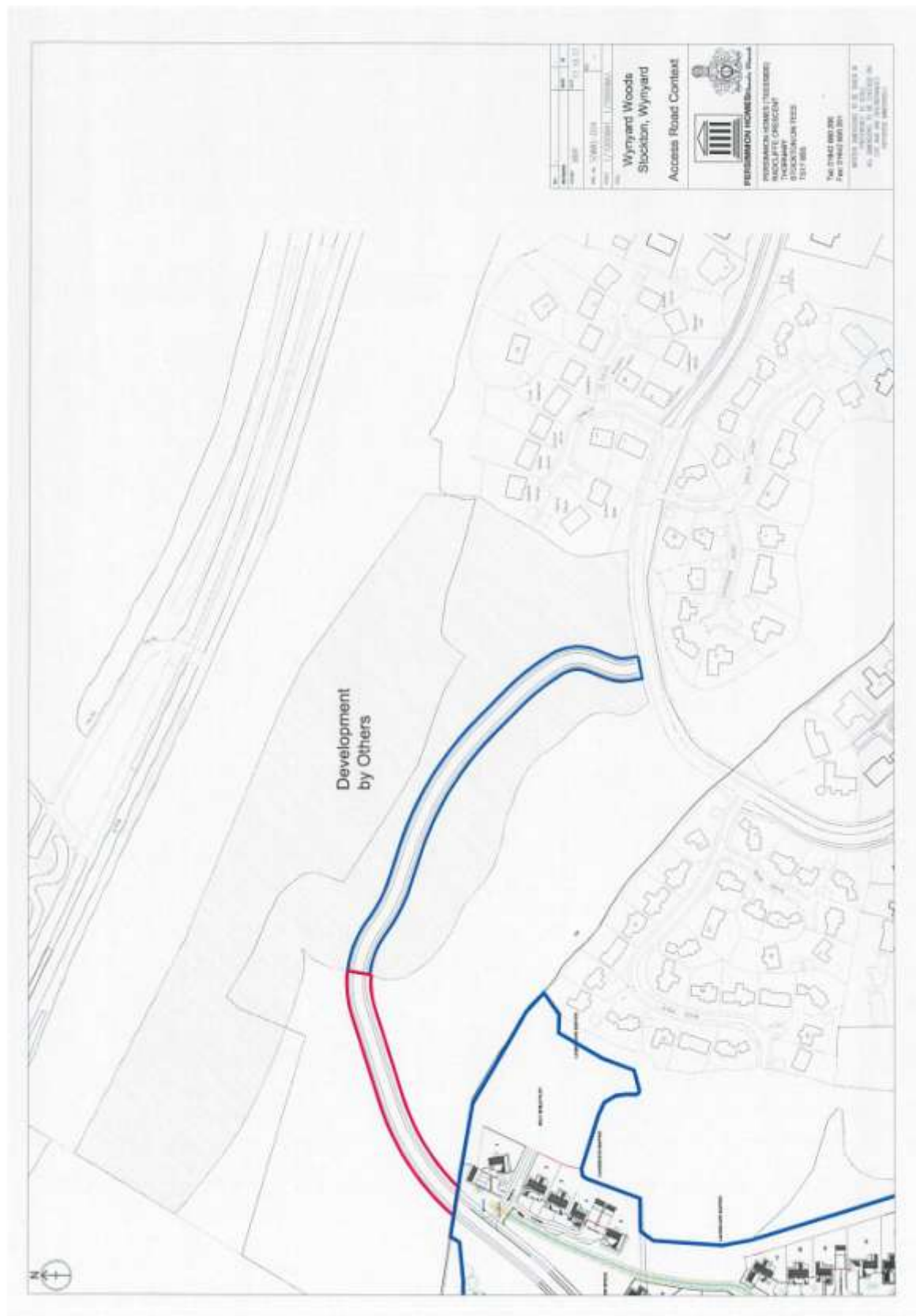
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No: 6
Number: H/2017/0657
Applicant: MR JOSEPH FRANKS 10 QUEBECK GROVE
BILLINGHAM TS23 3PY
Agent: MR JOSEPH FRANKS 10 QUEBECK GROVE
BILLINGHAM TS23 3PY
Date valid: 11/01/2018
Development: Change of use from hairdressers to bar (Use Class A4)
Location: THE WOODHOUSE UNIT 2 NAVIGATION POINT
MIDDLETON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

6.2 H/2017/0658 – Approved 31.01.2018 – Advert consent for the display of one non illuminated fascia sign.

PROPOSAL

6.3 Planning permission is sought for the change of use of a hairdressers to a bar (Use Class A4 – “drinking establishments”), at Unit 2 Navigation Point, Hartlepool. No external alterations are proposed (other than the approved signage).

6.4 The application has been brought to the planning committee in line with the Council’s scheme of delegation having received one internal consultee objection.

SITE CONTEXT

6.5 Unit 2, Middleton Road is a ground floor commercial unit located in the Navigation Point complex located in the Marina area of Hartlepool. Adjoining the host property to the north is the ground floor commercial unit of Kilimangaro, Navigation Point. Adjoining the host property to the south is the ground floor commercial unit of Happy Daze, Navigation Point. Above the host unit within the Navigation Point complex are residential apartments. To the west of the host unit is the main car parking area of Navigation Point, Hartlepool. To the rear of the host unit is a servicing/distribution area for the wider complex building.

6.6 Directly outside all the ground floor commercial properties on Navigation Point, located above the public highway (public path) is a canopy that slopes downwards towards the vehicle highway (Car Park).

PUBLICITY

6.7 The application has been advertised by way of 25 neighbour letters and a site notice. To date, one letter of objection has been received. The objections/concerns can be summarised as follows;

- The need for another bar at Navigation Point.
- Increase in noise.

6.8 Copy Letters E

6.9 The period for publicity has expired.

CONSULTATIONS

6.10 The following consultation replies have been received:

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

HBC Engineering Consultancy: no objections.

HBC Public Health: From the Substance Misuse Treatment Service perspective, we feel that another licensed premise on the Marina could be detrimental to our clients.

We already see a high number of Alcohol clients within our service requiring specialist interventions to enable them to reduce their alcohol consumption and lead a healthier lifestyle, which is not always easy for individuals to succeed.

An additional bar could possibly hinder any future recovery journey for clients in need in Hartlepool.

HBC Public Protection: I would have no objection to this application other than the following conditions;

The premises shall only be open to the public between the hours of 07.00 and 24.00.

In the interests of the amenities of the occupants of neighbouring properties

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

To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties.

condition restricting the hours that the outside seating can be used that is compatible with similar approvals on this block

In the interests of the amenities of the occupants of neighbouring properties

Cleveland Police: No comments received.

HBC Economic Development: No comments received.

PLANNING POLICY

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

Local Policy

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

COM4: Defines 10 edge of Town Areas.
 GEP1: General Environmental Principals
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design.
 TO1: Tourism Development in the Marina.

Emerging Local Plan

6.13 The following policies in the emerging Hartlepool Local Plan (2018) are relevant to the determination of this application:

QP4: Layout and Design of Development
 RC12: The Marina Retail and Leisure Park
 Sus1: The Presumption in Favour of Sustainable Development.

6.14 HBC Policy Comments - There are no planning policy objections to this proposal provided that the development does not adversely affect the character, appearance, function and amenity of adjoining properties and the surrounding residential areas above the commercial units by means of uncontrolled noise and disturbance.

National Policy

6.15 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 2 – Planning Law

Paragraph 9 – Pursuing sustainable development

Paragraph 10 – Local Sustainable Development

Paragraph 11 – Planning Law and development plan

Paragraph 12 – Statutory status of development plans

Paragraph 13 – NPPF is material consideration

Paragraph 14 – Presumption in Favour of Sustainable Development

Paragraph 56 – Design of built environment

Paragraph 57 – High quality and inclusive design

Paragraph 196 – Primacy of the Development Plan

Paragraph 197 – Presumption in favour of sustainable development.

PLANNING CONSIDERATIONS

6.16 The main issues for consideration in this instance are the appropriateness of the proposal in terms of the policies and proposals held within the saved Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan 2018, the impact on the health and wellbeing, the impact on the amenity and privacy of neighbouring land users, the impact on the character and amenity of the surrounding area, the impact on highway safety, and flooding and drainage matters. These and any other matters are considered as follows;

PRINCIPLE OF DEVELOPMENT

6.17 With respect to the adopted Hartlepool Local Plan (2006), the application site is located within the boundary of an area identified as Com4/10 Edge of Town Centre Areas – Marina. The policy states that proposals for a range of uses will be permitted within edge of town centre areas provided they do not adversely affect the character (appearance/function) and amenity of the area, which will be considered in further detail below.

6.18 With respect to the emerging Hartlepool Local Plan (2018), the application site is located within the boundary of an area identified as RC12 (The Marina Retail and Leisure Park). The policy deems appropriate an A4 use within the Marina Retail and Leisure Parks.

6.19 As such, the principle of development is considered to be acceptable subject to the scheme satisfying other materials considerations set out below;

HEALTH AND WELLBEING

6.20 The proposed use of unit 2 Navigation Point would result in an additional bar in an area which already has a number of similar functioning premises. The Council's Public Health section has raised concerns regarding the detrimental impact the proposed bar would have on their clients as well as all residents of Hartlepool who suffer from alcohol addiction.

6.21 In relation to planning and health, paragraph 171 of the NPPF 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 sports, recreation and places of worship), including expected future changes, and any information about relevant barriers to improving health and well-being.”

6.22 It is recognised that planning is closely linked with health and has an important role to play in encouraging health habits and active lifestyles. Whilst it is acknowledged that there is a contribution to be made by planning through designing in healthy environments and promoting healthy eating and drinking habits, the end user has a choice. Given the number of existing bars/drinking establishments in the locality it is not considered that the addition of one more “drinking establishment” (A4 Use) could result in a significant or disproportionate reduction in the health and well being for residents in this area of Hartlepool.

6.23 Furthermore, the proposal is considered to be within accordance with both the saved Hartlepool Local Plan 2006 and the emerging Hartlepool Local Plan 2018 as a suitable area for a proposed use of this kind to be located.

IMPACT ON VISUAL AMENITY/OF SURROUNDING AREA

6.24 The proposed bar will be located within an existing ground floor commercial unit located in the Navigation Point complex of Hartlepool.

6.25 The proposal does not seek to make any external alterations to the existing unit (other than the approved external signage), as well as not proposing any outdoor seating facilities onto the public highway on the west facing side of Navigation Point (which would require permission in its own right). It is therefore considered the proposal will not have any significant adverse impact on the character and visual appearance of Navigation Point and the Marina as a whole.

6.26 There are several commercial units to the south and north of the application site, also within the Navigation Point complex, that are currently occupied by businesses' that fall within the A4 use class ('drinking establishments'). It is therefore considered the proposed change of use from a hairdressers to a bar (Use Class A4) is in accordance of policies COM4, GEP1, GEP2, GEP3 and TO1 of the saved Hartlepool Local Plan 2006 and policies QP4, RC12 and Sus1 of the emerging Hartlepool Local Plan 2018. It is also considered the proposed A4 use would not have any adverse impact onto the amenity, appearance and character of the Marina/surrounding area.

IMPACT ON THE AMENITY OF NEIGHBOURING PROPERTIES

6.27 It is considered that the introduction of a ground floor bar directly underneath residential apartments has the potential to create noise concerns/issues on the residential apartments, as the bar proposes to be open late into the evening. However, it should be noted that late evening commercial uses' are common in the immediate vicinity of the host unit. As well as this, HBC Public Protection has raised no objections/concerns regarding the noise implications of the application.

6.28 The Council's Public Protection department raised no concerns with the proposed bar opening until midnight (as was desired by the applicant). However, in the interest of residential amenity it is considered that the bar should be restricted to a closing time of 11:30pm in line with policy RC12 of the emerging Hartlepool Local Plan 2018. Furthermore, in the interests of residential amenity the Council's Public Protection team requests a condition in respect to construction/building/demolition works or deliverers. To conclude, it is considered there will be no adverse impact on amenity in terms of noise disturbance subject to the identified conditions.

6.29 In addition, the Council's Public Protection Department has requested a condition restricting the proposed bar's outdoor seating. However, the proposal does not involve / does not seek any outdoor seating/structures. Therefore no condition/no approval for this application will involve any outdoor seating. Should the applicant wish to place outdoor seating to the front elevation of the unit in the future, planning permission would be required.

6.30 The proposal only consists of the change of use of an A1 premises to an A4 premises. The proposal will not consist of any extension and/or changes to any external wall of the existing unit, and will only consist of modest internal changes. It is therefore considered there will be no adverse impact in terms of overshadowing and/or having an overbearing effect onto any neighbouring residential properties above the unit or the adjacent commercial properties.

6.31 As existing, the only elevation of the proposed bar that will feature any windows will be that of the west elevation looking directly over a car park and the Marina itself. Furthermore, directly outside the main/west elevation of the unit is a canopy feature that runs the complete length of the Navigation Point complex. It is therefore considered there will be no adverse impact in terms of overlooking onto the residential properties above the unit, or the adjacent commercial properties.

IMPACT ON HIGHWAY SAFETY

6.32 HBC Traffic and Transport Department have raised no objections to the proposal. It is therefore considered the application is acceptable in this respect.

FLOODING + DRAINAGE

6.33 The application is not within a flood zone. The Council's Engineering Consultancy section has raised no objections to this proposal. It is therefore considered to be acceptable in this respect.

RESIDUAL MATTERS

6.34 One neighbour objection raised the issue of the need for another bar being located at Navigation Point. However it should be noted that “need” is not a material planning consideration.

EQUALITY AND DIVERSITY CONSIDERATIONS

6.35 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.37 There are no Section 17 implications.

REASON FOR DECISION

6.38 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; Existing & Proposed Plans, Signage & Location Plan (Drg. 211117001) received by the Local Planning Authority on the 21st December 2017.
For the avoidance of doubt.
3. The unit hereby approved shall only be open to the public between the hours of 7.00am - 11.30pm Monday – Sunday.
In the interests of the amenities of the occupants of neighbouring properties and to accord with the emerging Hartlepool Local Plan 2018 policy RC12.
4. No construction/building/demolition works or deliveries shall be carried out except between the hours of 8.00am and 6.00pm on Mondays to Fridays and between 9.00am and 1.00pm on Saturdays. There shall be no construction activity including demolition on Sundays or on Bank Holidays, unless otherwise agreed in writing by the Local Planning Authority
To ensure that the development does not prejudice the enjoyment of neighbouring occupiers of their properties
5. The development hereby approved does not include or make provision for any external seating areas.
For the avoidance of doubt.

BACKGROUND PAPERS

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

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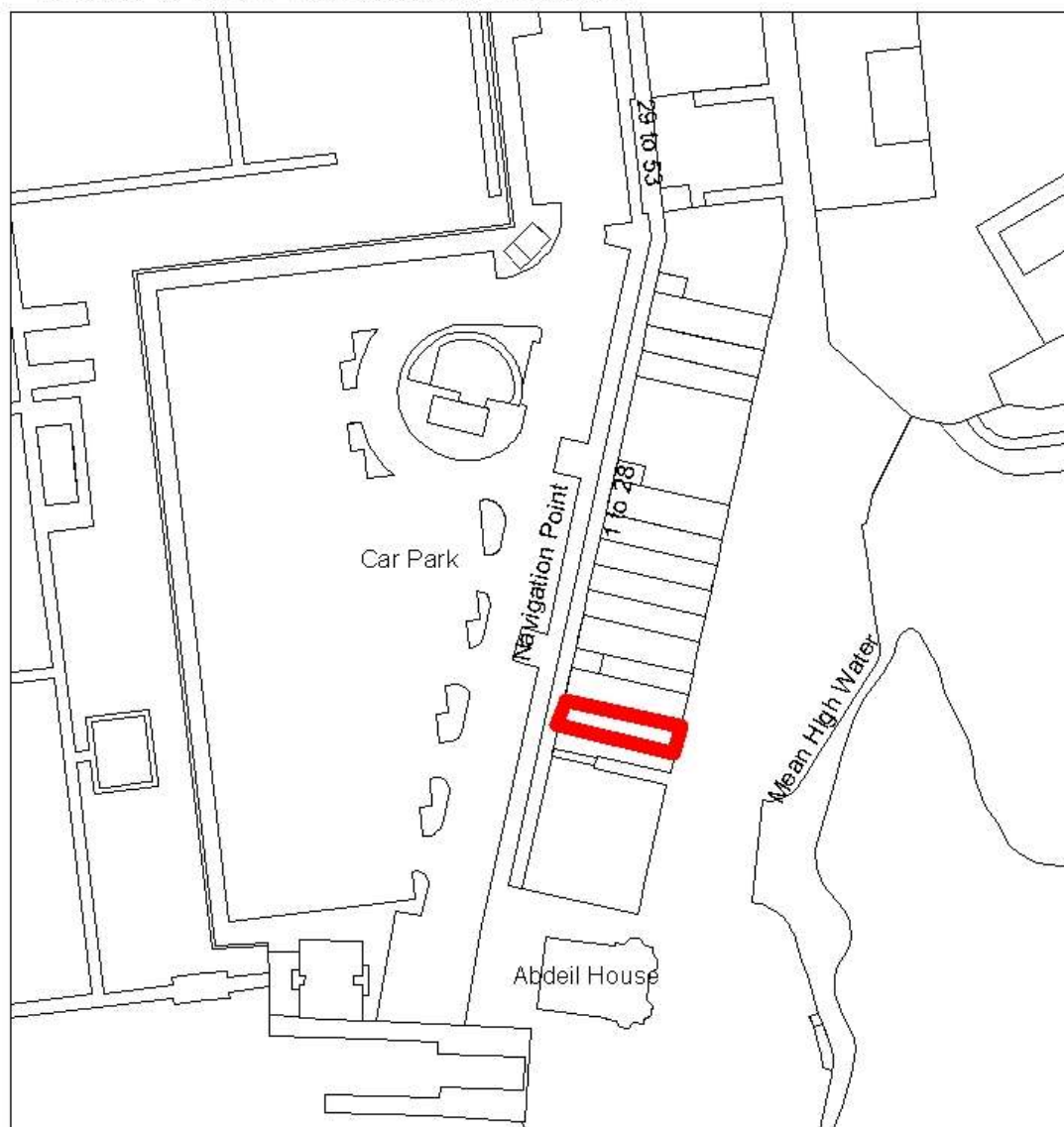
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UNIT 2 NAVIGATION POINT



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THIS PLAN IS FOR SITE IDENTIFICATION PURPOSE ONLY

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|--|------------------------------|-------------------------|
| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 13/02/18 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0657 | REV |

POLICY NOTE

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

ADOPTED HARTLEPOOL LOCAL PLAN 2006

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

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

Com3 (Primary Shopping Area – Opportunity Site) - Identifies this area for future retail development. Replacement car parking facilities will be required.

Com4 (Edge of Town Centre Areas) - Defines 10 edge of town centre areas and indicates generally which range of uses are either acceptable or unacceptable within each area particularly with regard to A1, A2, A3, A4, A5, B1, B2, & B8 and D1 uses. Proposals should also accord with related shopping, main town centre uses and recreational policies contained in the plan. Any proposed uses not specified in the policy will be considered on their merits taking account of GEP1.

Com5 (Local Centres) - States that proposals for shops, local services and food and drink premises will be approved within this local centre subject to effects on amenity, the highway network and the scale, function, character and appearance of the area.

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

Com7 (Tees Bay Mixed Use Site) - Identifies this area for mixed uses comprising non food retail, leisure and business uses. Developments

attracting large numbers of visitors should comply with policies Com8 and Rec14.

Com8 (Shopping Development) - States that the sequentially preferred locations for shopping development are firstly within the town centre, then edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Retail proposals over 500 square metres located outside the primary shopping area will be required to demonstrate need, to justify appropriate scale and to demonstrate that a sequential approach has been followed. All retail proposals over 2500 square metres gross to be accompanied by a Retail Impact Assessment. For proposals between 500 and 2499 sq metres applicants should agree with the Council whether retail impact assessment is required. Legal agreements may be sought to secure rationalisation of retail provision and the improvement of accessibility and conditions will be attached to control hours of operations.

Com9 (Main Town Centre Uses) - States that main town centre uses including retail, office, business, cultural, tourism developments, leisure, entertainment and other uses likely to attract large number of visitors should be located in the town centre. Proposals for such uses outside the town centre must justify the need for the development and demonstrate that the scale and nature of the development are appropriate to the area and that the vitality and viability of the town centre and other centres are not prejudiced. A sequential approach for site selection will be applied with preferred locations after the town centre being edge-of-centre sites, Victoria Harbour and then other out of centre accessible locations offering significant regeneration benefits. Proposals should conform to Com8, To9, Rec14 and Com12. Legal agreements may be negotiated to secure the improvement of accessibility.

Com10 (Retailing in Industrial Areas) - States that retail development which would be suitable in the town centre will not be permitted in identified industrial areas. The policy also lists the types of retailing which may be acceptable in industrial areas.

Com12 (Food and Drink) - States that proposals for food and drink developments will only be permitted subject to consideration of the effect on amenity, highway safety and character, appearance and function of the surrounding area and that hot food takeaways will not be permitted adjoining residential properties. The policy also outlines measures which may be required to protect the amenity of the area.

Com13 (Commercial Uses in Residential Areas) - States that industrial, business, leisure and other commercial development will not be permitted in residential areas unless the criteria set out in the policy relating to amenity, design, scale and impact and appropriate servicing and parking requirements are met and provided they accord with the provisions of Com8, Com9 and Rec14.

Com14 (Business Uses in the Home) - States that proposals for business activities in the home which require planning permission will not be approved unless they adhere to the criteria set out in the policy relating to amenity and the character of the area.

Com16 (Headland – Mixed Use) - Aims to strengthen tourism and established economic activities to increase local employment and prosperity for this area, widen the mix of housing and conserve the environmental heritage of the Headland. Proposals for small scale retail, office and workshops, leisure and educational uses and housing developments of an appropriate scale and complementing the historic and cultural character of the area will be approved in identified mixed use areas at Middlegate, Nun Street and the Manor House site subject to criteria set out in the policy.

Dco1 (Landfill Sites) - States that development on notified landfill sites will only be approved where there will be no harm to occupiers. The policy also requires the provision of protection measures where appropriate.

Dco2 (Flood Risk) - States that the Borough Council will pay regard to the advice of the Environment Agency in considering proposals within flood risk areas. A flood risk assessment will be required in the Environment Agency's Flood Risk Zones 2 and 3 and in the vicinity of designated main rivers. Flood mitigation measures may be necessary where development is approved. Where these are impractical and where the risk of flooding on the land or elsewhere is at a level to endanger life or property, development will not be permitted.

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.

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

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

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

GEP16 (Untidy Sites) - States intention to acquire by compulsory purchase untidy sites in order to achieve the proper planning of an area.

GEP17 (Derelict Land Reclamation) - States that subject to finance the Council will pursue the reclamation and re-use of derelict and disused land, including the area of the former anhydrite mine. Landscaping and tree planting will be included in schemes and account taken of open space and recreational uses and also of the nature conservation value of sites.

GEP18 (Development on Contaminated Land) - States that development on potentially contaminated land will be encouraged where the extent of the contamination has been verified, remedial measures have been identified and where there will be no significant risk to occupiers of adjacent properties or adverse effect on the environment.

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

GN2 (Protection of Green Wedges) - Strictly controls development in this green wedge where planning permission will only be given for development comprising extensions to existing buildings within the area, or providing ancillary facilities to recreational uses, or providing wildlife sites and subject to the effect on the overall integrity of the green wedge.

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.

GN4 (Landscaping of Main Approaches) - States that the Borough Council will undertake strategic landscaping schemes and woodland planting along this corridor.

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

GN6 (Protection of Incidental Open Space) - Resists the loss of incidental open space, other than in the exceptional circumstances set out in the policy. Compensatory provision or enhancement of nearby space will be required where open space is to be developed.

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.

HE6 (Protection and Enhancement of Registered Parks and Gardens) - States that design and materials in new developments in the immediate vicinity of registered parks and gardens of special historic interest should take account of the character of the area and that no special features should be lost to development.

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

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

HE15 (Areas of Historic Landscape) - States that the Borough Council will seek to protect or enhance the salt mound area at Seaton Common and that any development will require an archaeological evaluation of the site. New historic landscapes may be designated where appropriate.

Hsg1 (Housing Improvements) - States that a high priority will be given to the improvement of the existing housing stock and to the enhancement of the local environment particularly in areas of high deprivation.

Hsg2 (Selective Housing Clearance) - States that selective demolition will be carried out to contribute to restoring the balance between demand and supply and to achieve better local amenities and a better environment. The policy also sets out criteria for re-use and re-development of cleared sites.

Hsg3 (Housing market Renewal) - States that the Council will seek to tackle the problem of imbalance of supply and demand in the existing housing stock through programmes of demolition, redevelopment, property improvement and environmental and street enhancement works. Priority will be given to West Central and North Central areas of the town.

Hsg4 (Central Area Housing) - States that the spread of commercial uses to the residential areas around, but outside the defined town centre will be resisted except where they involve the provision of local services or community based uses.

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

Hsg6 (Mixed Use Areas) - Identifies this area for mixed use development including housing subject to there being no detrimental effect on the overall housing strategy for reducing the imbalance between supply and demand. Developer contributions towards demolitions and improvements may be sought. The policy sets out the phasing of housing provision on this site, but additional dwellings may be permitted at Victoria Harbour should the Plan, Monitor and Manage approach suggest that this can be done without

detriment to the strategic housing requirement. A flood risk assessment may be required.

Hsg7 (Conversions for Residential Uses) - States that conversions to flats or houses in multiple occupation will be approved subject to considerations relating to amenity and the effect on the character of the area. Parking requirements may be relaxed.

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

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.

Hsg11 (Residential Annexes) - States that extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Hsg12 (Homes and Hostels) - States that proposals for residential institutions will be approved subject to considerations of amenity, accessibility to public transport, shopping and other community facilities and appropriate provision of parking and amenity space.

Hsg13 (Residential Mobile Homes) - States that proposals for the development of additional land for mobile homes will only be approved on land within the urban fence which is not allocated for permanent development, is not protected open space and which is accessible to public transport, schools and other local facilities. Substantial landscaping of the site will be required.

Hsg14 (Gypsy Site) - States that gypsy sites will be allowed subject to considerations of amenity of both the occupiers and neighbours, accessibility to and within the site, accessibility to facilities and provision of screening and landscaping.

Ind1 (Wynyard Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel

plans will be required for large scale developments. The creation and maintenance of features of nature conservation interest and landscaping and woodland planting will be sought through planning conditions and legal agreements.

Ind2 (North Burn Electronics Components Park) - States that land is reserved for development as an electronics components park and that proposals for developments associated with the electronics industry will be approved where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

Ind3 (Queens Meadow Business Park) - States that land is reserved for development as a business park. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Town centre uses will not be allowed unless they are primarily providing support facilities for the business park. Travel plans will be required for large scale developments.

Ind4 (Higher Quality Industrial Estates) - States that this land is reserved for higher quality industrial development. Proposals for business development, and for those general industrial and storage uses which do not significantly affect amenity or prejudice the development of adjoining land, will be allowed where they meet the criteria set out in the policy. Travel plans will be required for large scale developments.

Ind5 (Industrial Areas) - States that business uses and warehousing will be permitted in this area. General industry will only be approved in certain circumstances. A particularly high quality of design and landscaping will be required for development fronting the main approach roads and estate roads.

Ind6 (Bad Neighbour Uses) - Identifies part of the Sandgate area for the location of bad neighbour uses. Such uses will only be permitted subject to criteria in the policy relating to nuisance, visibility, screening, size of site and adequacy of car parking and servicing.

Ind7 (Port-Related Development) - Identifies this land for development making use of port facilities. Proposals for such uses will only be allowed subject to the criteria set out in policies WL1 and WL2 relating to the protection of international and national nature conservation sites and where there will be no detrimental effect on the operation of the power station or on existing industry in the vicinity. Regard will also be had to policy Dco2 regarding flood risk.

Ind8 (Industrial Improvement Areas) - States that the Borough Council will encourage environmental and other improvement and enhancement schemes in designated industrial improvement areas.

Ind9 (Potentially Polluting or Hazardous Developments) - Reserves land in this area for developments which are potentially polluting or hazardous. These will be permitted where there is no significant detrimental effect on the environment or on designated nature conservation sites, on amenity or on the development of neighbouring land. In these respects special regard will be had to advice received from the Health and safety Executive, HM Inspector of Pollution, the Environment Agency and English Nature as appropriate.

Ind10 (Underground Storage) - States that proposals for underground storage in this area will only be approved subject to criteria set out in the policy relating to risk to people, effect on the aquifer, watercourses and nature conservation sites, and amount and visibility of above ground structures. In these respects particular regard will be taken of advice received from the Health and Safety Executive, the Environment Agency, Hartlepool Water Company and English Nature as appropriate.

Ind11 (Hazardous Substances) - States that proposals for the introduction of hazardous substances will be permitted on sites identified in policy Ind9 for potentially polluting or hazardous substances subject to there being no significant increase in risk to people or significant adverse effect on designated nature conservation sites in the vicinity. In considering such proposals at other locations the Borough Council will also need to be satisfied that they will not inhibit the full opportunities for development of nearby sites.

PU3 (Sewage Treatment Works) - Allocates land at Tees Road/Brenda Road for a full sewage treatment works and sets out the considerations for the approval of extensions to existing treatment works.

PU6 (Nuclear Power Station Site) - States that development proposals on this land will be approved subject to consideration of visual impact, increased traffic flows and effect on designated nature conservation sites taking into account the advice of the Health and Safety Executive, English Nature and the Environment Agency. An environmental assessment may be required.

PU7 (Renewable Energy Developments) - States that renewable energy projects will generally be supported to facilitate the achievement of national targets for electricity generating capacity. In determining applications significant weight will be given to achieving wider environmental and economic benefits. Account will also be taken of the impact on the character of the area, amenity of residents, ecology and radar and telecommunications. A restoration scheme should be submitted.

PU10 (Primary School Location) - Reserves this land for the provision of a primary school and states that if the school is not required then part of the site outside the green wedge may be developed for housing.

PU11 (Primary School Site) - Allocates this land for a replacement school and states that if the school is not required then the site will be retained for outdoor recreational use.

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.

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

Rec3 (Neighbourhood Parks) - Identifies locations for neighbourhood parks and states that developer contributions will be sought to assist in their development and maintenance.

Rec4 (Protection of Outdoor Playing Space) - Seeks to protect existing areas of outdoor playing space and states that loss of such areas will only be acceptable subject to appropriate replacement or where there is an excess or to achieve a better dispersal of playing pitches or where the loss of school playing field land does not prejudice its overall integrity. Where appropriate, developer contributions will be sought to secure replacement or enhancing of such land remaining.

Rec5 (Development of Sports Pitches) - Identifies this location for the development and improvement of sports pitches.

Rec6 (Dual Use of School Facilities) - Seeks the wider community use of school sports and playing field facilities. Developers contributions may be sought in this respect.

Rec7 (Outdoor Recreational Sites) - Identifies this site for outdoor recreational and sporting development requiring few built facilities.

Rec8 (Areas of Quiet Recreation) - Identifies that this area will be developed for quiet recreational purposes.

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.

Rec10 (Summerhill) - States that Summerhill will continue to develop as an access point to the countryside, nature conservation and informal recreational and sporting activities.

Rec12 (Land West of Brenda Road) - Identifies this land for outdoor recreational purposes.

Rec13 (Late Night Uses) - States that late night uses will be permitted only within the Church Street mixed use area, or the southwest area of the Marina subject to criteria relating to amenity issues and the function and character of these areas. Developer contributions will be sought where necessary to mitigate the effects of developments.

Rec14 (Major Leisure Developments) - States that major leisure developments should be located within the town centre. Then policy then sets out the sequential approach for preferable locations after the town centre as edge of centre sites including the Marina, then Victoria Harbour, or the Headland or Seaton Carew as appropriate to the role and character of these areas and subject to effect on the town centre, and then elsewhere subject also to accessibility considerations. The need for the development should be justified and travel plans prepared. Improvements to public transport, cycling and pedestrian accessibility to the development will be sought where appropriate.

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

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

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

Rur4 (Village Design Statements) - States that the design of new developments within villages will need to take account of any relevant village design statements which have been adopted by the Borough Council as supplementary planning guidance.

Rur5 (Development At Newton Bewley) - States that minor infill/redevelopment of existing sites within the defined village limit will only be approved where no increase in the volume of traffic at access points will result.

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

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

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

Rur15 (Small Gateway Sites) - Identifies this location for a small gateway site where informal recreational and leisure facilities of a modest nature will be developed. The potential for further sites will be kept under review and new sites will be identified as appropriate.

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

Rur17 (Strategic Recreational Routes) - Safeguards this walkway from development not directly associated with its use as a major recreational route.

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

Rur19 (Summerhill- Newton Bewley Greenway) - Reserves land on the western edge of the urban area for the creation of the Summerhill, Brierton to Cowpen Bewley greenway and requires that development in the vicinity takes account of the need to maintain an adequate through route for use by pedestrians, cyclists and horse riders.

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

To1 (Tourism Development in the Marina) - States that this area will continue to be developed as a major tourist attraction and that the Borough Council will seek to protect the areas of water from development.

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

To3 (Core Area of Seaton Carew) - States that commercial and leisure developments within this area will be permitted where they are sympathetic to the character of the area and in keeping with its development as a seaside resort.

To4 (Commercial Development Sites at Seaton Carew) - Identifies this area for appropriate commercial and recreational facilities which will enhance the attraction of Seaton Carew for both residents and visitors.

To6 (Seaton Park) - States that this area will be developed with additional recreational facilities to increase its attractiveness to users.

To8 (Teesmouth National Nature Reserve) - Seeks to promote this area as a tourist attraction by encouraging its enhancement and sustainable green tourism.

To9 (Tourist Accommodation) - Identifies the town centre and Marina, Victoria Harbour, the Headland and Seaton Carew as areas for new accommodation and promotes the enhancement of existing facilities.

To10 (Touring Caravan Sites) - States that proposals for touring caravan sites will only be approved where they do not intrude into the landscape and subject to highway capacity considerations, the provision of substantial landscaping and availability of adequate sewage disposal facilities.

To11 (Business Tourism and Conferencing) - Encourages and promotes development relating to business conferencing and tourism.

Tra1 (Bus Priority Routes) - Sets out the measures that will be taken to improve the passage of buses and the comfort of passengers along the north-south bus priority route. Other bus priority routes will be identified.

Tra2 (Railway Line Extensions) - Identifies a safeguarded corridor for the Seaton Snook branch line to Seal Sands. Development proposals affecting this corridor will only be approved if a feasible alternative through route is retained.

Tra3 (Rail Halts) - Encourages the provision of new rail halts along the rail corridor. Initially, a rail halt will be developed at Hart Station.

Tra4 (Public Transport Interchange) - Provisionally identifies this site for a public transport interchange facility. Permanent development impeding this provision will not be permitted.

Tra5 (Cycle Networks) - States that provision will be made for a comprehensive network of cycle routes and that new housing and industrial development and highway and traffic management schemes should take account of the need to provide links to the network.

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

Tra8 (Pedestrian Routes- Residential Areas) - States that safe and convenient pedestrian routes linking new housing to local facilities and amenities should be provided.

Tra9 (Traffic Management in the Town Centre) - States that changes to the road system around York Road, Victoria Road, Clarence Road and Middleton Road will be implemented including one-way systems and bus priority routes. Traffic minimisation and environmental improvements will be implemented, where appropriate, to the west of York Road.

Tra10 (Road Junction Improvements) - Identifies road junctions where improvement schemes will be carried out.

Tra11 (Strategic Road Schemes) - Identifies this land as a safeguarded road improvement corridor where no permanent development will be permitted.

Tra12 (Road Scheme: North Graythorp) - Safeguards this land for the construction of a link road, but allows for some variation in the corridor so long as a through route is retained.

Tra13 (Road Schemes: Development Sites) - States that no permanent development will be permitted on this land which is safeguarded for the provision of a new road.

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

Tra15 (Restriction on Access to Major Roads) - States that new access points or intensification of existing accesses will not be approved along this road. The policy also states that the Borough Council will consult the Highways Agency on proposals likely to generate a material increase in traffic on the A19 Trunk Road.

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

Tra17 (Railway Sidings) - Seeks to preserve access from industrial land to the railway and supports the provision of new rail sidings.

Tra18 (Rail Freight Facilities) - Sets out the considerations for the development rail based freight handling facilities including impact on surrounding area and provision of adequate access.

Tra20 (Travel Plans) - Requires that travel plans are prepared for major developments. Developer contributions will be sought to secure the improvement of public transport, cycling and pedestrian accessibility within and to the development.

WL2 (Protection of Nationally Important Nature Conservation Sites) - States that developments likely to have a significant adverse effect on SSSIs will be subject to special scrutiny and may be refused unless the reasons for development clearly outweigh the harm to the special nature conservation interest of the site. Where development is approved, planning obligations or conditions will be considered to avoid and minimise harm to the site, to enhance its interest and to secure any necessary compensatory measures.

WL3 (Enhancement of Sites of Special Scientific Interest) - States that the Borough Council will enhance the quality of SSSIs in a sustainable manner and will seek management agreements with owners or occupiers to protect native species and habitats from damage or destruction.

WL5 (Protection of Local Nature Reserves) - States that development likely to have an adverse effect on a local nature reserve will not be permitted unless the reasons for development outweigh the harm to the substantive nature conservation value of the site.

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

MINERALS & WASTE DPD 2011

Policy MWP1: Waste Audits : A waste audit will be required for all major development proposals. The audit should identify the amount and type of

waste which is expected to be produced by the development, both during the construction phase and once it is in use. The audit should set out how this waste will be minimised and where it will be managed, in order to meet the strategic objective of driving waste management up the waste hierarchy.

Policy MWC4: Safeguarding of Minerals Resources from Sterilisation

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

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

Policy MWC6: Waste Strategy

The sustainable management of waste arisings in the Tees Valley will be delivered through:

- a) making provision for sufficient annual waste management capacity to allow:
 - i) 40% of household waste from the Tees Valley to be recycled or composted from 2010, rising to 46% from 2016;
 - ii) to recover value from 53% of municipal solid waste from the Tees Valley from 2010, rising to 72% from 2016; and
 - iii) to increase the recovery of value from commercial and industrial waste from the Tees Valley to 73% from 2016;
- b) promoting facilities and development that drives waste management up the waste hierarchy;
- c) the distribution of waste management sites across the Tees Valley
- d) safeguarding the necessary infrastructure to enable the sustainable transport of waste,
- e) developing the regional and national role of the Tees Valley for the management of specialist waste streams.

Proposals should have no adverse impact on the integrity of the SPA, Ramsar and other European sites, either alone or in combination with other plans or programmes. All waste developments must be compatible with their setting and not result in unacceptable impacts on public amenity, environmental, historic or cultural assets from their design, operations, management and, if relevant, restoration.

Policy MWC7: Waste Management Requirements

Land will be provided for the development of waste management facilities to meet the identified requirements of the Tees Valley, as follows:

- a) for the composting of at least 16,000 tonnes of municipal solid waste per year from 2010, rising to at least 24,000 tonnes per year in 2016 and 31,000 tonnes per year by 2021;
- b) for the recovery of value from at least 103,000 tonnes of municipal solid waste and commercial and industrial waste per year from 2010, falling to 83,000 tonnes per year by 2021;
- c) for the recycling of at least 700,000 tonnes of construction and demolition waste per year from 2016, rising to 791,000 tonnes per year by 2021; and
- d) to provide additional treatment and management facilities to reduce the amount of hazardous waste that is sent for landfill or disposal each year from the 2007 level of around 130,000 tonnes.

NATIONAL PLANNING POLICY FRAMEWORK (NPPF) 2012

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

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

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

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

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

- an economic role – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;
- a social role – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and

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

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

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

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.

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

19. The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth.

Therefore significant weight should be placed on the need to support economic growth through the planning system.

22. Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.

23. Planning policies should be positive, promote competitive town centre environments and set out policies for the management and growth of centres over the plan period. In drawing up Local Plans, local planning authorities should:

- recognise town centres as the heart of their communities and pursue policies to support their viability and vitality;
- define a network and hierarchy of centres that is resilient to anticipated future economic changes;
- define the extent of town centres and primary shopping areas, based on a clear definition of primary and secondary frontages in designated centres, and set policies that make clear which uses will be permitted in such locations;
- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres;
- retain and enhance existing markets and, where appropriate, re- introduce or create new ones, ensuring that markets remain attractive and competitive;
- allocate a range of suitable sites to meet the scale and type of retail, leisure, commercial, office, tourism, cultural, community and residential development needed in town centres. It is important that needs for retail, leisure, office and other main town centre uses are met in full and are not compromised by limited site availability. Local planning authorities should therefore undertake an assessment of the need to expand town centres to ensure a sufficient supply of suitable sites;
- allocate appropriate edge of centre sites for main town centre uses that are well connected to the town centre where suitable and viable town centre sites are not available. If sufficient edge of centre sites cannot be identified, set policies for meeting the identified needs in other accessible locations that are well connected to the town centre;
- set policies for the consideration of proposals for main town centre uses which cannot be accommodated in or adjacent to town centres;
- recognise that residential development can play an important role in ensuring the vitality of centres and set out policies to encourage residential development on appropriate sites; and
- where town centres are in decline, local planning authorities should plan positively for their future to encourage economic activity.

24. Local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre and are not in accordance with an up-to-date Local Plan. They should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

25. The sequential approach set out in paragraph 24 should not be applied to applications for small scale rural offices or other small scale rural development.

26. When assessing applications for retail, leisure and office development outside of town centres, which are not in accordance with an up-to-date Local Plan, local planning authorities should require an impact assessment if the development is over a proportionate, locally set floorspace threshold (if there is no locally set threshold, the default threshold is 2,500 sq m). This should include assessment of:

- the impact of the proposal on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- the impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and wider area, up to five years from the time the application is made. For major schemes where the full impact will not be realised in five years, the impact should also be assessed up to ten years from the time the application is made.

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

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

30. Encouragement should be given to solutions which support reductions in greenhouse gas emissions and reduce congestion. In preparing Local Plans,

local planning authorities should therefore support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport.

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

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

33. When planning for ports plans should take account of their growth and role in serving business, leisure, training and emergency service needs.

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

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

- accommodate the efficient delivery of goods and supplies;
- give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
- create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones;
- incorporate facilities for charging plug-in and other ultra-low emission vehicles; and
- consider the needs of people with disabilities by all modes of transport.

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

37. Planning policies should aim for a balance of land uses within their area so that people can be encouraged to minimise journey lengths for employment, shopping, leisure, education and other activities.

39. If setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- an overall need to reduce the use of high-emission vehicles.

43. Radio and telecommunications masts and sites for such installations should be kept to a minimum consistent with the efficient operation of the network. Existing masts, buildings and other structures should be used, unless the need for a new site has been justified. Where new sites are required, equipment should be sympathetically designed and camouflaged where appropriate.

44. Local planning authorities should not insist on minimum distances between new telecommunications development and existing development. They should ensure that:

- they have evidence to demonstrate that telecommunications infrastructure will not cause significant and irremediable interference with other electrical equipment, air traffic services or instrumentation operated in the national interest; and
- they have considered the possibility of the construction of new buildings or other structures interfering with broadcast and telecommunications services.

45. Applications for telecommunications development (including for prior approval under Part 24 of the General Permitted Development Order) should be supported by the necessary evidence to justify the proposed development.

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

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

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

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

50: To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should:

- plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);
- identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand; and
- where they have identified that affordable housing is needed, set policies for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Such policies should be sufficiently flexible to take account of changing market conditions over time.

51. Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

53. Local planning authorities should resist inappropriate development of residential gardens where development would cause harm to the local area.

54. In rural areas, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate. Local planning authorities should in particular consider whether allowing some market housing would facilitate the provision of significant additional affordable housing to meet local needs.

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

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

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

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

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

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

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

63. In determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area.

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

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

67: Poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

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.

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

73. Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up to date assessments of the needs for open space, sports and recreation facilities and opportunities for new provision. The assessments should identify specific needs and quantitative or qualitative deficits or surpluses of open space, sports and recreational facilities in the local area. Information gained from the assessments should be used to determine what open space, sports and recreational provision is required.

74. Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless:

- an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

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

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

95. To support the move to a low carbon future, local planning authorities should:

- plan for new development in locations and ways which reduce greenhouse gas emissions;
- actively support energy efficiency improvements to existing buildings; and
- when setting any local requirement for a building's sustainability, do so in a way consistent with the Government's zero carbon buildings policy and adopt nationally described standards.

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

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

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources. They should:

- have a positive strategy to promote energy from renewable and low carbon sources;
- design their policies to maximise renewable and low carbon energy development while ensuring that adverse impacts are addressed satisfactorily, including cumulative landscape and visual impacts;
- consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources;
- support community-led initiatives for renewable and low carbon energy, including developments outside such areas being taken forward through neighbourhood planning; and
- identify opportunities where development can draw its energy supply from decentralised, renewable or low carbon energy supply systems and for co-locating potential heat customers and suppliers.

98. When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

100. Inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk elsewhere.¹⁹ Local Plans should be supported by Strategic Flood Risk Assessment and develop policies to manage flood risk from all sources, taking account of advice from the Environment Agency and other relevant flood risk management bodies, such as lead local flood authorities and internal drainage boards. Local Plans should apply a sequential, risk-based approach to the location of development to avoid where possible flood risk to people and property and manage any residual risk, taking account of the impacts of climate change, by:

- applying the Sequential Test;
- if necessary, applying the Exception Test;
- safeguarding land from development that is required for current and future flood management;
- using opportunities offered by new development to reduce the causes and impacts of flooding; and
- where climate change is expected to increase flood risk so that some

existing development may not be sustainable in the long-term, seeking opportunities to facilitate the relocation of development, including housing, to more sustainable locations.

103. When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.

104. For individual developments on sites allocated in development plans through the Sequential Test, applicants need not apply the Sequential Test. Applications for minor development and changes of use should not be subject to the Sequential or Exception Tests but should still meet the requirements for site-specific flood risk assessments. In coastal areas, local planning authorities should take account of the UK Marine Policy Statement and marine plans and apply Integrated Coastal Zone Management across local authority and land/sea boundaries, ensuring integration of the terrestrial and marine planning regimes.

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

106. Local planning authorities should reduce risk from coastal change by avoiding inappropriate development in vulnerable areas or adding to the impacts of physical changes to the coast. They should identify as a Coastal Change Management Area any area likely to be affected by physical changes to the coast, and:

- be clear as to what development will be appropriate in such areas and in what circumstances; and
- make provision for development and infrastructure that needs to be relocated away from Coastal Change Management Areas.

107. When assessing applications, authorities should consider development in a Coastal Change Management Area appropriate where it is demonstrated that:

- it will be safe over its planned lifetime and will not have an unacceptable impact on coastal change;
- the character of the coast including designations is not compromised;
- the development provides wider sustainability benefits; and

- the development does not hinder the creation and maintenance of a continuous signed and managed route around the coast.

108. Local planning authorities should also ensure appropriate development in a Coastal Change Management Area is not impacted by coastal change by limiting the planned life-time of the proposed development through temporary permission and restoration conditions where necessary to reduce the risk to people and the development.

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

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

110. In preparing plans to meet development needs, the aim should be to minimise pollution and other adverse effects on the local and natural environment. Plans should allocate land with the least environmental or amenity value, where consistent with other policies in this Framework.

111. Planning decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield land), provided that it is not of high environmental value. Local planning authorities may continue to consider the case for setting a locally appropriate target for the use of brownfield land.

112. Local planning authorities should take into account the economic and other benefits of the best and most versatile agricultural land. Where significant development of agricultural land is demonstrated to be necessary, local planning authorities should seek to use areas of poorer quality land in preference to that of a higher quality.

Paragraph 114: Local planning authorities should:

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

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

114. Local planning authorities should:

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

115. Great weight should be given to conserving landscape and scenic beauty in National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to landscape and scenic beauty. The conservation of wildlife and cultural heritage are important considerations in all these areas, and should be given great weight in National Parks and the Broads.

116. Planning permission should be refused for major developments in these designated areas except in exceptional circumstances and where it can be demonstrated they are in the public interest. Consideration of such applications should include an assessment of:

- the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy;
- the cost of, and scope for, developing elsewhere outside the designated area, or meeting the need for it in some other way; and
- any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.

117. To minimise impacts on biodiversity and geodiversity, planning policies should:

- plan for biodiversity at a landscape-scale across local authority boundaries;
- identify and map components of the local ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity, wildlife corridors and stepping stones that connect them and areas identified by local partnerships for habitat restoration or creation;
- promote the preservation, restoration and re-creation of priority habitats, ecological networks and the protection and recovery of priority species populations, linked to national and local targets, and identify suitable indicators for monitoring biodiversity in the plan;
- aim to prevent harm to geological conservation interests; and

- where Nature Improvement Areas are identified in Local Plans, consider specifying the types of development that may be appropriate in these Areas.

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

- if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused;

- proposed development on land within or outside a Site of Special Scientific Interest likely to have an adverse effect on a Site of Special Scientific Interest (either individually or in combination with other developments) should not normally be permitted. Where an adverse effect on the site's notified special interest features is likely, an exception should only be made where the benefits of the development, at this site, clearly outweigh both the impacts that it is likely to have on the features of the site that make it of special scientific interest and any broader impacts on the national network of Sites of Special Scientific Interest;

- development proposals where the primary objective is to conserve or enhance biodiversity should be permitted;

- opportunities to incorporate biodiversity in and around developments should be encouraged;

- planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss; and

- the following wildlife sites should be given the same protection as European sites:

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

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

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

121. Planning decisions should also ensure that:

- the site is suitable for its new use taking account of ground conditions and land instability, including from natural hazards or former activities such as mining, pollution arising from previous uses and any proposals for mitigation including land remediation or impacts on the natural environment arising from that remediation;
- adequate site investigation information, prepared by a competent person, is presented.

123. Planning decisions should aim to:

- avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;
- mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions;
- recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established; and
- identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.

124. Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.

125. By encouraging good design, planning decisions should limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.

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

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

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should

take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

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

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

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

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

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

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

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

135. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In

weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

136. Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.

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

138. Not all elements of a World Heritage Site or Conservation Area will necessarily contribute to its significance. Loss of a building (or other element) which makes a positive contribution to the significance of the Conservation Area or World Heritage Site should be treated either as substantial harm under paragraph 133 or less than substantial harm under paragraph 134, as appropriate, taking into account the relative significance of the element affected and its contribution to the significance of the Conservation Area or World Heritage Site as a whole.

139. Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments, should be considered subject to the policies for designated heritage assets.

140. Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.

141. Local planning authorities should require developers to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) in a manner proportionate to their importance and the impact, and to make this evidence (and any archive generated) publicly accessible. However, the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted.

144. When determining planning applications, local planning authorities should:

- give great weight to the benefits of the mineral extraction, including to the economy;
- as far as is practical, provide for the maintenance of landbanks of non-energy minerals from outside National Parks, the Broads, Areas of Outstanding Natural Beauty and World Heritage sites, Scheduled Monuments and Conservation Areas;
- ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment, human health or aviation safety, and take into account the cumulative effect of

multiple impacts from individual sites and/or from a number of sites in a locality;

- ensure that any unavoidable noise, dust and particle emissions and any blasting vibrations are controlled, mitigated or removed at source, and establish appropriate noise limits for extraction in proximity to noise sensitive properties;
- not grant planning permission for peat extraction from new or extended sites;
- provide for restoration and aftercare at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. Bonds or other financial guarantees to underpin planning conditions should only be sought in exceptional circumstances;
- not normally permit other development proposals in mineral safeguarding areas where they might constrain potential future use for these purposes;
- consider how to meet any demand for small-scale extraction of building stone at, or close to, relic quarries needed for the repair of heritage assets, taking account of the need to protect designated sites; and
- recognise the small-scale nature and impact of building and roofing stone quarries, and the need for a flexible approach to the potentially long duration of planning permissions reflecting the intermittent or low rate of working at many sites.

148. When determining planning applications, minerals planning authorities should ensure that the integrity and safety of underground storage facilities are appropriate, taking into account the maintenance of gas pressure, prevention of leakage of gas and the avoidance of pollution.

149. Permission should not be given for the extraction of coal unless the proposal is environmentally acceptable, or can be made so by planning conditions or obligations; or if not, it provides national, local or community benefits which clearly outweigh the likely impacts to justify the grant of planning permission

150. Local Plans are the key to delivering sustainable development that reflects the vision and aspirations of local communities. Planning decisions must be taken in accordance with the development plan unless material considerations indicate otherwise.

152. Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate.

158. Each local planning authority should ensure that the Local Plan is based on adequate, up-to-date and relevant evidence about the economic, social and environmental characteristics and prospects of the area. Local planning authorities should ensure that their assessment of and strategies for housing,

employment and other uses are integrated, and that they take full account of relevant market and economic signals.

159. Local planning authorities should have a clear understanding of housing needs in their area. They should:

- prepare a Strategic Housing Market Assessment to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The Strategic Housing Market Assessment should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period which:
 - meets household and population projections, taking account of migration and demographic change;
 - addresses the need for all types of housing, including affordable housing and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes);³⁴ and
 - caters for housing demand and the scale of housing supply necessary to meet this demand;
- prepare a Strategic Housing Land Availability Assessment to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period.

173. Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened. To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

176. Where safeguards are necessary to make a particular development acceptable in planning terms (such as environmental mitigation or compensation), the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily.

186. Local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. The relationship between decision-taking and plan-making should be seamless, translating plans into high quality development on the ground.

187. Local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for

sustainable development where possible. Local planning authorities should work proactively with applicants to secure developments that improve the economic, social and environmental conditions of the area.

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

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

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.

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

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

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

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

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

205. Where obligations are being sought or revised, local planning authorities should take account of changes in market conditions over time and, wherever

appropriate, be sufficiently flexible to prevent planned development being stalled.

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

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

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

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

Emerging Hartlepool Local Plan Policies

Policy SUS1: The Presumption in Favour of Sustainable Development

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

Policy LS1: Locational Strategy

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

Policy CC1: Minimising and adapting to Climate Change

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

Policy CC2: Reducing and Mitigating Flood Risk

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

Policy CC3: Renewable and Low Carbon Energy Generation

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

Policy CC4: Strategic Wind Turbine Developments

CC4: Proposals for strategic scale wind turbine developments (developments with 0.5 MW generating capacity and above), that can demonstrate that they have the backing of the local community following consultation, will be supported in the following locations:

- 1) High Volts – in association with the existing wind turbine development there is potential for up to 3 additional turbines;
- 2) Brenda Road area – a maximum of 4 turbines.

The policy details specific criteria for proposals to satisfactorily address in order to be acceptable and mitigate any adverse effects on the amenities of occupiers of nearby properties during the construction, operational lifespan and decommissioning of equipment/infrastructure. Developers will be required to undertake effective early pre-application consultation with the public and interested parties, and will be expected to work constructively with local communities and the local authority to secure appropriate community benefits from wind turbine proposals.

Policy CC5: Large Scale Solar Photovoltaic Developments

CC5: Proposals for large scale (over 0.5MW) ground based solar photovoltaic developments which contribute towards the achievement of national renewable energy targets and the reduction of CO₂ emissions will be supported subject to consideration of a number of specific criteria outlined in the policy. These include: suitability of land use, amenity of occupiers / neighbours, impact on landscape, built and historic environment, habitats, glint and glare, security and flooding and drainage. Proposals should detail how the site will be returned to at least its original condition post use of the site solar photovoltaic development.

Policy INF1: Sustainable Transport Network

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

Policy INF2: Improving Connectivity in Hartlepool

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

Policy INF3: University Hospital of Hartlepool

INF3: States that the University Hospital of Hartlepool site will be safeguarded for the provision of health and related facilities. Proposals for other uses on the site will only be permitted provided that they: do not compromise the ability to meet current and anticipated health and related uses on the site, and do not have a significant adverse effect on the amenity of occupiers of adjacent or nearby properties.

Policy INF4: Community Facilities

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

Policy INF5: Telecommunications

INF5: The policy states that proposals for the improvement and expansion of telecommunications networks, including high speed broadband, will be supported and applications for infrastructure will be supported subject to the proposal addressing a set criteria.

Where broadband infrastructure is proposed within conservation areas, or where it may have an impact on listed buildings or other heritage assets, broadband providers are encouraged to liaise closely with the Borough Council to minimise any adverse impacts, including conservation areas, areas of Special Landscape Value, and nature conservation sites, particularly sites designated of international or national importance.

Policy QP1: Planning Obligations

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

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

Policy QP2: Compulsory Purchase Orders

QP2: The policy states that in order to facilitate the proper planning of the area, and address amenity issues arising from vacant and derelict land and buildings, where appropriate Hartlepool Borough Council will proactively work with landowners to facilitate the sale of land / buildings by agreement.

Where this has not been possible, and where appropriate, the Borough Council will use Compulsory Purchase Powers where the overall delivery of a specific aim is dependent on the acquisition of property or land in a specific location.

Policy QP3: Location, Accessibility, Highway Safety and Parking

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

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

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

Policy QP4: Layout and Design of Development

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

Policy QP5: Safety and Security

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

Policy QP6: Technical Matters

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

Policy QP7: Energy Efficiency

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

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

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

Policy QP8: Advertisements

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

Policy HSG1: New Housing Provision

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

Policy HSG2: Overall Housing Mix

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

Policy HSG3: Urban Local Plan Sites

HSG3: This policy sets out the allocations of urban local plan residential sites.

Policy HSG4: The South West Extension Strategic Housing Site

HSG4: This policy sets out strategic master planning of the SWE site for the development of up to 1,260 dwellings. It includes the provision of community facilities and a local centre, safeguarded land for education purposes, access roads, pedestrian and cycle links and green infrastructure to facilitate the provision of a strategic green wedge.

Policy HSG5: High Tunstall Strategic Housing Site

HSG5: The policy sets out that The High Tunstall development is allocated for approximately 1200 dwellings. The site covers an area of approximately 83.50 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

Policy HSG5a: Quarry Farm Housing Site

HSG5a: The policy sets out that the Quarry Farm housing development is allocated for approximately 220 dwellings. The site covers an area of approximately 11.30 hectares as illustrated on the proposals map. No development will be permitted prior to the implementation of the Grade Separated Junction and bypass to the north of Elwick Village unless otherwise agreed with Highways England and the Borough Council. The policy sets out development criteria for the site.

Policy HSG6: Wynyard Housing Developments

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

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

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

Policy HSG7: Elwick Village Housing Development

HSG7: The policy sets out that the Potters Farm / North Farm development within Elwick Village is suitable for development of approximately 35 dwellings. Applications should be considered against the development criteria set out in this policy.

Policy HSG8: Hart Village Housing Developments

HSG8: The policy states that the following sites at Hart Village are allocated for a total of approximately 50 dwellings as illustrated on the proposals map:

- a) Nine Acres – 3.06ha - approximately 30 dwellings.
- b) Glebe Farm – 1.47ha - approximately 20 dwellings.

The two developments will be phased over the plan period, with applications being determined in strict accordance with the criteria set out in the policy.

Policy HSG9: Affordable Housing

HSG9: The policy sets an affordable housing target of 18% on all developments of 15 dwellings or more. The provision of tenure and mix will be negotiated on a site by site basis. The policy sets the requirements for the

provision of affordable housing within a site, this should be provided on site unless there is sound and robust justification that this cannot be achieved. Regard will be given to economic viability to ensure deliverability of the development.

Policy HSG10: Housing Market Renewal

HSG10: The policy states that the Borough Council will seek to tackle the problem of the imbalance of supply and demand in the existing housing stock through co-ordinated programmes including Housing Market Renewal. Priority will be given to the housing regeneration areas in central Hartlepool identified in the Hartlepool Housing Strategy.

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 HSG12: Residential annexes

Hsg12: States that the Borough Council supports opportunities for homeowners to improve their homes. extensions to provide accommodation for relatives will be approved where they are designed to enable incorporation into the existing dwelling when no longer required. Where extensions are not appropriate and a separate dwelling is provided within the curtilage, planning conditions will bind its occupation to that of the main dwelling.

Policy HSG13: Gypsy and Traveller Provision

HSG13: States that proposals for the provision of Gypsy and Travellers and Travelling Showpeople sites will be approved where there is no significant detrimental effect on the amenity of the occupiers of adjoining or nearby land uses. The policy sets out criteria for development.

Policy EMP1: Prestige Employment Site Wynyard Business Park

EMP1: The policy sets out allocation of prestige employment use on this site, the policy sets criteria for proposals for B1 business development and well as B2 and B8 general industrial developments and warehousing.

Policy EMP2: Queen's Meadow Business Park

EMP2: The policy sets out allocation of high quality employment use at Queens Meadow Business Park, the policy sets criteria for proposals for B1 business development and well as B2 and B8 general industrial developments and warehousing.

Policy EMP3: General Employment Land

EMP3: The policy sets allocations for general employment used on industrial areas. The policy sets criteria for proposals for B1 and B8 business

development. In addition proposals for B2 general industrial development will only be approved where the Borough Council is satisfied that they will not have detrimental effect on the amenities of the occupiers of adjoining or nearby properties or prejudice the development of adjacent sites. High quality landscaping and design will be key for developments on main approaches and on key routes within estates. Proposals for B1a will be subject to a sequential test. Proposals for the development and extension of bad neighbour uses will only be approved where the development meets the criteria set out in the policy.

Policy EMP4: Specialist Industries

EMP4: The policy sets out the locations for specialist industrial uses; these being Hartlepool Port, West of Seaton Channel, Phillips Tank Farm, South Works, North Graythorp, Graythorp Waste Management and Able Seaton Port. The policy states specific criteria for development of these sites.

Where relevant proposals will need to demonstrate that there will be no adverse impact on the integrity of the Teesmouth and Cleveland Coast Special Protection Area and Ramsar site (including any proposed extension to the Special Protection Area), or other European designated nature conservation sites, either alone or in combination with other plans and programmes. Any necessary mitigation/compensation measures must be secured in advance of the development in order to meet the requirements of the Habitat Regulations.

Policy EMP5: Safeguarded land for new Nuclear Power Station

EMP5: The policy sets out Land is safeguarded in the Zinc Works Road/North Gare/Seaton Snook/Able Seaton Port areas for a new nuclear power station, as shown on the Proposals Map. The Appraisal of Sustainability, undertaken by Government in support of preparing the relevant national policy, has concluded that the potential for adverse impacts on sites (Teesmouth and Cleveland Coast Special Protection Area (SPA)/Ramsar site, Teesmouth National Nature Reserve, and a number of Sites of Special Scientific Interest) and species considered to be of European importance, cannot be ruled out. Studies will be required to identify ways to avoid, minimise, mitigate or, if necessary, compensate for any significant impacts.

Policy EMP6: Underground Storage

EMP6: Proposals for the use of former brine cavities in the south of the Borough for underground storage will only be considered for approval where:

- 1) there will be no significant increase in the potential risk to people in the area;
- 2) it can be demonstrated that there will be no resultant harm to the aquifer or to watercourses in the surrounding area, and in particular to sites important for nature conservation (see also policy NE1), and
- 3) any above surface structures are limited in scale and not visually prominent

In considering any proposals the Borough Council will have regard to advice from relevant agencies including the Health and Safety Executive, Environment Agency, Natural England, Northumbrian Water, and Hartlepool Water.

Policy RUR1: Development in the Rural Area

RUR1: Seeks to ensure the rural area is protected and that its natural habitat, cultural and built heritage and rural landscape character are not lost. The policy supports the rural economy, emphasising that proposals must be considered necessary for the efficient or continued viable operation of rural based businesses and appropriate for the rural area. The policy sets out a number of key considerations including compliance with the Rural Neighbourhood Plan, proximity to existing settlements, opportunities for re-use of existing buildings/materials, neighbour amenity, design, highway safety and connectivity, landscape and heritage impacts and the implications in terms of the supply of Grades 1, 2 and 3a agricultural land. Development may be required to provide infrastructure improvements in accordance with policy QP1, the Planning Obligations SPD and the Local Infrastructure Plan.

Policy RUR2: New Dwellings Outside of Development Limits

RUR2: Seeks to protect the countryside by restricting new dwellings outside of the development limits unless there is clear justification and it can be demonstrated that there is a functional need pertaining to the effective operation of a rural enterprise; the rural enterprise is established, profitable, financially sound and is to remain so; the need could not be met by an existing dwelling; the dwelling is appropriate in scale; the proposal is in accordance with other relevant policies and, where relevant, the development would safeguard the future a heritage asset. Notwithstanding the above, new dwellings outside of development limits may also be permitted in instances of exceptional design. Replacement dwellings will only be approved where the existing dwelling can no longer be used; the proposed development is similar in scale and where the design minimises visual intrusion but enhances the immediate setting. New housing development and re-use of existing buildings should not compromise the character and distinctiveness of the countryside. Occupancy conditions will be imposed where deemed necessary. Further guidance is provided in the New Dwellings Outside of Development Limits SPD.

Policy RUR3: Farm Diversification

RUR3: Seeks to support and diversify the rural economy through farm diversification. Proposals must benefit the economy of the rural area; reuse existing farm buildings where possible; ensure new buildings and signage is appropriate in scale, form, impact, character and siting; not have a detrimental impact on neighbour amenity, the historic and natural environments or highway safety; not generate undue levels or types of traffic and not involve a significant, irreversible loss of Grades 1, 2 or 3a agricultural land. Development must demonstrate the existing business and viability of the farm, contribute to the local economy and environmental management and benefit the rural community. Development should be in accordance with the Planning Obligations SPD.

Policy RUR4: Equestrian Development

RUR4: Seeks to support the rural economy through equestrian development. The policy sets out a number of considerations in determining such development including: the proximity to adjacent villages; the scale and

character of the proposals in relation to their setting and the Historic Environment; the impact on neighbour amenity; the amount of available grazing land in relation to number of stables and horses; the proximity to residential accommodation to allow suitable supervision in cases of new commercial establishments; the proximity to or provision of bridleways or safe equine routes where applicable and compliance with policy QP1. Commercial scale equestrian establishments must be supported by a business plan and must demonstrate how the development contributes positively to the rural economy.

Policy RUR5: Rural Tourism

RUR5: Seeks to enhance the rural tourism offer of the Borough. The policy sets out a list of criteria on which proposals for rural tourism, leisure attractions and visitor accommodation will be determined. Proposals which meet this criteria and form part of a comprehensive farm diversification scheme, or are directly linked to conservation or enjoyment of a heritage asset will be supported. Proposals for caravan, holiday lodges and camping development must also take into consideration policies LT4 and LT5.

Policy RUR6: Rural Services

RUR6: Seeks to support existing rural services by restricting changes of use or redevelopment of a shop, public house or other key facilities in rural villages. Any such development proposals will be required to submit supporting evidence that provides demonstrable justification for the loss of any such rural services.

Policy RC1: Retail and Commercial centre Hierarchy

RC1: Sets out the Council's identified and defined hierarchy of retail and commercial centres. The sequential preference of the centres for retail and commercial developments is as follows: The Town Centre then; Edge of Town Centre Areas and Retail and Leisure Park then; Local Centres. Proposals for main town centre uses not located within a designated centre; located within a local centre and with a floor area of 300m² or greater; or located within an edge of centre or Retail and Leisure park and with a floor area of 250m² or greater; will be required to provide a robust sequential test.

Policy RC2: The Town Centre

RC2: Sets out the Town Centre as the primary retail and commercial area. In accordance with Policy RC1 the Borough Council will seek to diversify, support and protect the Town Centre as the sequentially preferable location for main town centre uses, these uses are set out in the policy. The policy sets permitted operational times and refers to considerations in relation vacant units. The policy also sets out how development should improve the appearance of, connectivity and sustainability of the Town Centre.

Policy RC3: Innovation and Skills Quarter

RC3: The policy encourages and promotes the development of a distinct Innovation and Skills Quarter (ISQ). The policy sets out appropriate uses within the ISQ. The policy supports the positive development of shop fronts in accordance

with the Shop Fronts SPD, enhancement of public realm across the area and protection and enhancement of the quality of the Church Street Conservation area.

Policy RC4: Avenue Road / Raby Road Edge of Town Centre Area

RC4: The policy seeks to diversify, support and protect Avenue Road/Raby Road Edge of Town Centre. In accordance with policy RC1, after the Town Centre, the Edge of Town

Centre areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. The policy sets out these appropriate uses, these uses will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units and sets out priorities for visual and environmental enhancement of the area.

Policy RC5: The Brewery and Stranton Edge of Town Centre Area

RC5: The policy seeks to diversify, support and protect Brewery and Stranton Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure

Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area.

Policy RC6: East of Stranton Edge of Town Centre Area

RC6: The policy seeks to diversify, support and protect East of Stranton Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The policy states that vehicular egress from the area will not be permitted onto the A689.

Policy RC7: Lynn Street Edge of Town Centre Area

RC7: The policy seeks to diversify, support and protect Lynn Street Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to

considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre.

Policy RC8: Mill House Edge of Town Centre Area

RC8: The policy seeks to diversify, support and protect Mill House Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre.

Policy RC9: Park Road West Edge of Town Centre Area

RC9: The policy seeks to diversify, support and protect Park Road West Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area. The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC10: West Victoria Road Edge of Town Centre Area

RC10: The policy seeks to diversify, support and protect West Victoria Road Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC11: York Road South Edge of Town Centre Area

RC11: The policy seeks to diversify, support and protect Park Road West Edge of Town Centre. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not

adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations in relation vacant units; and sets out priorities for visual, environmental and connectivity enhancement of the area to the town centre. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC12: The Marina Retail and Leisure Park

RC12: The policy seeks to diversify, support and protect the Marina Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The use of the water will be safeguarded for water based activity including sporting activities and transport infrastructure linked to water taxi provision. Built development in and/or over the water will be strictly controlled. Any development along the waterfront must be of particularly high design and should actively open up the relationship between the water and the waters edge.

The policy sets out that the permitted operational times; consideration of advertising; and sets out priorities for visual, environmental and connectivity enhancement of the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC13: West of Marina Way Retail and Leisure Park

RC13: The policy seeks to diversify, support and protect the West of Marina Way Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC14: Trincomalee Wharf Retail and Leisure Park

RC14: The policy seeks to diversify, support and protect the Trincomalee Wharf Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC15: Tees Bay Retail and Leisure Park

RC15: The policy seeks to diversify, support and protect the Tees Bay Retail and Leisure Park. After the Town Centre, the Edge of Town Centre Areas and Retail and Leisure Parks are the next sequentially preferable locations for main town centre uses. These appropriate uses for this area are listed within the policy, which will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC16: The Local Centres

RC16: This policy seeks to diversify, support and protect local centres in recognition of the important service they provide to their local communities. In accordance with policy RC1 local centres as identified on the proposals map will be the sequentially preferable location for the following uses below 300m²:

- Shops (A1)
- Financial and Professional Services (A2)
- Food and Drink (A3)
- Drinking Establishments (A4)
- Hot Food Takeaways (A5)
- Non-residential institutions (D1)
- Residential (C3 and C4) only on upper floors

Such uses will only be permitted providing that they do not adversely affect the character, appearance, function and amenity of the property and the surrounding area.

In addition, the policy sets out that combining of units will not be supported where the newly combined unit would have a negative impact upon the character, vitality and viability of the Town Centre or the Local Centre. The policy sets permitted operational times; refers to considerations for car parking; and sets out priorities for visual, environmental and connectivity enhancement to the wider area. The design of all units is key to improving the appearance and safety of the area. Proposals that involve alterations to commercial fronts should be designed in accordance with the Shop Fronts SPD.

Policy RC17: Late Night Uses Area

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

Policy RC18: Hot Food Takeaway Policy

RC118: The policy 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. Proposals relating to hot food takeaway uses will be strictly controlled in accordance with the criteria set out in the policy. The policy provides maximum floorspace for A5 uses.

Policy RC19: Main Town Centre Uses on Employment Land

RC19: To help protect the Town Centre, the policy seeks to ensure that main town centre uses are only permitted on industrial land where the criteria set out in the policy can be met.

Policy RC20: Business Uses in the Home

RC20: The policy seeks to ensure many flexible options for employment are delivered across the Borough. The policy sets out criteria for such development.

Proposals for A5 uses will not be permitted and the policy sets hours of business between 8am and 6pm.

Policy RC21: Commercial Uses in Residential Areas

RC21: The policy seeks to protect the vitality and viability of the designated retail and commercial centres within the Borough and the amenity of residents. Proposals for industrial, business, leisure, retail and other commercial development, or for their expansion, will not be permitted in predominantly residential areas outside the defined retail and commercial centres unless the criteria set out within the policy are satisfied.

Proposals for A5 uses will not be permitted and the policy sets hours of business between 8am and 6pm. Proposals that involve alterations to commercial fronts must be designed in accordance with the Shop Fronts SPD.

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 LT2: Tourism Development in the Marina

LT2: The policy states that the Marina will continue to be developed as a major tourist and leisure attraction. Tourist related facilities will be encouraged to complement those attractions already in place to create a tourism hub. The policy sets out acceptable development proposals for the redevelopment of the former Jacksons Landing site and Trincomalee Wharf. The policy requires the provision of enhanced and new sustainable transport links, public realm and green infrastructure to improve connectivity to the marina and the wider town centre.

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 LT4: Tourism Accommodation

LT4: The policy states that enhancement of existing tourist accommodation and also the development of further tourist accommodation within the key tourist areas of the Borough (the Town Centre and Marina, the Headland, Seaton Carew and across the rural area) will be supported. This is subject to proposals meeting the criteria outlined in the policy.

Policy LT5: Caravan Sites and Touring Caravan Sites

LT5: States that proposals for static, touring caravan and camping sites will only be approved where they are well screened so as not to intrude visually into the landscape and where they meet the criteria set in the policy.

Policy LT6: Business Tourism, Events and Conferencing

LT6: The policy states that improvements to existing facilities and developments which complement the needs of business in terms of conferencing facilities and tourism will be encouraged and promoted.

Policy HE1: Heritage Assets

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

Policy HE2: Archaeology

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

Policy HE3: Conservation Areas

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

Policy HE4: Listed Buildings and Structures

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

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

Policy HE5: Locally Listed Buildings and Structures

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

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

Policy HE6: Historic Shopping Parades

HE6: The policy supports the retention of historic shop fronts in the following shopping parades:

- 1) Stranton / Vicarage Gardens
- 2) The Front, Seaton
- 3) Church Street

Replacement shop fronts should be of high quality design responding to the local context. The preservation of traditional examples of shop frontages is important for maintaining our highly valued built heritage and links with the past however emphasis should also be placed on ensuring high standards of design for all shop fronts, be they traditional or contemporary in style.

Policy HE7: Heritage at Risk

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

Policy NE1: Natural Environment

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

Policy NE2: Green Infrastructure

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

appropriate compensatory provision will be required.

Policy NE3: Green Wedges

NE3: Seeks to protect, maintain, enhance and, where appropriate, increase the number of green wedges to provide a wide range of benefits for the town. The green wedges are shown on the proposals map. The policy sets out the limited circumstances in which development would be acceptable within the green wedges.

Policy NE4: Ecological Networks

NE4: Seeks to maintain and enhance ecological networks throughout the Borough. Priority sections of the network are:

- 1) Coastal fringe
- 2) Tees Road/Brenda Road brownfield land
- 3) Dalton Beck/Greatham Beck riparian corridor
- 4) Rural west from Wynyard to Thorpe Bulmer and Crimdon Denes

There may be a requirement for developments within the vicinity of ecological networks to contribute to the maintenance and enhancement of networks where such a development will have an impact.

Policy NE5: Playing Fields, Tennis Courts and Bowling Greens

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

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

Policy NE6: Protection of Incidental Open Space

NE6: States that the loss of incidental open space will be resisted except where:

- 1) it can be demonstrated that the area of open space is detrimental to the amenity of neighbours or is too small or difficult to maintain, or
- 2) it does not contribute significantly to visual or recreational amenity, and where the need and function of the open space is met elsewhere in the locality.

In exceptional circumstances where incidental open space is lost to development, compensatory provision of an alternative site or enhancement of nearby open space will be required.

Policy NE7: Landscaping along main transport corridors

NE7: The policy states that the main road and rail corridors are considered to be an integral part of the green infrastructure network, and a particularly high standard of landscaping, tree planting and design will be required from developments adjoining the main communication corridors. A list of these key routes is provided in the policy.

PLANNING COMMITTEE

7th March 2018



Report of: Assistant Director (Economic Growth and Regeneration)

Subject: APPEAL AT LAND TO THE NORTH OF
VOLTIGEUR DRIVE AND OTTERINGTON CLOSE,
HART, HARTLEPOOL
APPEAL REF: APP/H0724/W/17/3190602
Erection of 3 detached residential units.
(H/2017/0366)

1. PURPOSE OF REPORT

- 1.1 To advise members of a planning appeal that has been submitted against the decision of the Council to refuse planning permission for the erection of three detached residential units at land to the north of Voltigeur Drive and Otterington Close, Hart, Hartlepool.
- 1.2 The decision was delegated through the Chair of Planning Committee following refusal of a previous application for a similar form of development by Planning Committee. The application was refused for 2 reasons, namely
1) In the opinion of the Local Planning Authority, the proposed development would fail to preserve the setting of the heritage asset (St Mary of Magdalene Church, a Grade I Listed Building) by virtue of its layout, close proximity and location, and would therefore cause less than substantial harm to the setting of the heritage asset. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, saved Policy HE8 of the adopted Hartlepool Local Plan and Policy HE4 of the Emerging Local Plan; and
2) In the opinion of the Local Planning Authority the applicant has not demonstrated sufficient justification for residential development outside the limits of development and the proposal would therefore result in unjustified isolated dwellings in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraph 55 of the NPPF, saved Policies Gep1 and Rur7 and of the Hartlepool Local Plan (2006), the Local Planning Authorities 'New Dwellings outside of Development Limits' Supplementary Planning Document March

2015 and policy RUR2 of the emerging Hartlepool Local Plan. (Report **Attached**)

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

- 3.1 Andrew Carter
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4. AUTHOR

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DELEGATED REPORT

Application No H/2017/0366

Proposal Erection of 3 detached residential units

Location LAND TO THE NORTH OF VOLTIGEUR DRIVE AND
OTTERINGTON CLOSE HART HARTLEPOOL

PS Code: 13

| | | |
|---|--------------------|------------|
| DELEGATION ISSUES | Neighbour letters: | 28/07/2017 |
| | Site notice: | 01/08/2017 |
| 1) Publicity Expiry | Advert: | 31/07/2017 |
| | Weekly list: | 30/07/2017 |
| | Expiry date: | 21/08/2017 |
| | Extended date: | n/a |
| 2) Publicity/Consultations <p>The application was publicised by means of neighbour letters (30), site notice and press notice. 14 objections have been received largely on the following grounds (summarised):</p> <ul style="list-style-type: none"> • Impact upon residential amenity in terms of overlooking, loss of privacy and appearing overbearing; particularly taking into account levels on the site and the proposed orientation of dwellings • Impact upon residential amenity due to noise and disturbance during and following construction • Impact upon residential amenity in terms of health and safety due to the position of the proposed bin storage area • Increase in traffic (which will exacerbate an existing problem) • Unacceptable access/poor visibility at junction • Out of character with rural setting • Design out of character with adjacent bungalows • Outside the village boundary • Pressure on services within the village e.g school/bus service • Detrimental impact upon the character of the area • Detrimental impact upon the peaceful cemetery setting • Detrimental impact upon the setting of the adjacent listed building • Conifer trees have been planted purposely to support the planning application and are out of character with the area • Overdevelopment of the plot • No need for additional homes • Nothing has changed since the previous appeal was dismissed • Archaeological survey shows the village is of great significance • Loss of mature trees on the site to facilitate development • No drainage details have been submitted and the development will result in an increased flood risk | | |

The following consultee responses have been received;

HBC Heritage and Countryside Manager: This site is located on the edge of Hart village. To the west of the site is the Church of St Mary Magdalene, a grade I listed building and therefore considered to be a designated heritage asset as defined by the National Planning Policy Framework (NPPF).

Policy HE1 of the recently submitted Local Plan states that the Borough Council will seek to preserve, protect and positively enhance all heritage assets. Proposals which will achieve this or better reveal the significance of the asset will be supported.

The NPPF defines setting as, 'The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.'

Attention should be paid to the desirability of preserving the setting of listed buildings in accordance with section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. The National Planning Policy Framework (NPPF) looks for local planning authorities to take account of the significance of a designated heritage asset and give, 'great weight' to the asset's conservation (para 132, NPPF).

Policy HE4: Listed Buildings and Structures of the recently submitted local plan states, 'To protect the significance of a listed building the Borough Council will ensure harm is not caused through inappropriate development within its setting.'

The main issue for consideration is the impact the proposal will have on the setting of the listed building.

St Mary Magdalene Church has been assessed as being constructed from the late C11 to the early C12 with later additions and alterations at various periods in time through to the 20th century.

To the west of the Church would have stood Manorial Buildings. Excavations have shown a range of medieval buildings, including a possible hall complex and the upstanding Brus Wall. This site is a Scheduled Monument. Previous studies have shown that the buildings extend beyond the area which is Scheduled in all directions. It has also been suggested that the enclosure also encompasses the church and the area around it.

A set of medieval fishponds lie to the north of the manorial complex and church. These are also a Scheduled Monument. The fishponds would have been built as an addition to the manorial complex.

To the south of the Church is residential development including the grade II listed building Voltigeur Cottage but also the modern development at Voltigeur Drive. To

the east of the church are open fields.

The NPPF defines significance as, ‘The value of a heritage asset to this and future generations because of its heritage interest. That interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset’s physical presence, but also from its setting.’

In considering the significance of the listed building it is contended that the aesthetic value is derived from the architecture of the church and the various stages of development that can be seen in the property. In addition the setting contributes to this and in particular the open spaces around the church which are associated with it. The historic value is illustrated in the architecture of the building and archaeological interest in and around the site providing evidence of the development of the area. There is also a social value in the significant role the Church has in the village community.

In assessing the pattern of development around the Church, plans of the area show that the north and east sides of the church have always had an open aspect. It is this that contributes to the setting of the Church and therefore the significance. This openness is experienced when entering the Church Yard and looking towards the boundaries of the site. In particular to the east the land within the Church Yard is relatively level with that outside the boundary and there are open view across fields towards the sea.

This open aspect to the east of the church greatly contributes to the setting of the building and provides the visitor to the site with the experience of a church in a rural location. This is found when accessing the site as the views are of open fields and hedgerows rather than buildings. Even when inside the site and standing in the Church Yard there is still a distant feel to the houses that are visible over the hedgerow boundary. This distance and the open fields contribute to the tranquillity experienced when in the Church Yard.

The fact that the Church can be viewed without obstruction contributes to the feeling that it is some distance from development. For example when considering the church from the application site there are clear views across the site from the open space off Voltigeur Drive / Otterington Close, and in particular when looking towards the church from the proposed access point to the site which is currently public open space.

To the west of the Church on Butts Lane looking across the scheduled monument (Fish Ponds) it is also possible to see unobstructed views of the church. In addition to this the backdrop to the church is that of a rural scene with only the roofs of the houses in Voltigeur Drive / Otterington Close visible in the distance. This appearance of isolation contributes to the significance of the asset.

An appeal against the refusal of an outline application for the erection of five houses was dismissed in June 2016. In considering the proposal the inspector described the setting as thus, ‘There is no dispute between the parties that the site is within the setting of the listed building. Indeed the church can clearly be seen and thereby experienced from within the site. Viewed from within the grounds of the church the

site appears as open space, free from built development and part of the agricultural landscape. From the higher levels, particularly close to the church's entrance, there are long range views across agricultural land to the sea. As such the site maintains the historic separation between the church and built development and contributes to the sense of tranquillity which complements the function of the building. Consequently the site contributes positively to the significance of the listed building.'

In describing the significance of the setting the Inspector stated, 'It is clear that the historic and physical relationship between the manorial complex and the church carries a very high degree of significance. I note that footpaths crossing the churchyard run west and northwards rather than to the agricultural land to the east. The church has a squat appearance with a tower of only a modest height and whether it was located and designed to be seen in wide range views across the fields is debatable, although I noted that it is prominent in views from the south-east. Nevertheless, it seems to me that even if the agricultural setting is fortuitous, it is now part of the significance of the heritage asset.'

The Inspector noted that, 'the dwelling on Plot 1, some 2m from the boundary at its closest point, would be highly prominent from within the church grounds, considerably more so than existing development.' It was added that the proposal would, 'would have an urbanising effect which, along with the domestic activity associated with it, would significantly change the character of the site. Physically, the development would create a sense of enclosure and obscure views from the church across the agricultural land to the sea some 4km away. Furthermore the historic separation of the church from the village would be eroded and the sense of seclusion compromised. Consequently the development would have a harmful impact on the experience of the listed building which relates to its setting.'

The scheme has been revised and the proposal is for three dwellings located to the east of the site, leaving a gap between the boundary to the Church and the proposal. A landscape plan is provided showing that this gap will be planted with trees and a bund constructed.

In considering setting recent case law assists in interpretation in particular with regard to landscape features. *Barnwell v East Northamptonshire DC 2014* clarified that in enacting section 66(1) of the Act, 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise. *Steer v Secretary of State for Communities and Local Government & Ors [2017] EWHC 1456 (Admin)* has clarified that the setting of a heritage asset is not solely established by the visual and physical connection of the surroundings with the heritage asset. Historic, social and economic connections will also be relevant considerations. The case concerned a challenge to allow two appeals for outline residential development. The development site was located near a grade I listed Hall. When assessing the impact on the heritage asset the inspector concluded that the development site was not within its setting due to the visual screening caused by a band of trees in parkland which screen out views of housing including the development site.

The Court determined that the inspector had wrongly adopted a too narrow interpretation of the setting for heritage assets, stating it was, '*inconsistent with the*

board meaning given to setting in the relevant policies and guidance which were before him...Whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the “surroundings in which a heritage asset is experienced”. The word “experienced” has a broad meaning, which is capable of extending beyond the purely visual.’

Whilst it is acknowledged that the setting of a building can change over time it is noted that the most recent guidance from Historic England on setting (‘The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3, July 2015), states, ‘Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance.’ In this particular instance this is the case with the areas to the north and east of the church remaining undeveloped as the village of Hart has grown over time.

It is considered that the proposal would cause less than substantial harm to the setting of the designated heritage asset. The proposed development would change this setting bringing residential development into close proximity of the church boundary and creating a “manufactured environment” which is alien to the agricultural land within the vicinity of the Church. In particular residential development, which is a rarely seen in the same long views as the church, would enter these at various angles, as would the landscape space rather than farm land which provides the dominant backdrop in the same views. This would change how the church is viewed not only from the application site but also how the setting of the church is experienced when in the Church Yard.

Paragraph 134 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the scheme. The Inspector previously assessed that, ‘The main public benefit of the scheme is the provision of five additional dwellings in a sustainable location, within easy reach of services and facilities. The development would add to the range of housing stock in an area where the Council cannot currently demonstrate a five year supply of deliverable sites. In addition the proposal would support local services and provide jobs during the construction period. There would be, therefore, both social and economic benefits arising from the development. Given the scale of the proposal such benefits would be limited but nevertheless attract moderate weight.’ It was concluded that ‘the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal.’

The circumstances have changed since the appeal was considered and a five year supply of deliverable sites can now be demonstrated. Whilst the other benefits listed by the Inspector remain, these are reduced given the amendment to the scheme from five to three houses. Paragraph 132 of the NPPF states that, ‘great weight should be given to an asset’s conservation’. In particular the more important the asset, the greater the weight should be. Historic England describes the 2.5% of listed buildings that are grade I as ‘of exceptional interest’. It is considered that the proposal would not provide public benefits which would outweigh the harm it would cause to the listed building.

Further Comment Following Agent email re provision of screening

I note the comments however as stated, *Steer v Secretary of State for Communities and Local Government & Ors [2017] EWHC 1456 (Admin)* has clarified that the setting of a heritage asset is not solely established by the visual and physical connection of the surroundings with the heritage asset. Historic, social and economic connections will also be relevant considerations.

In this instance whilst two houses have been removed from the original proposal moving it away from the Church, the provision of screening does not change the fact that the remaining three houses are located within the setting of the listed building. The Inspector highlighted that significance of the contribution made by the whole of the field to the setting of the listed building and therefore it is considered that a reduced number of properties would still impact on the setting of the heritage asset, in this case a grade I listed building.

HBC Traffic & Transport: The site will be accessed from a private drive off Otterington Close. The small number of house would have minimal affect on the existing traffic situation.

I would therefore have no objections to this application.

HBC Engineers: I would request a condition be applied to cover the surface water drainage to ensure that the flows from site could be adequately discharged either via the watercourse or the Northumbrian Water system. I would be looking for the 1:100 year storm (+ climate change allowance) be attenuated on site.

I would also request a contamination condition be applied to the site to cover the site investigation works.

HBC Countryside Access: Public Footpath No.1, Hart Parish, runs in a south-west to north-east direction across the churchyard to the west of this proposed development.

The application plans show the possibility of the creation of a new section of public access, through the western section of this parcel of land.

I would like to see the full creation of a new public footpath linking Voltigeur Drive/Otterington Close to the aforementioned public footpath within the churchyard, thus creating a worthwhile link for local residents and visitors.

I would like to discuss this with the applicant.

HBC Public Protection: No objection subject to conditions

effectively control dust emissions from the site, this shall address earth moving activities, control and treatment of stock piles, parking for use during construction and measures to protect any existing footpaths and verges, vehicle movements, wheel cleansing, sheeting of vehicles, offsite dust/odour monitoring and communication with local residents.

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

Hart Parish Council: Hart Parish Council **objects strongly** to this application, to build three dwellings on land close to the Saxon Church of St. Mary Magdalene, a Grade 1 Listed Building and Scheduled Monument.

The Draft Rural Neighbourhood Plan, Policies HA1: Protection and Enhancement of Heritage Assets and HA3: Protection and Enhancement of Listed Buildings both make clear the importance of protecting the setting of a listed building, not simply the building itself. It is vital that the rural setting of the church is not spoilt by inappropriate developments, such as dwellings.

The Draft Local Plan also endeavours to protect Heritage Assets – i.e. Policy HE1 Heritage Assets.

The Saxon Church is a nationally valued tourist attraction, with visitors from all over the world interested in Christian Heritage. Both Rural and Local Plans place a high value on supporting tourism, and the economic benefits that accrue from it.

Historic England: Thank you for your letter of 7 July 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.

This site has previously been subject to evaluation by geophysical survey which did not detect any anomalies suggestive of archaeological features. However the access road cuts across a small paddock which is known to represent the rear of medieval plot. The types of archaeological feature that might be expected in this sort of area are rubbish pits and boundary ditches. If such features survive they are likely to be truncated by the landscaping works that took place in the early 1970s and would not be of sufficient significance as to preclude development.

I recommend that archaeological monitoring takes place during the stripping of the access road. This would allow a record to be made of any archaeological deposits within the medieval plot and indicate if any archaeological features that did not show on the geophysical survey are present in the field beyond. If significant features are present then the monitoring should be extended to cover the house plots and any other ground disturbance. This type of mitigation recording is in line with the advice given in the NPPF (para 141) and can be conditioned as part of planning consent.

I recommend the following the multi-part planning condition:-

Recording of a heritage asset through a programme of archaeological works

A) No development shall take place 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.

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

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

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

We note that the submitted Drainage and Flood Risk Assessment identifies a number of options, however the selected option for the proposed development is not identified. As the planning application does not provide sufficient detail with regards to the management of foul and surface water from the development for Northumbrian Water to be able to assess our capacity to treat the flows from the development, we would therefore request the following condition:

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

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

How To Satisfy The Condition

The developer should develop their surface water drainage solution by working through the Hierarchy of Preference contained within Revised Part H of the Building Regulations 2010. Namely:-

- Soakaway
- Watercourse, and finally
- Sewer

If sewer is the only option the developer should contact Northumbrian Water to agree allowable discharge rates and points into the public sewer network. This can be done by submitting a pre-development enquiry directly to us.

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

Natural England: No Comments to the application

Highways England: No objection

Ramblers Association: No public paths are affected by the proposed development.

We draw the council's attention to paragraph 75 of the National Planning Policy Framework Section 8 'Promoting healthy communities' which reads:

Planning policies should protect and enhance public rights of way and access. Local authorities should seek opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

We ask that the advice be acted on by requiring the developer to provide an amenity for the residents and others by create a public footpath link to FP Hart 06 from the NW corner of the council owned public open space north of the junction of Voltigeur Drive and Otterington Close.

3) Neighbour letters needed

Y

4) Parish letter needed

Y

5) PolicyPlanning Policy

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

PARA 002 : Primacy of Development Plan
 PARA006: Contribute to the achievement of sustainable development
 PARA 007 : 3 dimensions of sustainable development
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA047: Significantly boost the supply of housing
 PARA 049 : Housing applications and sustainable development
 PARA 050 : Delivery of wide choice of high quality homes
 PARA058:Quality of development that expected for the area
 PARA126: Positive strategy for the historic environment
 PARA 128 : Heritage assets
 PARA 130 : Deliberate neglect or damage to heritage assets
 PARA 131 : Viable use consistent with conservation
 PARA 132 : Weight given to asset's conservation
 PARA 134 : Harm to heritage asset
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development

Relevant Planning Policies

GEP1: General Environmental Principles
 GEP12: Trees, Hedgerows and Development
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design

GN6: Protection of Incidental Open Space
 HE8: Works to Listed Buildings (including Partial Demolition)
 Hsg9: New Residential Layout - Design and Other Requirements
 Tra16: Car Parking Standards

Emerging Local Plan – Publication Stage (December 2016)

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

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

HE1: Heritage Assets
 HE4: Listed Buildings and Structures
 HSG8: Hart Village Housing Development
 LS1: Locational Strategy
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 QP6: Technical Matters
 QP7: Energy Efficiency
 RUR1: Development in the Rural Area
 RUR2: New Dwellings Outside of Development Limits
 SUS1: The Presumption in Favour of Sustainable Development

Policy Comments: (Summarised) Planning Policy consider that this harm to the Grade I heritage asset is not outweighed by public benefit and the adverse impacts on the setting of the heritage asset would demonstrably and significantly outweigh the benefits of the development.

Planning Policy do not support this application in line with the concerns identified in relation to the impact of the proposed development on the setting of the heritage asset, Paragraph 132 of the NPPF applies.

6) Planning Consideration

BACKGROUND

An outline planning application for residential development on land to the north of Voltigeur Drive and Otterington Close was refused by the Council on 03.08.1988 (reference H/OUT/0341/88). The refused plan indicatively showed the provision of 4 detached properties, and 2 pairs of semi detached properties. The application was refused for the following reasons;

- 1) *The proposed development is contrary to policies H/H3 and H/LA15 in the approved Cleveland (Hartlepool) Structure Plan which seek to ensure that further residential development in villages, including Hart, is limited to infill*

sites only and to ensure that the spread of the urban area into the surrounding countryside will be controlled by strict limits to development around the villages.

- 2) In the opinion of the local planning authority, the proposed development would be detrimental to the residential amenity of the area, particularly where the proposed access road B passes close by 1 Otterington Close by reason of noise disturbance and loss of privacy to the occupiers of that property as a result of the increased activity associated with the access road.*
- 3) In the opinion of the local planning authority the proposed development would be injurious to the visual amenity of the village and surrounding area and would adversely affect the setting of St Mary Magdalene's Church, a grade I Listed Building*
- 4) In view of the limited frontage of the site to the existing highway, the local planning authority is not satisfied that an access could be in accordance with the current standards of the highway authority which could satisfy the requirement of traffic circulation and highway safety for the scale of development envisaged.*

More recently application H/2015/0050 for Outline application for the erection of five detached dwellings with garages and the formation of a new access was refused for the following grounds;

- 1) In the opinion of the Local Planning Authority, the proposed development would fail to preserve the setting of the heritage asset (St Mary of Magdalene Church, a Grade I Listed Building) by virtue of its layout, close proximity and location, and would therefore cause less than significant harm to the setting of the heritage asset. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, and saved Policy HE8 of the adopted Hartlepool Local Plan.*

This decision was upheld by a planning inspector at appeal (Appeal Reference APP/H0721/W/16/3143528).

This application was for the full field whereas the current application proposed a smaller number of dwellings (3 in total) on a smaller area of land directly to the rear of Otterington Close.

SITE AND SURROUNDINGS

This application site relates to land to the rear of Voltigeur Drive and Otterington Close, in Hart Village, Hartlepool.

The rectangular shaped parcel of land measures approximately 54m x 37m and is partially enclosed by hedge planting along the northern, eastern and western boundaries with the boundaries of residential properties along the southern boundary (consisting of No's 1, 2 and 3 Otterington Close). The parcel of land is

currently served by a field gate access that runs adjacent to No 1 Otterington Close (east) and 21 Voltigeur Drive (west). A parcel of incidental open space (within HBC ownership) is sited immediately adjacent to this access point and the side of No 21 Voltigeur Drive.

As such the application site has been reduced in size from the previous refusal with the overall scale of development reduced to consist of 3 dwellinghouses.

Due to the reduced size there will be an area of the field (to the rear of properties fronting on to Voltigeur Drive) which was included in the previous application site remaining between the application site and the Grade I Listed Building to the west. Since the previous refusal and subsequent appeal at the site Conifer hedging has been planted within this field.

Beyond this field is the Church of St Mary Magdalene, a Grade I Listed building. To the west of the Church is a Scheduled Monument. A set of medieval fishponds lie to the north of the manorial complex and church. These are also a Scheduled Monument. To the south of the Church is residential development including the grade II listed building Voltigeur Cottage but also the modern development of properties at Voltigeur Drive and Otterington Close. To the east of the church are open fields.

PROPOSALS

Approval is sought for the erection of three detached two storey dwellings.

Plot one consists of a detached dwelling and will be orientated north-south with the main front elevation facing towards the south. The design of this property will include a living room, snug, kitchen/family room and utility room at ground floor with four bedrooms and a family bathroom at first floor level. This dwelling will include a pitched roof with a maximum height of 7.5 metres. The proposed dwelling includes a front garden area and an enclosed rear garden to the north of the host dwelling.

Plot 2 consists of a two storey dwelling with an attached garage proposed to be orientated east-west. The ground floor comprises a living room, kitchen, family room and utility room and first floor includes three bedrooms with a family bathroom. The proposed pitched roof will incorporate a maximum height of 7 metres. The proposed rear garden area is proposed to the east of the proposed dwelling.

Plot 3 consists of an L shaped dwelling with an attached double garage which will comprise a snug, living room, kitchen, dining room, garden room and utility room at ground floor with five bedrooms and a family bathroom at first floor level. The proposed pitched roof will incorporate a maximum height of 7.7 metres. The rear garden proposed to serve this dwelling will be located towards the east of the proposed host dwelling.

The proposed dwellings would be served by a proposed access off Voltigeur Drive/Otterington Close, which currently consists of a parcel of incidental open space (within HBC ownership) and the existing field gate access point (within the applicant's ownership). There are a number of trees within this area. The access

would extend into the site with a shared driveway/access for plots 2 and 3 due north from the proposed access point with a further driveway proposed to serve plot 1.

MATERIAL PLANNING CONSIDERATIONS

The main issues for consideration when assessing this application are the principle of development in terms of national and local planning policy, impact upon the setting of the listed building, impact upon the amenity of neighbouring properties, impact upon the character and appearance of the surrounding area, highway safety and all other residual matters.

PRINCIPLE OF DEVELOPMENT

Hartlepool Local Plan (2006) and Emerging Local Plan and Evidence Base

The relevant policies of the current adopted Hartlepool Local Plan (2006) are identified in the policy section in the main body of the report. The site lies outside of the limits to development as defined by saved Policy RUR1 and is therefore contrary to this policy. Saved Policy Rur7 is also considered to be relevant, this sets out a number of criteria for development in the countryside including the requirement to deliver sustainable development through a satisfactory relationship of the development to other buildings and the visual impact on the landscape.

In addition to this the Council has adopted Supplementary Planning Guidance regarding new dwellings in the countryside. This requires dwellings outside the defined limits to satisfy a number of criteria, for example one of the circumstances would be that the dwelling would be required to support rural enterprise or to accommodate a full time worker at their place of work.

In terms of the emerging local plan the application site is located outside the defined limits to development. Therefore policy RUR2 is considered to be relevant. Again this policy seeks to resist unjustified dwellings in the countryside unless there are exceptional circumstances.

It is noted that no evidence has been submitted to satisfy the criteria set out in the adopted Supplementary planning Document. Furthermore the submission does not assert that the dwellings would satisfy any of the identified exceptional circumstance in adopted or emerging local planning policy.

Hartlepool Rural Neighbourhood Plan

Neither the emerging Rural Neighbourhood Plan nor the emerging Local Plan allocate the application site for housing. In this regard the two plans are consistent with one another.

Supply of deliverable housing sites

A significant material consideration is the supply of housing land. Increasing the supply of housing is clearly one of the government's priorities and this is reflected in NPPF paragraph 47 which states that to boost significantly the supply of housing,

local planning authorities should use their evidence base to ensure that the full objectively assessed needs for market and housing in the market area is addressed.

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

The site is a Greenfield site outside the limits of development to Hart Village, therefore as discussed above this is considered to be within the rural area. The Council is now in a position where a housing land supply of 5.19 years can be demonstrated (this was not the case when the previous application was refused). Therefore the planning policy team consider that the development of the site for residential development is contrary to local and national planning policy as it would constitute development beyond the accepted urban limits, On this basis planning policy object to the proposed residential development.

Sustainable Development

When considering NPPF paragraphs 14, 196 and 197 there is an identified need to determine planning applications in accordance with the Development Plan whilst considering the presumption in favour of sustainable development.

Critically however the NPPF states (paragraph 14) states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits or specific policies in the NPPF indicate the development should be restricted. Of particular relevance when considering this application is the Footnote to paragraph 14 that includes heritage assets; this application is considered to have an impact upon a designated heritage asset (for the reasons set out in the report below) and therefore the presumption in favour of sustainable development cannot be applied in this instance.

Sustainability (and Principle of Development) conclusion

It is acknowledged that the site is immediately adjacent to the existing housing on Voltigeur Drive and Otterington Close and was previously considered to result in an unobtrusive extension to the village in the previous refusal at the site (notwithstanding the impacts in respect of impact on the setting of the listed building which resulted in recommendation for refusal). It is also noted that there are a number of facilities within the village including a school, church and public houses and that the site is within walking distance to the local centre at Middle Warren.

However as detailed above in both the adopted and emerging local plan the site is located outside of the development limits of the existing and emerging Local Plan, and therefore contrary to policy. Taking into account that the Council can now demonstrate a 5 year housing supply (5.19) the principle of development is not considered to be acceptable and as such is recommended for refusal on this basis.

Impact on the Setting of a listed building

Hart Parish Council and a number of the objectors object on the grounds of the impact upon the listed building and its setting. Sections 16 and 66 (1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 requires the Local Planning Authority to give **special** regard to the desirability of preserving listed buildings or their setting or any features of special architectural or historic interest which they possess.

Furthermore, development decisions should accord with the requirements of Section 12 (Conserving and enhancing the historic environment) of the National Planning Policy Framework (NPPF) which notes that heritage assets are an irreplaceable resource and emphasises that they should be conserved in a manner appropriate to their significance. In this instance relevant planning policy found in the NPPF states, *'In determining planning applications, local planning authorities should take account of...the desirability of new development making a positive contribution to local character and distinctiveness'* (paragraph 131).

Para 132 of the NPPF further notes that *"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"*.

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). Para 129 of the NPPF states *"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"*.

Paragraph 13 of the National Planning Practice Guidance (NPPG) also emphasises that *"a thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it"*.

To the west of the application site is the Church of St Mary Magdalene, a Grade I Listed Building which is a designated heritage asset as defined by the National Planning Policy Framework (NPPF). The significance is largely due to the spatial setting of the grade I listed church, which is detailed in full within the Heritage and Countryside Manager's comments above and within the considerations below.

Saved Policy HE8 of the Local Plan, 'Works to Listed Buildings', is also considered to be relevant. It states, works in and around listed buildings should *'preserve the integrity of the setting and that of the surrounding area'*. In terms of the emerging Local Plan, Policy HE4: Listed Buildings and Structures is considered to be relevant this states, 'to protect the significance of a listed building the Borough Council will

ensure harm is not caused through inappropriate development within its setting’.

The NPPF defines setting as, *‘The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.’*

The Heritage and Countryside Manager has provided detailed context to the setting of the church and the surrounding areas. In considering the significance of the listed building it is contended that the aesthetic value is derived from the architecture of the church and the various stages of development that can be seen in the property. In addition the setting contributes to this and in particular the open spaces around the church which are associated with it. The historic value is illustrated in the architecture of the building and archaeological interest in and around the site providing evidence of the development of the area. There is also a social value in the significant role the Church has in the village community.

In assessing the pattern of development around the Church, the Heritage and Countryside Manager notes that plans of the area show that the north and east sides of the church have always had an open aspect. It is considered that this that contributes to the setting of the Church and therefore the significance. This openness is experienced when entering the Church Yard and looking towards the boundaries of the site. In particular to the east the land within the Church Yard is relatively level with that outside the boundary and there are open view across fields towards the sea.

This open aspect to the east of the church is considered to greatly contribute to the setting of the building and provides the visitor to the site with the experience of a church in a rural location. This is found when accessing the site as the views are of open fields and hedgerows rather than buildings. Even when inside the site and standing in the Church Yard there is still a distant feel to the houses that are visible over the hedgerow boundary. This distance and the open fields contribute to the tranquillity experienced when in the Church Yard.

The fact that the Church can be viewed without obstruction contributes to the feeling that it is some distance from development. For example when considering the church from the application site there are clear views across the site from the open space off Voltigeur Drive / Otterington Close, and in particular when looking towards the church from the proposed access point to the site which is currently public open space.

To the west of the Church on Butts Lane looking across the scheduled monument (Fish Ponds) it is also possible to see unobstructed views of the church. In addition to this the backdrop to the church is that of a rural scene with only the roofs of the houses in Voltigeur Drive / Otterington Close visible in the distance. This appearance of isolation is considered to contribute to the significance of the asset.

An appeal against the refusal of an outline application for the erection of five houses was dismissed in June 2016. In considering the proposal the inspector described

the setting as thus,

‘There is no dispute between the parties that the site is within the setting of the listed building. Indeed the church can clearly be seen and thereby experienced from within the site. Viewed from within the grounds of the church the site appears as open space, free from built development and part of the agricultural landscape. From the higher levels, particularly close to the church’s entrance, there are long range views across agricultural land to the sea. As such the site maintains the historic separation between the church and built development and contributes to the sense of tranquillity which complements the function of the building. Consequently the site contributes positively to the significance of the listed building.’

In describing the significance of the setting the Inspector stated;

‘It is clear that the historic and physical relationship between the manorial complex and the church carries a very high degree of significance. It is noted that footpaths crossing the churchyard run west and northwards rather than to the agricultural land to the east. The church has a squat appearance with a tower of only a modest height and whether it was located and designed to be seen in wide range views across the fields is debatable, although I noted that it is prominent in views from the south-east. Nevertheless, it seems to me that even if the agricultural setting is fortuitous, it is now part of the significance of the heritage asset.’

The Inspector noted that;

‘the dwelling on Plot 1, some 2m from the boundary at its closest point, would be highly prominent from within the church grounds, considerably more so than existing development.’

It was added that the proposal would;

‘have an urbanising effect which, along with the domestic activity associated with it, would significantly change the character of the site. Physically, the development would create a sense of enclosure and obscure views from the church across the agricultural land to the sea some 4km away. Furthermore the historic separation of the church from the village would be eroded and the sense of seclusion compromised. Consequently the development would have a harmful impact on the experience of the listed building which relates to its setting.’

The scheme has been revised and the proposal is for three dwellings located to the east of the site, leaving a gap between the boundary to the Church and the proposal. A landscape plan is provided showing that this gap will be planted with trees and a bund constructed which the agent asserts will provide screening for the proposed dwellings to address concerns raised regarding the visual impact of residential development affecting the setting.

In considering ‘setting’, recent case law assists in interpretation in particular with regard to landscape features. *Barnwell v East Northamptonshire DC 2014* clarified that in enacting section 66(1) of the Act, ‘decision makers should give “considerable importance and weight” to the desirability of preserving the setting of listed

buildings' when carrying out the balancing exercise. *Steer v Secretary of State for Communities and Local Government & Ors [2017] EWHC 1456 (Admin)* has clarified that the setting of a heritage asset is not solely established by the visual and physical connection of the surroundings with the heritage asset. Historic, social and economic connections will also be relevant considerations. The case concerned a challenge to allow two appeals for outline residential development. The development site was located near a grade I listed Hall. When assessing the impact on the heritage asset the inspector concluded that the development site was not within its setting due to the visual screening caused by a band of trees in parkland which screen out views of housing including the development site.

The Court determined that the inspector had wrongly adopted a too narrow interpretation of the setting for heritage assets, stating it was, *'inconsistent with the board meaning given to setting in the relevant policies and guidance which were before him...Whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the "surroundings in which a heritage asset is experienced". The word "experienced" has a broad meaning, which is capable of extending beyond the purely visual.'*

Whilst it is acknowledged that the setting of a building can change over time it is noted that the most recent guidance from Historic England on setting ('The Setting of Heritage Assets, Historic Environment Good Practice Advice in Planning: 3, July 2015), states;

'Settings of heritage assets which closely resemble the setting in which the asset was constructed are likely to contribute to significance.'

In this particular instance this is the case with the areas to the north and east of the church remaining undeveloped as the village of Hart has grown over time.

The Heritage and Countryside Manager has provided further comments to address a submission from the agent that the development would be significantly further away from the church than the previous refusal and that additional screening has been provided through planting.

The Heritage and Countryside Manager has confirmed that in this instance whilst two houses have been removed from the original proposal and thus moving the development away from the Church, the provision of screening does not change the fact that the remaining three houses are located within the setting of the listed building. It is considered that the Inspector highlighted that significance of the contribution made by the whole of the field to the setting of the listed building and therefore it is considered that a reduced number of properties would still impact on the setting of the heritage asset, in this case a grade I listed building.

As such it is considered that the proposal would cause less than substantial harm to the setting of the designated heritage asset. The proposed development would change this setting bringing residential development into close proximity of the church boundary and creating a "manufactured environment" which is alien to the agricultural land within the vicinity of the Church. In particular residential

development, which is a rarely seen in the same long views as the church, would enter these at various angles, as would the landscape space rather than farm land which provides the dominant backdrop in the same views. This would change how the church is viewed not only from the application site but also how the setting of the church is experienced when in the Church Yard.

Paragraph 134 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of the heritage asset, this harm should be weighed against the public benefits of the scheme. The Inspector previously assessed that,

‘The main public benefit of the scheme is the provision of five additional dwellings in a sustainable location, within easy reach of services and facilities. The development would add to the range of housing stock in an area where the Council cannot currently demonstrate a five year supply of deliverable sites. In addition the proposal would support local services and provide jobs during the construction period. There would be, therefore, both social and economic benefits arising from the development. Given the scale of the proposal such benefits would be limited but nevertheless attract moderate weight.’

It was concluded that

‘the adverse impact of the development would significantly and demonstrably outweigh the benefits of the proposal.’

The circumstances have changed since the appeal was considered and a five year supply of deliverable sites can now be demonstrated, as previously discussed in the principle of development section of this report. Whilst the other benefits listed by the Inspector remain, these are reduced given the amendment to the scheme from five to three houses. Paragraph 132 of the NPPF states that, *‘great weight should be given to an asset’s conservation’*. In particular the more important the asset, the greater the weight should be. Historic England describes the 2.5% of listed buildings that are grade I as *‘of exceptional interest’*.

Therefore it is considered that the proposal would not provide public benefits which would outweigh the harm it would cause to the listed building.

Whilst the submitted reports are acknowledged, it is the Local Planning Authority’s view, taking into account the specialist conservation advice of the Council’s Heritage and Countryside Manager that the proposal would ultimately diminish the significance of the heritage asset causing less than substantial harm. It is further considered that the identified harm would not be outweighed by the public benefits of the proposal, particularly as the Council can now demonstrate a 5 year housing supply. Therefore it is not considered that the proposal would enhance or ‘better reveal’ the significance of the heritage asset (as required by para 137 of the NPPF). As such, it is considered the above impacts would warrant a reason for the refusal of the application, which is considered to be contrary to the provisions of the NPPF, NPPG and saved Local Plan Policy HE8 and emerging policy HE4 of the Emerging Local Plan.

Impact on character and appearance of surrounding area

A number of the objectors raise concerns regarding the visual impact and the impact upon the character of the surrounding area. It is acknowledged that the proposed development would result in the site becoming part of the developed Hart village area, and its character would undoubtedly change. On approaching the site from Voltigeur Drive and Otterington Close, the suburban context (at the proposed access) is readily apparent; it is noted that the immediate surrounding area primarily consists of a mix of house types including two storey detached dwellings and semi detached bungalows and two storey dwellings.

It is noted that objectors have raised concerns regarding the impact on the character of the surrounding area and appearance of the dwellings however notwithstanding the identified impact on the setting of the heritage asset, the scale and proportions of the proposed dwellings and general layout of the proposed development is considered to achieve a satisfactory density that accords with the provisions of the NPPF and saved Local Plan Policy GE1.

In view of the above and notwithstanding the identified harm to the designated heritage asset, it is considered that on balance, the proposed development would not result in an obtrusive form of development or result in an unacceptable impact on the character and appearance of the area as to warrant a second reason for the refusal of the application.

Loss of incidental open space

The proposed access will lead to a loss in Incidental Open Space in the area. Policy GN6 (Protection of Incidental Open Space) of the Local Plan states loss of such areas should be resisted, however gives the following exception *'ii. A proposed development has special locational requirements and there is no other appropriate site in the vicinity'*. Given that the access to the site is dependent on this location, it would only meet the policy if compensatory provision of alternative open space is provided as a planning condition of the development.

Therefore should the application have been recommended for approval a suitable alternative openspace would have been sought to be secured through an appropriate planning condition.

Impact on amenity and privacy of neighbouring properties

As set out above, the previous application for residential development on the site in 1988 was refused on a number of grounds, including reason 02, relating to the impact on residential amenity in terms of noise disturbance and loss of privacy as a result of the increase in activity, close proximity and siting of the proposed access adjacent to 1 Otterington Close.

Objections have been received in respect to the potential adverse impact on the amenity and privacy of existing properties as a result of the proximity of the proposed dwellings and the existing difference in ground levels (with the application site located on a higher ground level).

With respect to the access serving the proposed scheme, the access would run through the parcel of land in between No 21 Voltigeur Drive and 1 Otterington Close. The proposed access would be sited approximately 21m from the side wall of No 21 Voltigeur Drive. It was noted that there were a number of windows in this side elevation fronting onto the proposed access these appear to serve a porch entrance and an upper floor window which is a secondary bedroom window (the main window being a dormer extension on the rear elevation). The access would also be sited approximately 5 metres from the blank gable side wall of No 1 Otterington Close and rear/side boundary. As a result of this orientation and siting, it is considered that the proposal is not instantly comparable to the layout of the previously refused scheme in 1988.

Objectors have raised concerns regarding the increase in noise and disturbance as a result of the development. Whilst it is acknowledged that the proposal will result in an increase in activity and noise disturbance to existing and future occupiers of surrounding properties as a result of the comings and goings of vehicles (including headlights, slamming of car doors etc.), owing to the above referenced orientation and separation distances, and that the Council's Public Protection Manager has raised no objections to the scheme, it is considered that on balance, the proposed access will not result in an unacceptable loss of amenity or privacy for existing and future occupiers as to warrant a reason for the refusal of the application.

Objectors have stated that there is a difference in levels with the application site being higher than neighbouring properties. This was confirmed at the case officer's site visit where it was noted that there was a difference in ground levels across the site (with the levels undulating from east to west), and also a difference in levels between the rear boundaries of the properties along Otterington Close/Voltigeur Drive, with the application site located on a higher ground level than these properties. The submitted plans have also provided details of existing and proposed ground levels, and indicative finished floor and eaves height levels for the proposed dwellings.

Plot 1 includes a detached single storey garage adjacent to the shared boundary with number 3 Otterington Close however this neighbouring property is orientated so that it will not directly face on to the position of this garage. Furthermore the garage would be single storey in nature set approximately 1.5 metres from the shared boundary with planting adjacent to provide some screening. Additionally the main two storey detached dwelling would be located approximately 21 metres from the existing property, as its closest point.

The side gable of plot 2 would be the closest element to other properties within Otterington Close. However the shared driveway access would be adjacent to the shared boundary providing a separation distance of approximately 15 metres at its closest point from between the proposed side gable and the existing rear elevation of 1 Otterington Close.

Taking into account the separation distances and the layout and siting of the development, it is considered to be sufficiently separated from existing dwellings, that would accord with the Council's recommended distances set out in

Supplementary Note 4. It is considered that the proposed layout has been designed to ensure that adequate distances are met and designed to negate any unacceptable loss of amenity and privacy in terms of overlooking, overbearing and overshadowing impacts. Had the application have been recommended for approval, a planning condition would be imposed to restrict the use of the garage to be ancillary and ensure no windows could be installed adjacent to the shared boundary.

As such, it is considered that the proposed development would be acceptable in terms of amenity of the existing and future occupants and it is not considered that the application will have any significant impact upon the privacy and amenity of neighbouring residents in terms of outlook, overlooking, overbearing and overshadowing, and noise disturbance.

Final details of boundary treatments and finished floor and ground levels could have been secured by separate planning conditions, had the application been considered acceptable in all respects.

Objections have also raised concerns regarding the resultant noise and disturbance, and dirt/mud on the roads during the construction phase, and from vehicle deliveries. Whilst these concerns are acknowledged, appropriate planning conditions could have been secured with respect to restricting the times of deliveries/construction and also a scheme for construction management, had the scheme been considered acceptable in all respects.

Highway safety and car parking

The proposed scheme includes a new access on the Otterington Close/Voltigeur Drive junction forming a cross roads. Several objections have expressed concerns about the safety of the existing junction and they consider that the new access will exacerbate safety issues.

Each of the plots provide a garage with hardstanding to provide incurtilage car parking.

The Council's Traffic and Transportation section were consulted and have commented that the site would be accessed from a private drive off Otterington Close and that the small number of houses would have minimal affect on the existing traffic situation. On this basis they would therefore have no objections to this application.

Highways England were also consulted regarding the proposed development and have raised no objections to the proposed residential development.

In view of the above considerations, it is considered that the proposed development would not result in adverse impact on highway and pedestrian safety.

Impact upon existing Trees

In order to accommodate the proposed access, trees would be required to be

removed. The Council's Arbocultural officer has not provided direct comments regarding this application however comments were provided to the previous application (H/2015/0050) stating that that a compensatory landscaping scheme would be required to address the loss of an ash tree at the site entrance to enhance the site entrance. These comments are still considered to be relevant to the current application. Therefore subject to a compensatory landscaping scheme, which could have been secured by a planning condition had the application been considered acceptable in all other respects.

It is considered that the proposal would not result in a detrimental impact upon landscape features as to warrant a further reason for the refusal of the application.

Drainage and flooding

Concerns have been raised by a number of objectors with respect to the impact of the development on existing drainage and sewerage systems.

Northumbrian Water Limited has been consulted on the application and have raised no objections to the proposal subject to a planning condition securing details of drainage. The Council's engineers were also consulted and have raised no objections subject to surface water conditions.

This could be secured by a planning condition, had the scheme been considered acceptable. Therefore subject to the appropriate condition, the scheme is considered to be acceptable in respect of matters of flooding and drainage.

Archaeology

The submitted application has been accompanied by a Heritage Statement and the results of an archaeological field evaluation.

Tees Archaeology have confirmed that these documents meet the information requirements of the NPPF (para 128) in respect of heritage assets of archaeological interest. Tees Archaeology have however recommended recording of the heritage asset through a programme of archaeological works be secured by a planning condition. Subject to this, it is considered that the proposal would accord with the provisions of the NPPF.

Residual Matters

The Council's Countryside Access Officer has confirmed that there are no records of any recorded or unrecorded public and/or permissive rights of way running through, abutting to or affected by the proposed development of this site. As such, it is considered that the proposal will not affect the integrity or function of any footpaths or public rights of way.

Objectors have commented that the character of the village will be adversely affected as a result of the cumulative impact of the proposed 5 dwellings and the residential development on land at the Raby Arms within Hart Village. It should be noted that the residential development at the Raby Arms benefits from planning

permission (as a result of an allowed appeal decision). Whilst each application should be considered on its own individual merits, the current proposal is not considered to be acceptable for the reasons outlined above.

Concerns have been raised with respect to the proposal resulting in a pressure on school places within the local primary school. The proposal of this scale would fall below the threshold for developer contributions including those towards education and school places.

Objections have made reference to the Human Rights Act and the loss of light; the 'Right to Light', operates separately from the planning system and is not a material planning consideration. Nonetheless, the Human Rights Act 1998, which came into force on the 2nd October 2000, incorporates into UK law certain provisions of the European Convention on Human Rights. The provisions require public authorities to act in a way that is compatible with Convention rights. In response it should be noted that the human rights of the adjoining residents are engaged, in particular, under Article 8, the right to respect for private and family life and Article 1 of the First Protocol, the right of enjoyment of property. A grant of planning permission involves balancing the rights of a landowner or developer to develop on his land against the interests of the community as a whole and the human rights of other individuals, in particular neighbouring residents.

The determination of a planning application in accordance with town and country planning legislation requires the exercise of a discretionary judgement in the implementation of policies that have been adopted in the interests of the community and the need to balance competing interests is an inherent part of the determination process. In making that balance it may also be taken into account that the amenity of local residents can be adequately safeguarded by the imposition of conditions if relevant. The impact on the amenity of neighbouring properties in terms of outlook, overlooking, overbearing and overshadowing has been assessed within the material considerations above.

The provisions of the European Convention of Human Rights have therefore been taken into account in the preparation of this report.

CONCLUSION

It is considered that the adverse impacts of the development on the setting of the listed building, as detailed above, significantly and demonstrably outweigh the benefits of the development. Furthermore it is not considered that the reduced amount of dwellings and landscaping planted to provide screening would overcome the previous reasons for refusal which were supported by the inspector at appeal. As such whilst the development may be considered to be acceptable in regard to other material planning considerations (subject to planning conditions), the adverse impact upon the setting of the Grade I listed building is considered to be such that it would warrant refusal of the application. Furthermore the application site is located outside the limits to development, contrary to the policies identified within the report. Therefore the application is recommended for refusal for the two reasons detailed in the officer's report.

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| | |
| 7) EQUALITY AND DIVERSITY CONSIDERATIONS | |
| There are no equality or diversity implications. | |
| 8) SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS | |
| There are no Section 17 implications. | |
| 9) Chair's Consent Necessary | Y |
| 10) Recommendation | |
| REFUSE for the following reason; | |
| CONDITIONS/REASONS <ol style="list-style-type: none"> 1. In the opinion of the Local Planning Authority, the proposed development would fail to preserve the setting of the heritage asset (St Mary of Magdalene Church, a Grade I Listed Building) by virtue of its layout, close proximity and location, and would therefore cause less than substantial harm to the setting of the heritage asset. It is further considered that there is no information to suggest that this harm would be outweighed by the public benefits of the proposal and that the proposal is therefore contrary to Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, the aims of the National Planning Policy Framework and National Planning Practice Guidance, saved Policy HE8 of the adopted Hartlepool Local Plan and Policy HE4 of the Emerging Local Plan. 2. In the opinion of the Local Planning Authority the applicant has not demonstrated sufficient justification for residential development outside the limits of development and the proposal would therefore result in unjustified isolated dwellings in the open countryside to the detriment of the character and appearance of the rural area. The proposal is therefore contrary to paragraph 55 of the NPPF, saved Policies Gep1 and Rur7 and of the Hartlepool Local Plan (2006), the Local Planning Authorities 'New Dwellings outside of Development Limits' Supplementary Planning Document March 2015 and policy RUR2 of the emerging Hartlepool Local Plan. | |
| INFORMATIVE <p>The Local Planning Authority in arriving at its decision to refuse this application has, without prejudice to a fair and objective assessment of the proposals, issues raised, and representations received, acknowledges the need to work with the applicant in a positive and proactive manner with the objective of delivering high quality sustainable development to improve the economic, social and environmental conditions of the area in accordance with</p> | |

the NPPF. However, given the location outside the defined limits to development and the nature of the proposed development and the resultant impacts upon the setting of the designated heritage asset, it is not possible to address these key constraints in this specific instance.

Author of Report: Helen Heward

Signed:

Dated:

Signed:

Dated:

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

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

Signed:

Dated:

Chair of the Planning Committee

PLANNING COMMITTEE

7 March 2018



Report of: Assistant Director Economic Growth & Regeneration

Subject: APPEAL AT UNIT 30-34 NAVIGATION POINT,
HARTLEPOOL, TS24 0UJ
APPEAL REF: APP/H0724/W/18/3193746
Change of use of car parking area to external seating
area and associated works (retrospective application.
(H/2017/0469)

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 retrospective planning permission for change of use of car parking area to external seating area and associated works at Unit 30-34 Navigation Point, Hartlepool.
- 1.2 The application was determined by the Planning Committee on 29th November 2017. The application was refused on the grounds that, in the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that has a detrimental impact on the general amenity of the area by virtue of its nature, scale, siting and design. In particular, it is considered that the proposal has a detrimental impact on visual amenity in terms of the appearance of the area and has the potential to impact on residential amenity in terms of increased noise and disturbance, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016). Furthermore, in the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that has a detrimental impact on highway safety by virtue of the loss of parking provision and potential for increased congestion, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP3 of the emerging Hartlepool Local Plan (2016) (Report **Attached**).

2. RECOMMENDATIONS

- 2.1 That Members authorise officers to contest this appeal.

3. CONTACT OFFICER

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No: 6.
Number: H/2017/0469
Applicant: MR J DARRAGH
Agent: ELG PLANNING GATEWAY HOUSE 55 CONISCLIFFE ROAD DARLINGTON DL3 7EH
Date valid: 29/08/2017
Development: Change of use of car parking area to external seating area and associated works (retrospective application)
Location: UNIT 30-34 NAVIGATION POINT MIDDLETON ROAD HARTLEPOOL

PURPOSE OF REPORT

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

BACKGROUND

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

6.3 H/2017/0121 – Planning permission was granted on 22nd May 2017 for the sub-division of units, change of use to create five separate units in A3 and A4 uses and external alterations to shop fronts and rear elevation.

PROPOSAL

6.4 Retrospective planning permission is sought for the change of use of car parking bays to an external seating area and associated works.

6.5 The works have included the infilling of 10 car parking bays (an area of approximately 24m x 5m), the relocation of the curb line and the provision of hard standing to sit flush with the existing pavement level. The application includes the change of use of this area and the existing pavement adjacent (stretching from Units 30-34 Navigation Point) to an external seating area to serve existing food and drink uses.

6.6 The application has been brought to the committee in line with the scheme of delegation having regard to the recommendation and the retrospective nature of the application.

SITE CONTEXT

6.7 The application site comprises the paved area to the front of units 30-34 Navigation Point, adjacent to the junctions of Navigation Point, Harbour Walk and Middleton Road, within the Marina Edge of Town Centre Area. The area is predominantly commercial units at ground floor with residential flats above. To the west of the application site is a further row of parking and beyond this the marina. The application site is bound to the north by Middleton Road and to the south by the existing footpath.

PUBLICITY

6.8 The application has been advertised by way of neighbour letters (27) and a site notice. To date, 1 objection and 1 letter commenting on the proposal have been received with the following concerns (summarised):

- Detrimental impact on parking
- Existing parking offences not acted upon
- Loud and rowdy behaviour has increased
- When visitors are to be encouraged to visit the Marina the number of car parking spaces is being reduced. It is important a balance should be struck.

6.9 Copy Letters **E**

6.10 The period for publicity has expired.

CONSULTATIONS

6.11 The following consultation responses have been received;

HBC Traffic & Transport – I would like to raise serious concerns with respect to this proposal for the following reasons. Informal observations indicate at times this car park is very busy and the loss of these spaces exacerbates the congestion. We are also concerned that this would lead to other business's wanting to carry out similar action. A large quantity of vehicles now park on Middleton Road to avoid parking charges within the Marina area. We have received requests for this section of carriageway to have parking restrictions implemented on both sides of the carriageway. So far we have not considered this necessary however the further loss of parking on the Marina may lead to further parking issues on Middleton Road.

HBC Public Protection – This proposal is located in close proximity to residential property located at Navigation Point. The outdoor seating area is currently located under the outdoor canopy affixed to the commercial premises, which provides the residential premises above with some protection from noise and disturbance. The extension of the outdoor seating area and an increase in the number of seats available to customers frequenting the bars and restaurants would have a considerable impact on the amenity of the residents due to increased noise and disturbance from customers throughout the day and late into the evening.

Restricting the hours of use of the outdoor area for customers is not appropriate as it is our opinion that the commercial premises would not be in a position to enforce such restriction due to the seating being of a permanent nature. In addition the location of the seating could encourage customers to remain in the vicinity of the bars and restaurants in excess of the current restricted opening hours increasing the potential for noise and disturbance to the residents in the area.

HBC Engineering Consultancy – No objection to this application.

HBC Property Services – No representation received.

HBC Waste Management – No representation received.

HBC Economic Development – No representation received.

HBC Public Health – No representation received.

HBC Countryside Access Officer – Just a reminder that the England Coast Path National Trail runs along the pedestrian footway and needs to be protected at all times. It runs all the way through Navigation Point, from the locks to its exit onto Marina Way. At no time can it be obstructed as it is a National Trail.

Cleveland Police - The only thing I would ask the applicant to consider would be a 'Chelsea Clip' arrangement, to allow visitors to secure their handbags etc in the seating area. More specific advice can be provided on request.

Environment Agency – No representation received.

PLANNING POLICY

6.12 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

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

Com4: Edge of Town Centre Areas
 Com9: Main Town Centre Uses
 GEP1: General Environmental Principles
 GEP2: Access for All
 GEP3: Crime Prevention by Planning and Design
 To1: Tourism Development in the Marina

Emerging Local Plan

6.14 The Council's emerging Local Plan is now at an advanced stage of development and as such weight can also be given to policies within this document, with more or less weight apportioned to individual policies dependent on the level of

objection received to date in relation to those policies, identified through the public consultation process.

6.15 The following policies in the emerging Hartlepool Local Plan (2016) are relevant to the determination of this application:

SUS1: The Presumption in Favour of Sustainable Development
 LS1: Locational Strategy
 LT1: Leisure and Tourism
 LT2: Tourism Development in the Marina
 SUS1: Contribute to the achievement of sustainable development
 QP3: Location, Accessibility, Highway Safety and Parking
 QP4: Layout and Design of Development
 QP5: Safety and Security
 RC12: The Marina and Leisure Park

National Policy

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

PARA 001 : Apply Policy
 PARA 002 : Primacy of Development Plan
 PARA 007 : 3 dimensions of sustainable development
 PARA 009 : Sustainable development
 PARA 011 : Planning law and development plan
 PARA 012 : Statutory status of development plan
 PARA 013 : NPPF is material consideration
 PARA 014 : Presumption in favour of sustainable development
 PARA 017 : Role of planning system
 PARA 056 : Design of built environment
 PARA 196 : Planning system is plan led
 PARA 197 : Presumption in favour of sustainable development

PLANNING CONSIDERATIONS

6.17 The main issues for consideration when assessing the application are the principle of development in relation to the policies within the adopted and emerging Local Plan(s), the impact on the character of the area, the impact on the amenity of neighbouring land users and highway and pedestrian safety. These and any other planning and residual matters are set out in detail below.

PRINCIPLE OF DEVELOPMENT

6.18 The application site is in a mixed use area including flatted properties as well as retail units. The principle issues raised by this use are the potential impact on the general amenity of the area. The potential impact on the vitality and viability of the centre as a whole should also be considered.

6.19 Paragraph 17 of the NPPF lists the core planning principles. These include that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 56 of the NPPF attaches great importance to the design of the built environment and indicates that good design should contribute positively to making places better for people.

6.20 With respect to the adopted Hartlepool Local Plan (2006), the application site is located within the boundary of an area identified as Com4/10 Edge of Town Centre Areas - Marina. The policy states that proposals for a range of uses will be permitted within edge of town centre areas provided they do not adversely affect the character (appearance/function) and amenity of the area.

6.21 With respect to the emerging Hartlepool Local Plan (2016), the application site is located within the boundary of an area identified as RC12 (The Marina Retail and Leisure Park). The policy identifies uses that are appropriate within the Marina Retail and Leisure Park however again stipulates these, and other uses, will only be permitted provided that they do not adversely affect the character, appearance, function and amenity of the area.

6.22 Emerging policy QP3 (Location, Accessibility, Highway Safety and Parking), states that when considering the design of development, developers will be expected to have regard to the provision of adequate, safe, secure and conveniently located car and cycle parking having regard to the possible movement of residents and visitors.

6.23 It is considered that the loss of parking spaces could have a detrimental impact on the provision of adequate car parking for the Navigation Point development. Emerging policy LT2 (Tourism Development in the Marina) states that the Marina will continue to be developed as a major tourist and leisure attraction. The Council's Planning Policy team therefore consider that a reduction in the quantum of car parking spaces could impact detrimentally on the fundamental aim of the policy, which is considered in further detail below.

6.24 Whilst the principle of external seating to serve the existing uses is, on balance, considered to be acceptable, this is subject to the relevant material planning considerations as set out in detail below and, whilst each application is considered on its own merits, it should also be noted that the cumulative effects of similar schemes in this area may have a detrimental impact on the vitality and viability of the Marina.

CHARACTER OF THE AREA

6.25 In terms of the impact on the character of the area, the proposal is located in a prominent location immediately adjacent to the junction of Middleton Road/Navigation Point which forms the primary entrance to the Marina. The site previously incorporated a row of parking bays as can be found to the front of the majority of the units at Navigation Point.

6.26 Whilst the block paving used appears to be largely in keeping with the existing paving in this area, the development has resulted in a large swathe of unbroken hard standing to the front of the units and allowed for the proliferation of timber picnic tables, high backed benches and tables along this stretch of Navigation Point, which are prominent on entering the area.

6.27 It is therefore considered that the development has a detrimental impact on the visual amenity of the area, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP4 of the emerging Hartlepool Local Plan (2016).

AMENITY OF NEIGHBOURING LAND USERS

6.28 To the east of the site lie the commercial units at Navigation Point at ground floor with two floors of residential flats above. To the west of the application site lies the highway (not adopted), further parking, the marina and a bin store (at the northern end of the site), with no further residential properties in this direction within the vicinity of the site.

6.29 With respect to the impact on neighbouring land users and residential amenity, an objection has been received from a neighbouring resident at Navigation Point citing an increase in “loud and rowdy behaviour” in this area.

6.30 The Council’s Public Protection section has advised that the existing outdoor seating area is currently located under the outdoor canopy affixed to the commercial premises, which provides the residential premises above with some protection from noise and disturbance. It is therefore considered the extension of the outdoor seating area and an increase in the number of seats available to customers frequenting the bars and restaurants would have a considerable impact on the amenity of the residents due to increased noise and disturbance from customers throughout the day and late into the evening.

6.31 The Council’s Public Protection section has also commented that they consider restricting the hours of use of the outdoor area for customers is not appropriate as the commercial premises would not be in a position to enforce such

restriction due to the seating being of a permanent nature/not easily removed. In addition, the location of the seating could encourage customers to remain in the vicinity of the bars and restaurants in excess of the current restricted opening hours, increasing the potential for noise and disturbance to the residents in the area.

6.32 In view of the above, whilst it is acknowledged that the proposed seating area serves the existing ground floor uses at Navigation Point (which already feature limited external seating) given the proximity of the proposal to the existing residential properties, the extension of the external seating areas beyond the existing canopy and the intensification of the use of the external areas, it is considered that the proposal would have a significant detrimental impact on the amenity of neighbouring occupiers in terms of noise and disturbance, contrary to saved policy GEP1 of the Hartlepool Local Plan (2006) and emerging policy QP4 of the emerging Hartlepool Local Plan (2016).

HIGHWAY AND PEDESTRIAN SAFETY

6.33 With respect to highway and pedestrian safety, concerns have been raised from a neighbouring resident with respect to the impact on parking. The Council's Highways, Traffic and Transport section has also raised serious concerns with respect to the proposal and has comments that the car park is very busy at times and the loss of these spaces exacerbates the congestion. Furthermore, concerns have also been raised with respect to the potential for the application to lead to other businesses wanting to carry out similar action which would further exacerbate this issue.

6.34 The Council's Highways, Traffic and Transport section has also advised that a large quantity of vehicles now park on Middleton Road to avoid parking charges within the Marina area and requests have been received for this section of carriageway to have parking restrictions implemented on both sides. So far this has not been considered necessary however it has been advised that the further loss of parking on the Marina may lead to further parking issues on Middleton Road.

6.35 In view of the above, it is considered that the impact of the development on parking and highway safety in combination with the other factors as set out above, further adds to the unacceptable nature of the development and contributes to the overall detrimental impact of the development on the general amenity of the area.

OTHER PLANNING MATTERS

6.36 Cleveland Police has raised no concerns with respect to the proposal however have requested that the applicant consider a 'Chelsea Clip' arrangement for the seating, to allow visitors to secure their handbags etc. in the seating area. Had the application been considered acceptable in all other respects, a suitable informative note to this effect would have been recommended.

6.37 With respect to flood risk, drainage, contaminated land and public health, no comments or objections have been received from technical consultees and the application is therefore considered to be acceptable with respect to these matters.

6.38 The Council's Countryside Access Officer has commented that the England Coast Path National Trail runs along the pedestrian footway and needs to be protected at all times. This matter is covered by separate legislation. Nevertheless, had the application been considered acceptable in all other respects, a suitable informative note to this effect would have been recommended.

CONCLUSION

6.39 It is considered that, in view of the above material planning considerations, the application constitutes an unacceptable form of development that would, by virtue of its visual impact, the resulting intensification of the use of external areas and associated impact on neighbouring residents and the loss of parking provision, would have a detrimental impact on the general amenity of the area, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016).

EQUALITY AND DIVERSITY CONSIDERATIONS

6.40 There is no evidence of equality or diversity implications.

SECTION 17 OF THE CRIME AND DISORDER ACT 1998 CONSIDERATIONS

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

6.42 There are no Section 17 implications.

REASON FOR DECISION

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

RECOMMENDATION – REFUSE for the following reason;

01. In the opinion of the Local Planning Authority, the proposal constitutes an unacceptable form of development that would have a detrimental impact on the general amenity of the area by virtue of its nature, scale, design and siting, contrary to paragraphs 17 and 56 of the NPPF, saved policies GEP1 and Com4 of the Hartlepool Local Plan (2006) and emerging policies QP4 and RC12 of the emerging Hartlepool Local Plan (2016).

BACKGROUND PAPERS

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

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

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| HARTLEPOOL BOROUGH COUNCIL | DRAWN GS | DATE 20/11/17 |
| | SCALE 1:1000 | |
| Regeneration and Neighbourhoods Level 1 Civic Centre, Victoria Road, Hartlepool TS24 8AY | DRG.NO H/2017/0469 | REV |

PLANNING COMMITTEE

7 March 2018



Report of: Assistant Director (Economic Growth and Regeneration)

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. Groundworks and the formation of a vehicle access at land at Hart Reservoirs.
2. A garage conversion, the removal of a load bearing wall to the kitchen and the provision of a supporting structure at a residential property in Forester Close.
3. The untidy condition of a front garden at a residential property in Bolton Grove.
4. The installation of a composite door with UPVC cladding above at a commercial premises in Scarborough Street.
5. The partial erection of a timber extension to the rear and internal alterations to a commercial premises on Northgate.
6. The conversion of an office to flats at a commercial premises in Avenue Road.
7. The erection of a gate and fence at a residential property in Mill View, Hart Village.

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

1. The unauthorised display of a trailer mounted advertisement at land adjacent to Belle Vue Way/Brenda Road roundabout. The trailer mounted advertisement has now been removed.
2. The erection of a high fence to the side of a residential property in Caledonian Road. Permitted development rights applied in this case.

3. The relocation of a side access gate at a secondary school in Owton Manor Lane. A valid planning application seeking to regularise the development has since been received.
4. The installation of a replacement shop front to the side of a commercial premises in Whitby Street. A valid planning application seeking to regularise the development has since been received.
5. The erection of a close boarded timber fence to the front and side of a residential property in Honiton Way. A valid planning application seeking to regularise the development has since been received.
6. The erection of a timber outbuilding in the rear garden of a residential property in Clifton Avenue. A valid planning application seeking to regularise the development has since been received.
7. Non-compliance with a condition relating to boundary treatment at a residential development site at land at Coniscliffe Road. Amended boundary details have since been received and approved.
8. The erection of fencing to the front and side of a residential property in Grange Road. The fencing to the front of the property has been in place for in excess of 4 years and is therefore immune from enforcement action under planning legislation. The fencing to the side, which was a more recent addition, has since been removed.
9. The erection of a high fence to the side of a residential property in Manor Road. The height of the fence has now been reduced to within the maximum dimensions allowed under permitted development.

2. RECOMMENDATION

- 2.1 Members note this report.

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